**10. 17/0368/FUL – Construction of new porch at 4 ORIOLE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0GH for Mrs K Haisman**

◼(DCES)

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| Parish: Abbots Langley | Ward: Leavesden |
| Expiry Statutory Period: 28.04.2017 | Officer: Sukhdeep Jhooti |
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| Recommendation: That Planning Permission be granted. |
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| The application is brought before Committee as a neighbour is a Councillor |

1. **Relevant Planning History**
	1. 09/2032/FUL – Single storey rear extension and alterations to fenestration – Permitted 21.01.10. Implemented
	2. 17/0369/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including rear dormer with Juliet balcony and front rooflights – Permitted 28.03.2017.
2. **Site Description**

2.1 The application dwelling is a two storey end of terrace dwelling on the south east of Oriole Close, Abbots Langley. Oriole Close is a residential road developed in the mid-1990s with dwellings of similar design and materials. There is a mixture of detached and terraced dwellings on this small residential street. The dwelling is set back 11.4m from Oriole Close. Oriole Close has modest front gardens with hardstanding for off street parking.

* 1. The application dwelling is red brick and has a pitched tiled roof. To the front of the dwelling, there hardstanding with space for one car. There is also some soft landscaping at the application site.
	2. The application dwelling currently has a pitched roof front porch which is not enclosed. The roof of the existing porch is brown tiled to match the appearance and style of the roof of the application dwelling.
	3. The neighbouring dwelling at 3 Oriole Close is a two storey mid-terraced dwelling located detached dwellinghouse which is level with the application dwelling. It has a similar building line to the application dwelling, and has a front canopy porch with a mono pitched roof form.
	4. The front elevations of 5-7 Oriole Close and The Beeches face the north west boundary of the application site.

3. **Description of Proposed Development**

 3.1 This application seeks full planning permission for a single storey porch.

 3.2 The proposed front porch would be enclosed and would replace the existing canopy porch. It would have a brick exterior finish, with a pitched roof and would have a double glazed PVC door to match the appearance of the existing main entrance door and a window to the north west flank. It would have a width of 2.4m, a height, a depth of 1.2m, a height of 3.5m with an eaves height of 2.5m.

4. **Consultation**

4.1 **Statutory** **Consultation**

4.1.1 National Grid: No response received to date

4.1.2 Abbots Langley: ‘Members have no objections to the proposed porch but are concerned about any further development of the property to include a loft conversion with front velux rooflights and large rear dormer with Juliet balcony’.

4.2 **Public Consultation**

4.2.1 Number consulted: 10 No responses received: 0 to date

4.2.2 Site Notice: Posted 23/03/17 and expires 13/04/17

5. **Reason for Delay**

5.1 Not applicable

6. **Relevant Planning Policy, Guidance and Legislation**

* 1. On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF. The Three Rivers emerging Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, CP9, CP10 and CP12.
	2. The Development Management Policies Local Development Document (LDD) 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 of the adopted Development Management Policies LDD include DM1, DM6, DM13 and Appendices 2 and 5.
	3. The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
	4. The Localism Act received Royal Assent on 17 November 2011. The Growth and Infrastructure Act received Royal Assent on 25 April 2013.
	5. 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 Design and Impact on Street Scene

* + 1. Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy sets out that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.
		2. Policy DM1 and Appendix 2 of the Development Management Policies document set out that extensions should not be excessively prominent and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Specific guidance set out within Appendix 2 advises that front extension proposals will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene.
		3. The proposed front porch would be finished in materials to match the existing dwelling and would have a tiled dual pitched roof to match the existing appearance of the application dwelling. It would have a brick exterior finish and would have a PVC door to match existing.
		4. The porch would extend 1.2m forward compared with the 0.7m depth of the existing front porch and would be enclosed. It would have a height of 3.5m and eaves height of 2.5m compared with 3.3m and 2.5m respectively. It would have a width of 2.4m compared to the existing 1.7m width. While the scale of the porch would be increased, the design and overall size of the proposed front porch would not appear unduly prominent in relation to the host dwelling or when viewed from the general street scene. There is some variation in the design of dwellings in the area including the form of porches and the proposed porch would not therefore appear significantly out of character.
		5. Subject to the use of materials to match, the development would not therefore adversely affect the character or appearance of the host dwelling, site or area and would be acceptable in accordance with Core Strategy Policies CP1 and CP12 and Policy DM1 and Appendix 2 of the Development Management Policies document.
	1. Impact on Neighbours
		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.

* + 1. Appendix 2 of the Development Management Policies document set out that ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
		2. The proposed front porch extension would project 1.2m in depth forward of the existing dwelling. Given its limited depth and that it would be set over 2m from the boundary it would not result in significant loss of light or in an overbearing impact to the neighbour at 3 Oriole Close.
		3. The proposed front porch extension would have glazing in the north west flank elevation. This would face onto the access and front elevations of the neighbours to the north west which are over 15m from the site and therefore would not result in overlooking into the habitable room windows of neighbouring dwellings.
		4. In summary, the proposed development would not result in adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore 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.
	1. Access and Parking
		1. Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to make adequate provision for all users including car and vehicle parking. No bedrooms are being proposed, and there would be no material increase to the existing parking requirements, or alterations to parking provision at the application site.
	2. Amenity Space

 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 and Appendix 2 of the Development Management Policies document advises that a three bedroom dwelling should have 84sqm.

7.4.1 The development would not affect the requirement for, or the provision of, amenity space provision for current and future occupiers.

7.5 Trees

7.5.1 The application site is covered by a Tree Preservation Order (reference TPO0284). However, given the nature of the proposed development and the fact that there are no trees in the front garden area or in close proximity to the proposed development; no protected trees would be affected by the proposed development.

* 1. Biodiversity

7.6.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 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 Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken

8. **Recommendation**

8.1 That subject to no new material considerations being raised, 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: KJM09798 001 C, KJM09798 002 C, KJM09798 003 Rev C.

 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, 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).

* 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 £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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. Information on this is also available from the Council's Building Control section. 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 stipulates that construction activity (where work is audible at the site boundary) 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.