

## PLANNING COMMITTEE - 18 MARCH 2021

### PART I – DELEGATED

#### 10. **21/0213/FUL - Increase in ridge height and alterations to fenestration detail at 51 TIBBS HILL ROAD ABBOTS LANGLEY WD5 0EE (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 08/04/2021

Ward: Abbots Langley And Bedmond  
Case Officer: Janna Hon

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Councillor.

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

- 1.1 11/2619/FUL - Entrance porch, single storey rear extension and conservatory to rear – Permitted 23.03.2012.

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

- 2.1 The application site contains a semi-detached dwelling located on the western side of Tibbs Hill Road in Abbots Langley. The surrounding area comprises properties of similar sizes and architectural character built on a relatively uniform building lines relative to the surrounding streets.
- 2.2 Tibbs Hill Road slopes up from south to north, which results in the attached neighbour No. 49, being situated on a higher land level (approximately 0.5m difference).
- 2.3 To the front of the site there is hardstanding to accommodate three vehicles and the application dwelling is set back 6m from the highway. To the rear of the dwelling there is a long amenity garden enclosed by close boarded fencing.

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

- 3.1 The application seeks planning permission for an increase in the ridge height and alterations to fenestration detail. The proposed ridge height would be raised from 7.5m to 8.1m, and the proposed eaves height would be 6m. The proposed ridge and eaves would align with the attached property No. 49.
- 3.2 The first floor windows at the front elevation would remain unchanged, at the rear elevation the first floor windows would be bigger in size, which would be 1.6m x 1.2m.
- 3.3 All proposed materials would match with the existing dwelling.
- 3.4 Amended plans were submitted during the application which propose retention of the existing first floor front windows. These were originally proposed to be increased in size.

#### **4 Consultation**

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

- 4.1.1 Abbots Langley Parish Council: “Application noted”
- 4.1.2 National Grid: No response received

##### **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted: 6
- 4.2.2 No of responses received: No response received
- 4.2.3 Site Notice: Not applicable Press notice: Not applicable
- 4.2.4 Summary of Responses: No response received

## **5 Reason for Delay**

- 5.1 Not relevant

## **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) 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 and Appendix 2.

### **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

Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer. However, during the course of the application photographs were submitted by the applicant which show clearly the relationship of the host dwelling and neighbouring properties. Other platforms such as Google Maps and Google Street View were also used to aid the Officer's assessment. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

### 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 is clear that all applications for residential development should satisfy the design criteria at Appendix 2 to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 sets out that extensions must not be excessively prominent in relation to adjacent properties or the general street scene.
- 7.1.3 The proposed increase of ridge height would align with the existing frontage of the attached property No. 49, and would be visible to the public vantage points. However the proposed roof form, windows and materials would match with the existing frontage and the surrounding area and would not therefore appear prominent. It is considered that this would be in keeping with the character of the dwelling and the local area.
- 7.1.4 The proposed first floor front windows would retain the proportions and positioning of the existing, and therefore with the increased eaves height there would be an additional area of wall between the top of the windows and the eaves to the dwelling. Whilst this would not reflect the general characteristics of the area, it would retain the existing stepped appearance of the front fenestration and is not considered to cause such harm to the dwelling such that a refusal could be justified. The proposed windows at the rear elevation would be larger in size and be different from the existing dwelling, however would not be visible from the public vantage points and therefore it is considered to be acceptable and would not result in adverse impact to the host dwelling.
- 7.1.5 To ensure that the development would be sympathetic to the appearance of the existing dwelling, a condition shall be added requiring the use of matching materials.
- 7.1.6 It is considered that the proposed development would not result in any adverse impact to the host dwelling or wider street scene and it would be acceptable in this regard 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 document (adopted July 2013).

### 7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 LDD reflect the above guidance. Appendix 2 of the Development Management Policies LDD advises front extension should not be excessively prominent in the street scene.

7.2.2 Since the proposal would not change the number of existing windows nor involve outward extensions, it is not considered that the proposed increase of ridge height and alterations of fenestration would result in overlooking, overbearing impacts or loss of light towards the neighbouring properties.

7.2.3 In summary, it is not considered that the proposed development would result in a detrimental impact on any neighbouring dwellings 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 Wildlife and Biodiversity

7.3.1 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.

7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site and the Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

## 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 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, 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).

C3 The development hereby permitted shall be carried out in accordance with the following approved plans: 1246 SK 502A (Location Plan), 1246 SK 100, 1246 SK 101, 1246 SK 500, 1246 SK 501A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives:

- 11 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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 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.
- 13 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.