

## PLANNING COMMITTEE – 25 FEBRUARY 2021

### PART I – DELEGATED

**14. 20/2747/FUL - Two storey rear extension and alterations at 31 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AA (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 15.02.2021

Ward: Abbots Langley and Bedmond  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by the Parish Council for reasons outlined at 4.1.1

#### **1 Relevant Planning History**

1.1 No relevant planning history

#### **2 Description of Application Site**

2.1 The application site has an irregular shape and is located on the south eastern side of High Street, Abbots Langley. The application dwelling from the High Street has the visual appearance of being part of a pair of semi-detached dwellings, adjoined to No.29 High Street. However, this pair of dwellings are physically attached to the front elevation of the row of terraces at Nos.23-27 High Street, which are set further back from the High Street. Nos.23 and 25 are Grade II listed.

2.2 To the south of the site is an existing parking area with a garage/outbuildings and further south is the 'Pin Wei' restaurant and its associated parking area.

2.3 The adjoining dwelling to the rear at No.27 projects beyond the rear of No.31, and is attached to the rear elevation of No.29. Its flank abuts the boundary with the application site.

#### **3 Description of Proposed Development**

3.1 This application seeks planning permission for erection of a two storey rear extension.

3.2 The proposed extension would have a depth of 2m and a width of 3m. It would abut the flank of No.27 and would have a catslide roof form following the existing pitch with a partial rear dormer serving the first floor which would protrude 0.7m above the eaves.

3.3 The existing ground floor flank window is also proposed to be made larger.

3.4 A new 1.8m fence is proposed to make a new enclosed rear amenity space and would be set in 0.6m from the flank of No.27 and No.29.

3.5 The proposal also seeks to enclose a small portion of No.29 within the floorspace of No.31 as the proposed extension extends across the existing rear door of No.29.

#### **4 Consultation**

##### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: [Call in requested]

Whilst the committee support the modernisation of local buildings it is important that they remain a contextual part of the village scene. The members would rather this application is taken to TRDC committee level as these buildings are a focal point of the village.

#### 4.1.2 Hertfordshire Archaeology: No objection

This office provided pre-application advice on the proposed extension and redevelopment of Nos. 23-31 High Street. We advised that a programme of archaeological work would be required should a planning application be submitted.

This application is for a tiny extension to No.31 alone, however, with consequently very little potential for disturbing below ground archaeological remains and little physical impact on the standing building, which is locally listed.

In this instance, therefore, I consider that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make.

#### 4.1.3 Conservation Officer:

At pre-application stage, concerns were raised regarding the scale and depth of the rear extension.

While the depth of the extension has not been reduced, the roof form is no longer gabled which works to address the bulk of the extension. The continuation of the pitched roof to create a catslide roof with a half dormer, creates a more subservient extension and does not appear overly prominent from views within the High Street. Therefore, I consider the principle of the proposed extension to be acceptable.

However, there were concerns that (as stated in pre-application advice) the building line of the two-storey extension encroaches on the fenestration of No.27 and creates a cramped appearance. This remains a concern and the proposed elevations do not adequately demonstrate the proposed changes to the fenestration of No.27 and therefore I cannot adequately evaluate the proposal.

I consider there to be an acceptable scheme here were the above concerns addressed and overcome.

Following the submission of revised drawings and they deemed acceptable, I would request the following conditions:

- Samples of the materials to be used on the external finishes (including a side by side comparison of the existing and proposed brick) shall be submitted to and approved in writing by the local planning authority.
- Additional drawings that show details of proposed new windows to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority.
- Details of all hard and soft landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 5

4.2.2 No of responses received: 0

4.2.3 Site Notice expired: 08.02.2021

## **5 Reason for Delay**

### 5.1 Committee cycle

## **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 Development 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, CP2, CP3, CP4, CP8, 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, DM3, DM6, DM10, DM13 and Appendices 2 and 5.

Abbots Langley Conservation Area Appraisal 2014 is relevant.

### 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

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 Heritage Assets and 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 DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.
- 7.1.3 Appendix 2 of the DMP LDD outlines that two storey extension should be set in 1.2m from flank boundaries at first floor level.
- 7.1.4 The proposed extension would be set up to the boundary with No.29 and would be set in a minimum of 0.9m from the new flank boundary to the south. Therefore the proposed extension technically fails to meet the guidance of Appendix 2 in this respect. However the existing situation is such that No.29 projects deeper than No.31 and as such the proposal does not result in loss of spacing to this side. To the southern side there is an existing parking area and the car park of the 'Pin Wei' as such there would not be a terracing effect on this side.
- 7.1.5 Owing to the catslide design nature of the extension with a subordinate dormer and that the extension would be set in from the existing main flank it is considered that the proposed extension would be sympathetic to the host dwelling and would not subsume its existing rear elevation.
- 7.1.6 The Conservation Officers concerns in relation to the fenestration at No.27 are noted and an existing ground floor window of No.27 would be lost as a result of the extension. Whilst this is regrettable the main ground and first floor windows would be retained. It is acknowledged that the ground floor windows would be obscured to a degree by the boundary fence it is not considered that this would be a detrimental impact to the character of the wider Conservation Area.
- 7.1.7 As such the proposal is considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy in addition to Policies DM1, DM3, Appendix 2 of the DMP LDD and the Abbots Langley Conservation Area Appraisal.

## 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 development should not result in the 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 Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development to the rear of properties should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings. Windows of habitable rooms at first floor level should not generally

be located in flank elevations, and flank windows of other rooms should be non-opening below 1.7m from internal floor level and obscure glazed.

- 7.2.3 The proposed extension would be set up to the boundary with No.27 and would extend immediately adjacent to the flank windows of this neighbour however owing to its relationship would not result in an overbearing impact or loss of light to this neighbour. It is acknowledged that the relationship between No.27's flank windows and No.31 is unusual however this is an existing and historic situation. Owing to the 90 degree relationship it is not considered that the rear windows of No.31 would be able to look directly into the flank windows of No.27 and is considered to be acceptable.
- 7.2.4 The loss of the ground floor flank window at No.27 is regrettable however the room this window serves has an additional window which would be retained and as such would not result in a detrimental impact on their amenity. It is noted that the ground floor flank windows retained would also look out on to the new fencing erection at No.31 however the existing situation is unusual and the fencing could be erected without planning permission. As such it is not considered that it would be harmful in this case.
- 7.2.5 The development therefore does not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would be acceptable in this regard 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

- 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 As a result of the erection of fencing with No.31 this dwelling would only retain 30sqm of amenity space and the proposal would result in one additional bedroom As such the site would require 63sqm of amenity space in accordance with the standards set out within Appendix 2. Notwithstanding this the application site is located within the centre of Abbots Langley and is within a 7 minute (0.3miles) walk of local playing fields and 15 minutes (0.8 miles) of Leavesden Country Park. The proposal would also result in the rear amenity area serving No.31 being more useable than the existing situation. Therefore the shortfall is considered acceptable in this case.

### 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 this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment. A precautionary informative will be added.

### 7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The site is located within a Conservation Area and as such all trees are protected. There are no trees within the area of the proposed extension as it is currently covered by hardstanding as such it is not considered that harm would result in this respect.

## 7.6 Highways, Access and Parking

7.6.1 Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the District.

7.6.2 The proposal would result in one additional bedroom to create a two bedroom dwelling and as such would require 2 parking spaces. There is currently no onsite parking provision. However owing to the High Street location of the application site, accessibility to local shops and bus services it is not considered that increased shortfall of 0.25 spaces would result in harm in this case. Planning permission is sought under separate cover via application reference 20/2763/FUL which proposed 4 parking spaces adjacent to No.31. If permitted the parking area would provide parking for the use of Nos. 23, 25, 27, 29 and 31. However the current application is considered in its own right on parking grounds and this separate application is not relied on for acceptability of this proposal owing to the existing situation and site location as outlined above.

## 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: 200601/31/01 A, 200601/31/02 A, 200601/31/SP1, 200601/31/03 D, 200601/31/04 D, 200601/31/05C, 200601/31/LP1 A and 200601/31/SP/01 D

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Abbots Langley Conservation Area Appraisal 2014.

C3 Prior to works above ground level samples of the materials to be used on the external finishes (including a side by side comparison of the existing and proposed brick) and additional drawings that show details of proposed new windows to be used by section and elevation at scales between 1:20 and 1:1 shall be submitted to and approved in writing by the local planning authority.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Abbots Langley Conservation Area Appraisal 2014.

### 8.1 **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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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](http://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).