

PLANNING COMMITTEE – 21 MAY 2020

PART I – DELGATED

- 12. 20/0684/FUL - Proposed single storey rear extension, alterations to existing first floor rear projection and insertion of front dormer window at 17 ADRIAN ROAD, ABBBOTS LANGLEY, WD5 0AG.
(DCES)**

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 27.05.2020

Ward: Abbots Langley and Bedmond
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The planning agent is a Councillor.

1. Relevant Planning History

- 1.1 19/0676/CLPD – Certificate of Lawfulness Proposed Development: Loft conversion including rear dormer window and front rooflights – Permitted 31.05.2019. Implemented.
- 1.2 19/1183/FUL – Loft conversion including front dormer window and rear rooflights, alterations to the roof form of the existing two storey rear projection, single storey rear extension and alterations to fenestration detail – Permitted 01.08.2019.

2. Description of Application Site

- 2.1 The application site is rectangular in shape and contains a two storey end of terrace dwelling located on the eastern side of Adrian Road, Abbots Langley. The application dwelling is set back 3.5m from the highway, with a low level bricked wall running along the front boundary of the site. To the rear, there is an existing part single, part two storey mono-pitched projection. Close boarded fencing encloses the rear garden.
- 2.2 The neighbour to the north, No.15 Adrian Road, adjoins the northern flank of the host dwelling. This neighbour has an existing part single, part two storey rear projection, mirroring and adjoining the existing rear projection of the host dwelling. The neighbour also has an existing rear rooflight within the rear roofslope of the main two storey dwelling. The neighbour to the south, No.19 Adrian Road, is a two storey detached dwelling with an existing single storey pitched roof structure constructed up to the shared boundary with the application site.
- 2.3 Works have commenced on site in respect of the implementation and construction of the rear dormer window approved under lawful development certificate application 19/0676/CLPD.

3. Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a single storey rear extension, alterations to existing first floor rear projection and insertion of front dormer window.
- 3.2 The proposed single storey rear extension would have a maximum depth of 4.5m from the recessed aspect of the rear elevation, extending 2.5m beyond the existing single storey rear projection with a width of 4.1m to the rear. The extension would have a pitched roof form with a maximum height of 3.3m and a height to the eaves of 2.5m. The roof would overhang the proposed extension by 0.7m. Three rooflights are proposed within the roofslope of the proposed extension with bi-folding doors to the rear.

- 3.3 The proposed front dormer window would have a pitched roof form with a width of 1.8m, a depth of 2.7m and a height of 1.8m. A two-casement window is proposed within the front elevation of the dormer including the insertion of one rooflight to the front roofslope.
- 3.4 The proposal would also include alterations to the roof of the existing first floor rear projection, replacing the existing mono-pitched roof with a larger area of flat roof with a small pitched element to the south with a maximum height of 4.9m. The window within the rear of the existing first floor projection would be replaced.
- 3.5 During construction of the rear dormer an enforcement case was opened to investigate the removal of the roof during the implementation of the works subject of lawful development certificate application 19/0676/CLPD in addition to planning application 19/1183/FUL. A rear dormer has been constructed under permitted development. The permitted plans for the planning application do not indicate the rear dormer window and therefore the development would not be in accordance with the permitted plans. The previous approved planning application plans approved rooflights to the rear roofslope.
- 3.6 Therefore, this application seeks to regularise the situation by enabling the development subject of lawful development certificate 19/0676/CLPD to take place alongside the development approved by planning application 19/1183/FUL. In addition, a further rooflight to the front roofslope forms part of this application.

4. Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No comments received]

4.1.2 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No responses received: 0

4.2.3 Site Notice: Not applicable Press notice: Not applicable.

4.2.4 Summary of Responses: Not applicable.

5. Reason for Delay

5.1 None.

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due

weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7. **Planning Analysis**

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’. Development should make efficient use of land but should also respect the ‘distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials’; ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘incorporate visually attractive frontages to adjoining streets and public spaces’.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. The Design Criteria at Appendix 2 of the Development Management Policies document state that generally the maximum depth of single storey rear extensions to semi-detached dwellings may be 3.6m although this distance should be

reduced if the extension would adversely affect adjoining properties or be unduly prominent. It is also stated that two storey extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. Front extensions should not be excessively prominent in the street scene.

- 7.1.3 The Officer's report for application reference 19/1183/FUL considered the proposal to be acceptable in this regard for the following reasons:

"The proposed single storey rear extension would have a depth of 4.5m from the recessed aspect of the rear elevation, extending 2.5m deeper than the existing single storey rear projection. Whilst the maximum depth of the extension would exceed the guidance set out within Appendix 2 of the Development Management Policies document, this element would be largely an infill extension, and given that the extension would only extend 2.5m deeper than the existing single storey rear projection and the design and height of the proposed extension, it is not considered that the proposed extension would result in any harm to the character or appearance of the host dwelling. Given the location of the proposed extension to the rear, it would be obscured from the streetscene by the existing dwelling and as such, it is not considered that the proposed extension would appear unduly prominent within the streetscene of Adrian Road.

The proposal would include alterations to the existing roof of the first floor rear projection, replacing the existing monopitched roof form with a larger flat roof section with a pitched element to the south. Given the scale of the proposed alterations, it is not considered that this element would result in any harm to the character or appearance of the host dwelling, streetscene or wider area.

The proposed front dormer window would be set down 0.5m from the maximum ridge, set up 1.4m from the eaves and set in 0.9m from the southern flank and 1.2m from the northern flank. Furthermore the dormer would have a pitched roof form which would reflect the existing character of the dwelling. Therefore, it is considered that the dormer would be subordinate addition to the front roofslope and whilst front dormer windows are not a characteristic feature of the streetscene of Adrian Way, given the existing variation within the streetscene, it is not considered that the proposed front dormer would result in harm to the character or appearance of the host dwelling, streetscene or wider area."

- 7.1.4 The proposed front rooflight would not materially alter the front roofslope and would not result in any harm to the visual amenities of the street scene. It would be considered as a minor addition, which would not result in detrimental harm to the character or appearance of the wider area.

- 7.1.5 In summary, it is not considered that the proposal would appear excessively prominent within the streetscene, or disproportionate in relation to the application dwelling or to other dwellings within the vicinity. The proposed development would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

- 7.2.2 The Officer's report for application reference 19/1183/FUL considered the proposal to be acceptable in this regard for the following reasons:

“The proposed single storey rear extension would be constructed up to the shared northern boundary with No.15 Adrian Road. This neighbour has an existing single storey rear projection reflecting the existing projection of the host dwelling, thus the extension would extend 2.5m beyond the existing rear elevation of this neighbour. Furthermore, there is an existing shed structure constructed up to the shared boundary with this neighbour and given the depth, height and roof form of the proposed extension and the existing site circumstances and boundary treatment, it is not considered that the proposed single storey rear extension would result in any harm to the neighbour to the north.

The proposed single storey rear extension would be set in approximately 1m from the shared boundary with the neighbour to the south, No.19 Adrian Road. This neighbour has an existing single storey pitched roof structure constructed up to the shared boundary with the application site, and given the spacing retained between the extension and the southern flank boundary, the height and roof form of the extension and the existing site circumstances, it is not considered that the proposed single storey rear extension would result in any harm to the neighbour to the south.

The proposed alterations to the existing roof of the first floor rear projection would include the replacement of the pitched roof with a part flat, part pitched roof. Given that the adjoining neighbour to the north has an existing pitched roof projection which mirrors the application dwelling, and that the first floor element is set in approximately 2.6m from the southern flank boundary, and the scale of the proposed alterations, it is not considered that this element would result in any harm to neighbouring amenity.

The proposed front dormer would be set in from both flank elevations, and it would be separated from the neighbouring properties opposite by the highway. Therefore, given the proposed scale and size of the dormer, and the existing site circumstances, it is not considered that the dormer would appear overbearing or result in loss of light to neighbouring amenity.

In terms of overlooking, the proposed extension would have bi-folding doors to the rear which would have an outlook of the rear amenity space serving the application site. Three rooflights are proposed within the roofslope of the extension serving the ground floor, thus these rooflights would not facilitate any overlooking. The alterations to the window within the rear of the first floor projection would be small in scale and would serve a bathroom and as such, unacceptable overlooking would not occur. The two-casement window within the dormer window would have an outlook of the application site frontage and the streetscene of Adrian Road and the dormer would be positioned a minimum of 15m from the front windows of the neighbouring properties opposite. As such, it is not considered that the front dormer would result in unacceptable overlooking.”

7.2.3 The proposed front rooflight would not increase the bulk and massing of the existing roof form and would not result in a dominant or obtrusive feature as viewed from the surrounding neighbouring properties. It therefore would not result in any unacceptable loss of light or harm to the visual amenities of the surrounding neighbouring properties.

7.2.4 In summary, it is not considered that the proposed development would result in a significant adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.3.2 The proposed development would result in a three bedroom dwelling (one additional bedroom). Appendix 2 of the Development Management Policies document outlines that a three bedroom dwelling should retain 84sqm of usable, private amenity space. The application dwelling would retain approximately 84sqm of amenity space to the rear, as with the approved planning application, and as such, would comply with the requirements set out within Appendix 2 in this regard.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. However, given that the development would affect the roof of the dwelling an informative would be added to any consent advising the applicant what to do should bats be discovered during the course of development.

7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.5.2 Policy DM6 of the Development Management Policies LDD advises that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.3 No significant trees would be affected by the proposed development.

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document. Appendix 5 sets out that a two bedroom dwelling should provide 2 parking spaces (1 assigned space) and a three bedroom dwelling should provide 2.25 parking spaces (2 assigned spaces).

7.6.2 There is currently no onsite parking provision, thus there is an existing shortfall of 2 spaces. Whilst it is acknowledged that the proposed development would increase the number of bedrooms from two bedrooms to three bedrooms, it is noted that a Certificate of Lawfulness Proposed Development application for the construction of a loft conversion including a rear dormer window was approved under application reference 19/0676/CLPD, and as such, the number of bedrooms onsite could be increased from two to three without planning permission.

7.6.3 In summary, whilst the proposal would result in a shortfall of 2.25 spaces, given the existing site circumstances and planning history, it is not considered that the proposed development would result in demonstrable harm to highway safety, and the proposal is therefore considered acceptable in this instance.

8. Recommendation

8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1216 SK 1000, 1216 SK 15, 1216 SK 11A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the area and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 All new works or making good to the retained fabric shall be finished to match in size, colour, and texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the

right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).