

## PLANNING COMMITTEE – 18 NOVEMBER 2021

### PART I - DELEGATED

#### 8. **21/2253/FUL – First floor front extension and front porch at 71A TROWLEY RISE, ABBOTS LANGLEY, WD5 0LN.**

Parish: Abbots Langley Parish Council.

Ward: Abbots Langley and Bedmond.

Expiry of Statutory Period: 29.11.2021

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The Agent for this application is a Ward Councillor.

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

1.1 01/00554/FUL – Single storey side, front and rear extension – Permitted 16.06.2001.

1.2 09/1401/FUL – First floor side and rear extension with rear Juliette balcony, conversion of garage to habitable room and alterations to fenestration – Permitted 02.11.2009.

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

2.1 The application site is irregular in shape and contains a two storey detached dwelling located on the southern side of Trowley Rise, Abbots Langley. Trowley Rise is a residential road, characterised by semi-detached and detached dwellings of varying architectural styles and designs, many of which have been extended or altered.

2.2 The host dwelling is finished in mixed red brickwork at ground floor level, and render at first floor level, with a dark tiled hipped roof form and a single storey front and side projection. There is hardstanding to the application site frontage with space for three vehicles to park.

2.3 The neighbour to the east, number 71 Trowley Rise, is a two storey semi-detached dwelling with a single storey side projection constructed up to the shared boundary with the application site. This neighbour is located on the same land level and building line as the host dwelling. The neighbour to the west, number 73 Trowley Rise, is a two storey detached dwelling set in from the shared boundary with the application site. This neighbour has an existing detached garage constructed close to the shared boundary with the application site and it is located on the same land level and building line as the host dwelling.

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

3.1 Planning permission is sought for the construction of a first floor front extension and front porch. The proposal would result in a four bedroom dwelling (no additional bedrooms).

3.2 The first floor front extension would have a depth of 1.6m and a width of 4.2m, over the existing single storey front projection. This element would have a pitched roof form, creating a gable feature, with a maximum height of 6.8m, set down 2.4m from the maximum ridge of the host dwelling. The extension would have an eaves height of 5m. Timber detailing is proposed to the gable end of the extension, and the extension would be finished in render to match the existing dwelling. A three-casement window is proposed within the front elevation of the extension.

3.3 The proposed front porch would have a depth of 1.6m, with an additional roof overhang of 0.3m, and a width of 2.6m. The porch would have a pitched roof form with a maximum height of 3.4m. A door is proposed within the front elevation of the porch.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: [No comment]

4.1.2 National Grid: No response received.

4.1.3 Hertfordshire County Council Footpath Section: No response received.

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

4.2.1 Number consulted: 7.

4.2.2 No of responses received: 0.

4.2.3 Site Notice: Expired: 29.10.2021. Press notice: Expired: 05.11.2021.

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 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.

### **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, 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, DM6, DM13, Appendix 2 and Appendix 5.

### 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 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 The proposed first floor front extension would extend over the existing single storey front projection, with a depth 1.6m and a width of 4.2m. This element would have a pitched roof form, creating a front gable feature, with a maximum height of 6.8m, set down 2.4m from the maximum ridge of the host dwelling. It is acknowledged that Trowley Rise is varied in terms of the architectural styles and designs of dwellings, and the existence of two storey front gable features within the streetscene are noted. Therefore, given the subordinate nature of the first floor front extension, that it would be set down from the ridge line of the host dwelling, the depth and width of the extension and the existing variation within the streetscene of Trowley Rise, it is not considered that the proposed first floor front extension would result in harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.3 The proposed front porch would have a depth of 1.6m, with an additional roof overhang of 0.3m, and a width of 2.6m. The porch would have a pitched roof form with a maximum height of 3.4m. Whilst the porch would extend forward of the host dwelling, the porch would still be set back over 5m from the front boundary of the application site, and given the scale of the proposed porch and the existing variation within the streetscene of Trowley Rise, it is not considered that the proposed porch would appear unduly prominent within the streetscene or result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area.
- 7.1.4 Whilst that the proposed extensions would be sited to the front elevation of the host dwelling, it is considered that the extensions would be sympathetic to the character of the host dwelling, and a condition would be attached to any granted consent requiring the use of matching materials.
- 7.1.5 In summary, subject to the above condition requiring matching materials, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 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 advises that development should not result in overlooking or a loss of light to neighbours.
- 7.2.2 Appendix 2 of the Development Management Policies LDD states the following with regard to the assessment for two storey extensions; '*two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties*'.
- 7.2.3 The proposed first floor front extension would extend over the existing single storey front projection, and it would extend in line with the existing front elevation of the neighbour to the east, number 71 Trowley Rise. Therefore, the proposed first floor front extension would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the existing front elevation of the neighbour to the east. Therefore, given the depth, width, height and spacing maintained between the first floor front extension and the neighbour to the east, it is not considered that this element would appear overbearing or result in loss of light to the neighbour to the east. Given the siting of this element, to the eastern aspect of the front elevation, and the spacing between the proposed extension and the neighbour to the west, number 73 Trowley Rise, it is not considered that this element would result in any harm to the neighbour to the west.
- 7.2.4 The proposed porch would be sited towards the centre of the front elevation, and given the scale of the porch and the spacing between the porch and the neighbouring properties to the east and west, it is not considered that this element would result in any harm to neighbouring properties.
- 7.2.5 In terms of overlooking, a window is proposed within the front elevation of the first floor front extension. This window would have an outlook of the application site frontage, and would not result in any overlooking. A door is proposed within the front elevation of the porch, and given the siting of the door, it is not considered that the door would result in any overlooking.
- 7.2.6 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling or overlooking and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies.

## 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 amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision and sets out that a four bedroom dwelling should provide 105sqm amenity space. The proposed development would not encroach upon the existing amenity space provision serving the host dwelling, and over 320sqm of amenity space would be retained to the rear of the dwelling. The proposed development is therefore considered to be acceptable 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 A Biodiversity Checklist has been submitted with the application and indicates that there would be no impact to any protected species. However, as the development would affect the roof space, an informative shall be added reminding the applicant of what to do should bats be found during the course of the application.

## 7.5 Trees and Landscaping

7.5.1 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.

7.5.2 No significant trees or areas of landscaping would be affected by the proposed development.

## 7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.

7.6.2 The proposed development would not introduce any additional bedrooms, and the host dwelling would remain a four bedroom dwelling. Appendix 5 of the Development Management Policies document outlines that a four or more bedroom dwelling should provide three onsite parking spaces.

7.6.3 The existing hardstanding to the application site frontage currently provides parking for three vehicles, and the existing hardstanding would be retained. Whilst the proposed porch would extend forward of the front elevation, the application site frontage would retain a minimum depth of 5m, and therefore could still accommodate three vehicles. The proposed development is therefore considered to be acceptable in this regard.

## **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: 1230 SK100A, 1230 SK101A, 1230 SK200A, 1230 SK201B and 1230 SK202C.

Reason: For the avoidance of doubt, in the proper interests of planning and visual amenity; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, 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](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 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).