

PLANNING COMMITTEE – 18 NOVEMBER 2021

PART I - DELEGATED

7. **21/2244/FUL Single storey rear extension and alterations to fenestration at 5 THE SHIRES, ABBOTS LANGLEY, WD25 OJL (DCES)**

Parish: Abbots Langley

Ward: Leavesden

Expiry of Statutory Period: 10 December 2021

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted subject to expiry of consultation

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

1 Relevant Planning History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site is roughly rectangular in shape and is located on the south eastern side of The Shires, Abbots Langley. The application site occupies a corner plot on a bend in the road. The application dwelling is a two storey semi-detached property with accommodation in the roofspace served by front dormer windows. There are solar panels which have been installed to the rear roofslope and there is also an existing single storey rear projection.

2.2 The adjoining neighbour at No.3 reflects the application dwelling in scale and architectural design. This neighbour has an existing single storey rear extension.

2.3 To the front of the site is parking provision for 3 cars and to the rear is a patio with an area laid as lawn.

2.4 The application site is within the metropolitan Green Belt.

3 Description of Proposed Development

3.1 This application seeks full planning permission for a single storey rear extension and alterations to fenestration.

3.2 The proposed single storey rear extension would have a depth of 3.6m and would extend across with width of the application dwelling. It would have a mono pitched roof with a maximum height of 3.8m and an eaves height of 2.3m. The extension would also have a canopy which would overhang the rear wall by 1.1m.

3.3 Three rooflights and two solar panels would be included within the rear roof slope of the extension.

3.4 An existing side door would be blocked up.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Had no comments to make

4.1.2 National Grid: No comment received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 24
- 4.2.2 No of responses received: No comments received to date
- 4.2.3 Site Notice: Expires 25.11.2021 Press notice: Not required

5 Relevant Planning Policy, Guidance and Legislation

5.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 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.

5.2 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, CP8, CP9, CP10, CP11 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, DM2, DM6, DM13 and Appendices 2 and 5.

5.3 Other

The Supplementary Planning Guidance No. 3 – Extensions to Dwellings in the Green Belt (March 2004) provides further guidance on extensions to dwellings in the Green Belt
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.

6 Reason for delay: Not applicable

7 Planning Analysis

7.1 Impact on the Green Belt

- 7.1.1 The site is located within the Metropolitan Green Belt. Paragraph 137 of the NPPF states that the Government attached great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt the NPPF stipulates that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the **original building** it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.
- 7.1.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.1.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.1.4 More specific guidance is provided in Supplementary Planning Guidance No.3, Extensions to Dwellings in the Green Belt. The SPG provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD (adopted July 2013) advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As the NPPF or the Local Plan Policies do not give any clear guidance on the interpretation of the scale of extensions that would be disproportionate, the SPG, whilst of limited weight by virtue of its age, does give useful guidance and states that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate.
- 7.1.5 Green Belt Calculations (not including loft space)
- Original Floor Area (not including loft accommodation): 140m²
Floor space of proposed extensions: 35m²
- 7.1.6 The proposed extensions would result in a 25% increase in floorspace and would therefore be within the 40% guidance set out within SPG3. Given this in addition to the subordinate nature of the proposed extension it is not considered that the proposed single storey rear extension would visually appear disproportionate in relation to the host dwelling.
- 7.1.7 The proposal would therefore be appropriate development within the Green Belt and thus would not have an adverse impact on openness. The proposal would therefore accord with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies document (adopted July 2013) and the National Planning Policy Framework.

7.2 Impact on Character and Street Scene

- 7.2.1 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'.

- 7.2.2 Appendix 2 of the DMP LDD outlines that single storey rear extension should not generally exceed a depth of 3.6m to semi-detached dwellings.
- 7.2.3 The proposed single storey rear extension would have a depth of 3.6m and as such would comply with the guidelines of Appendix 2 of the DMP LDD in this respect. Whilst the extension would extend across the width of the application dwelling owing to its mono pitched roof, decreasing in height towards the rear, it is considered that the proposed extension would appear as a subordinate addition to the host dwelling. Whilst the proposed extension would be visible from the streetscene it is not considered that it would appear incongruous or unduly prominent owing to its subordinate nature and the evidence of other single storey extensions in the vicinity.
- 7.2.4 Subject to the use of matching brickwork it is not considered that 'bricking up' of the existing side door would result in harm in this respect.
- 7.2.5 In summary it is not considered that the development appears out of character or harms the appearance of the host dwelling or the street scene and the development therefore accords with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013)

7.3 Impact on amenity of neighbours

- 7.3.1 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 loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 Appendix 2 of the DMP LDD outlines that single storey rear extension should not generally exceed a depth of 3.6m to semi-detached dwellings.
- 7.3.3 The proposed single storey rear extension would have a depth of 3.6m and as such would comply with the guidelines of Appendix 2 of the DMP LDD in this respect. Whilst it would be set to the boundary with No.3 this neighbour also has a single storey rear extension. The main section of the extension would not extend beyond the rear of this neighbour however the canopy roof overhang would extend 1.1m further than the rear wall. However owing to its open sided nature it is not considered that this element would result in unacceptable harm to the amenity of No.3 by virtue of an overbearing impact or loss of light.
- 7.3.4 There are no direct neighbours to the south west with those closest located on the other side of the road to the site.
- 7.3.5 In summary, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity, and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

7.4 Amenity Space

- 7.4.1 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.

7.4.2 The proposal would not result in the creation of any additional bedrooms. First and second floor plans have not been provided however planning history suggests the application dwelling has four bedrooms. The site would retain 180sqm of amenity space which would be ample provision for a four bedroom dwelling with Appendix 2 of the DMP LDD requiring 105sqm.

7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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.

7.5.3 A biodiversity checklist was submitted with the application 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.

7.6 Trees and Landscaping

7.6.1 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.

7.6.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. As such it is not considered that the proposed development would result in any harm in this respect.

7.7 Highways, Access and Parkin

7.7.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.7.2 The proposal would not result in the creation of any additional bedrooms or loss of existing parking provision.

8 Recommendation

8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and 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: 1248 SK200A, 1248 SK 201 A and 1248 SK100

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013)

- C3 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).

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 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) - 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.

- I2 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.
- I3 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.
- I4 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.