

## PLANNING COMMITTEE – 23 JUNE 2022

### PART I - DELEGATED

#### 10. **22/0526/FUL - Erection of two storey side and rear extension at 95 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DG (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 21.06.2022  
Extension of time: 30.06.2022

Ward: Abbots Langley And Bedmond  
Case Officer: David Heighton

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: A Councillor lives within the neighbourhood consultation area.

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

- 1.1 22/0533/PDE: Prior Approval: Single storey rear extension (depth: 6.0m, Eaves height: 2.8m, Maximum height 3.3m) – Approved, not implemented.

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

- 2.1 The application site is roughly rectangular in shape and located on the northern side of Kindersley Way, Abbots Langley. The application site comprises a two storey semi-detached property, set back approximately 30m from the front boundary. Way.
- 2.2 The properties within the vicinity of the application dwelling are of a similar design and architectural style, although it is noted there are some extensions evident within the streetscene, including at neighbouring property No.97.
- 2.3 At the rear of the dwelling there is a single storey rear extension. In addition to this, the garage to the rear has been demolished. Within the rear garden there is an existing raised patio with steps down to an area laid as lawn. To the front there is a driveway which slopes downwards towards the dwelling which is set on a lower land level with regards to the highway. The driveway is shared with No. 97 Kindersley. The remainder of the frontage is soft landscaped.
- 2.4 The neighbouring property east of the application dwelling (No.97 Kindersley Way) is built on a higher land level and is set forward in relation to the application dwellinghouse. This neighbouring property has extended via a single storey rear extension and a two storey rear/side extension. The minimum separation distance between both these properties is approximately 3.2m. An outbuilding/garage also exists within this neighbouring site and is within close proximity to the boundary between both sites. The boundary between both properties consists of a mixture of 1.8m high wooden fencing adjacent to the dwellings and vegetation within the vicinity of both properties with an approximately 1m high wired fencing.
- 2.5 The attached neighbouring property that is located west of the application dwelling (No. 93 Kindersley Way) is positioned on a similar land level and contains a similar rear building line. A single storey rear extension also exists to the rear of this property. A raised terrace area is located to the rear of the extension at this neighbouring property. The boundary between both properties consists of a mixture of 1.8m high wooden fencing adjacent to the dwellings and vegetation within the vicinity of both properties beyond. There are individually protected trees (TPO's) within the site, one within the frontage and some within the rear garden.

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



6.1.1 In July 2021 the revised 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 2021 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”.

6.1.2 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 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 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 and Appendices 2 and 5.

## 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**

### 7.1 Impact on Character and Streetscene

7.1.1 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 states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2m, although in high density areas 1m may be considered acceptable.

- 7.1.3 The proposed two storey side/rear extension would have a stepped side elevation, however, it would be set in a minimum of 1m to the shared boundary with the neighbour at No. 97, which does not accord with the Design Criteria set out at Appendix 2 as above. It is noted that, whilst there is a shortfall in spacing of 0.2m, given the relatively high density of the area, the proposal would not necessarily give rise to a harmful terracing effect that would justify refusal of planning permission in this instance and relatively open views between the two dwellings would still be maintained, given that the neighbouring extension approved under 16/1536/FUL was to be set in from the boundary by 1.2m.
- 7.1.4 The proposed two storey side/rear extension would have a depth of 9.3m along the north eastern flank, with a depth of 3.2m beyond the main two storey rear elevation, complying with the guidelines of Appendix 2 in relation to single storey extensions, which should not generally exceed 3.6m to semi-detached dwellings. Whilst the extension would be readily visible, it would be set back significantly from the highway and would be set down 1.9m from the main ridge. It would, therefore appear subordinate to the dwelling and thus would avoid demonstrable harm to the character of the host dwelling and wider area.
- 7.1.5 There are a number of other two storey side extension evident within the streetscene. It is not considered that the proposed extension would appear unduly prominent or incongruous so as to result in any demonstrable harm to the character or appearance of the streetscene. The design of the proposed extension would appropriately reflect the design of the host dwelling.
- 7.1.6 It is acknowledged that the proposed extension would increase the overall scale of the existing dwelling; however, it is not considered that they would ultimately result in unacceptable harm to the visual amenity of the streetscene or wider area.
- 7.1.7 In summary, it is not considered that the proposed development would result in any adverse impact on the character or appearance of the street scene or area and the proposal 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 document.
- 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 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 Appendix 2 indicates that two storey development to the rear of dwellings 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. Whilst it is noted that the guidance refers to two-storey rear extensions, it is also of assistance when assessing two-storey side extensions.
- 7.2.3 Appendix 2 of the DMP LDD sets out a guideline that single storey rear extensions to semi-detached properties should not generally extend more than 4m.
- 7.2.4 The proposed two storey side/rear extension would intrude a 45 degree splay line when taken from the point on the boundary level with the rear elevation of No.97. It is acknowledged that this neighbour is on higher land, however, the extension at first floor level would project approximately 5.7m further in depth than the existing rear elevation of this neighbour, given that this neighbouring dwelling is set further forward than the application dwelling. Due to this relationship the proposed rear element of the extension would significantly intrude the 45 degree splay line. Whilst there would be a degree of subordination to the proposed two storey extension, with it set down 1.9m from the ridge

height, given its significant depth beyond the neighbouring rear elevation and factoring in the gabled roof design it would result in an imposing and overbearing form of development when viewed from the neighbour at No.97. It is acknowledged that owing to the siting of No.97 to the northeast of the application site there is a current degree of overshadowing from the existing dwelling therefore whilst the proposal is not considered to result in unacceptable loss of light for the reasons previously outlined, by virtue of its overall depth, bulk of the roof form and proximity to the boundary at a distance of 1m; the proposed extension would result in an overbearing and unneighbourly form of development to the detriment of the amenity of No.97.

- 7.2.5 The proposed two storey side/rear extension would not intrude a 45 degree splay line with No.93 to the southwest. The proposed first floor rear element of the extension would also be set in 3.2m from the boundary with this neighbour. Whilst it is acknowledged that this neighbour is sited on a slightly lower land level owing to the spacing retained to the boundary together with the existing relationship it is not considered that the proposed extensions would result in unacceptable harm to this neighbour.
- 7.2.6 In the event of an approval, the addition of a first floor flank window facing No.97 should be conditioned to be obscure glazed and top level opening in order to prevent unacceptable overlooking. The proposed ground floor flank windows serving the non-habitable utility room would be screened by the existing boundary treatment and not result in any overlooking.
- 7.2.7 Whilst additional first floor fenestration is proposed within the rear elevation (one of which is very sizable) with a Juliet balcony, it is not considered that these openings would result in any additional unacceptable overlooking to the most private parts of neighbouring amenity spaces given their siting and relationships with neighbouring properties.
- 7.2.8 In summary the proposed two storey side/rear extension by virtue of its depth and elevated bulk and massing as a result of the gabled roof design would result in demonstrable harm to the neighbouring amenity of No.97 and as such fails to comply with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP 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 and section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document states that a four bedroom dwelling should provide 105sqm amenity space.
- 7.3.2 The proposed extension would remain as four bedrooms and there is over 310sqm of rear amenity space, which is considered sufficient to accommodate the proposed development and serve the dwellinghouse.

### 7.4 Trees and Landscaping

- 7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.4.2 Policy DM6 of the Development Management Policies document 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.
- 7.4.3 The application site is not located within a Conservation Area, however, there are protected trees to the front and rear of the site. As such, a tree protection method statement would be recommended on any scheme of approval, prior to construction beginning on site. Requiring the protection of trees during construction activities is considered reasonable and

necessary. As such, subject to condition, it is not considered that the proposed development would result in any harm in this respect.

## 7.5 Highways, Access and Parking

- 7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide parking for three vehicles. The number of bedrooms within the dwelling would remain as four bedrooms, as existing.
- 7.5.2 The hardstanding to the front of the dwelling would have provision for at least three vehicles. Therefore, the parking provision within the application site would be considered sufficient following implementation of the proposed development.

## 7.6 Wildlife and 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.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist, which states that no protected species or biodiversity interests will be affected as a result of the application. However as bats are known within the locality and the works involve works to a roof, it is considered reasonable to include an informative reminding the applicant of their responsibilities with regard to bats.

## **8 Recommendation**

- 8.1 That Planning Permission be REFUSED for the following reason:

R1: The proposed two storey side/rear extension by virtue of its excessive depth combined with its elevated bulk and massing through the use of a gabled roof form and relationship with No.97 Kindersley Way would result in an unduly prominent and unneighbourly form of development to the detriment of the visual amenity of the occupants at No.97 Kindersley Way. The proposed extensions would therefore be contrary to Policy 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 Informative:

- 11 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority engaged in discussions during the course of the application, no amendments were submitted. The proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.