

PLANNING COMMITTEE – 23 JUNE 2022

PART I - DELEGATED

13. 22/0731/FUL - First floor extension above existing ground floor extension at 6 THE CRESCENT, ABBOTS LANGLEY, WD5 0DS

Parish: Abbots Langley
Expiry of Statutory Period: 29.06.2022

Ward: Abbots Langley And Bedmond
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as the planning agent is a District Councillor.

1 Relevant Planning History

- 1.1 00/01359/FUL – Single storey rear extension – Permitted and implemented.
- 1.2 19/0785/CLPD – Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable extension, rear dormer and front rooflights – Permitted, not implemented.
- 1.3 19/0809/FUL – First floor rear extension – Permitted, not implemented.

2 Description of Application Site

- 2.1 The application site is located on the south western side of The Crescent, Abbots Langley. The application dwelling is a semi-detached property sited within a rectangular plot built on a relatively uniformed building line. The application site backs onto the Abbots Langley Conservation Area.
- 2.2 The application dwelling has a hipped roof and has a cream render to the exterior. To the rear is an existing single storey rear projection and to the front is a mono pitched front projection.
- 2.3 The application site has parking to the frontage which can accommodate two cars and to the rear is a patio and area laid as lawn.
- 2.4 The adjoining neighbour No.8 is a two storey semi-detached property built of a similar architectural style to the application dwelling, however, this neighbour has a single storey rear conservatory which is set in from the joint boundary.
- 2.5 The neighbour at No.4 is a two storey semi-detached property with a pebble dash rendered exterior and has a single storey rear extension. Owing to the siting of the application site on a bend in the road this neighbour is set back approximately 1.5m from the application dwelling.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for a first floor extension over the existing single storey rear extension. The proposed first floor extension would project from the rear elevation of the host dwelling by a maximum of 3.6m and would have a maximum depth of 3.8m when measured on the northern flank. It would have a width of 3.7m, an eaves height of 4.3m and a maximum height of 6m.

- 3.2 The extension would be set 0.5m beyond the original north western flank of the dwelling, set in a minimum of 1.6m from the flank boundary with No.4 and set in 5m from the flank boundary with No.8. The submitted plans illustrate that the extension would have a hipped roof, which would be subordinate to the main ridge of the dwelling, set down by 1.4m.
- 3.3 The extension would be served by a double window within the rear elevation while an existing window within the rear of the original house will also be altered to a two panelled window.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No Objection]

4.1.2 National Grid: [No Response]

4.1.3 Conservation Officer: [No Objection]

The boundary of the Abbots Langley Conservation Area runs along the rear garden boundary of Number 6. Therefore, the property forms part of the Conservation Area's setting.

The setting of the Conservation Area comprises of residential development. The proposed rear extension is modest and would be read in the context of the existing development. Therefore, the proposal would not adversely impact the setting of the Conservation Area and I would raise no objection.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 12

4.2.2 No of responses received: 0

4.2.3 Site Notice: Posted: 06.05.2022 - Expired: 27.05.2022

4.2.4 Press Notice: Published: 13.05.2022 - Expired: 05.06.2022

4.2.5 Summary of Responses: Not applicable.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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”.

6.2 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 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.

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, DM3, 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.

Abbots Langley Conservation Area Appraisal 2014.

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 With regards to the proposed extension, the Design Criteria at Appendix 2 states that, 'generally, the maximum depth should be 3.6m, or 4m in the case of detached dwellings. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.'

7.1.3 The Design Criteria states that 1.2m should be the distance maintained between two-storey extensions and site boundaries. The first floor extension would be constructed

a minimum of 1.6m from the north western flank with No. 4 to the rear, which would comply with the above guidance. It is therefore considered that the proposed extension would therefore not result in additional harm, in terms of a terracing effect.

- 7.1.4 The proposed first floor rear extension would be built in line with the flank of the single storey rear extension and would therefore extend a maximum of 0.5m beyond the flank of the original dwelling. It would be located to the rear of the host dwelling and whilst it would be visible, it would not be prominent from the streetscene, set back approximately 28m from the highway. The views from public vantage points of the proposed extension would be limited from the streetscene of The Crescent, with some views between the semi-detached neighbouring dwellings. The plans also detail that the extension would be constructed in materials to match the host dwelling. It is therefore considered that the extension would not result in a harmful impact upon the character and appearance of the area.
- 7.1.5 The proposed first floor extension would have a width of 3.7m and a maximum depth of 3.8m with a depth of 3.6m from the original rear elevation and thus would comply with the guidance depth of 3.6m. It would also not be excessive in scale and with a subordinate hipped roof form it would not result in an unduly prominent feature nor would it appear disproportionate to the size of the host dwelling or within the plot.
- 7.1.6 In summary it is not considered that the proposed first floor extension would result in an adverse impact on the character or appearance of the host dwelling, 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 The Design Criteria at Appendix 2 provides specific guidance including that to avoid unacceptable loss of light to neighbours, two storey development at the rear of properties should not intrude 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 positioning of windows and development to neighbours.
- 7.2.3 The proposed extension would intrude the 45 degree line taken from the boundary, in line with the original rear wall of No. 8 by approximately 1.4m. A conservatory is set in from the shared boundary. However, in respect of this attached neighbour, it is noted that the extension would be set in from the boundary line by 2.5m, would have a hipped roof design and is positioned to the north. When considering such factors it is not considered that the extension would result in a loss of light nor would it appear unduly prominent towards this neighbour at No.8.
- 7.2.4 In respect of No.4, the proposed extension would not intrude the 45 degree line taken from the point on the shared boundary, in line with the original rear wall of No. 4. There is considerable spacing between the properties with this neighbour, which is set further back and also benefits from a single storey rear extension, which projects

beyond the application dwelling. Therefore, based on the site circumstances the proposed rear extension would be acceptable and would not result in any harm to justify refusal of planning permission.

7.2.5 The extension would have glazing in the rear elevation, however, it is not considered that this would provide a materially different view to that of the existing which enables views towards the end of the rear garden of the application site and neighbouring dwellings. No windows would be inserted within the flank elevations of the development and a condition is recommended controlling future window insertions. The proposed fenestration therefore would not result in unacceptable overlooking of neighbouring properties.

7.2.6 In summary, the proposed development would not result in a significant adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application 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.

7.3 Impact on adjacent Conservation Area:

7.3.1 The application site does not fall within the Abbots Langley Conservation Area; however, it does back onto it. Policy DM3 of the Development Management Policies LDD states that planning permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area.

7.3.2 Due to the siting of the extension it would not be readily visible from public vantage points within the adjacent Conservation Area. Having regard to its siting, scale and the use of matching materials it would not have a harmful impact on the Abbots Langley Conservation Area and is therefore acceptable. Further the Conservation Officer has confirmed that the development would not adversely impact the setting of the Conservation Area.

7.4 Amenity Space Provision for future occupants

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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.

7.4.2 The property would remain as a three bedroom property. Appendix 2 outlines that a properties with three bedrooms should retain 105sqm of amenity space. The proposed development would be built above existing built form and thus the level of amenity space will remain unaltered.

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 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application.

7.5.4 However, given that the development would affect the roof of the dwelling, an informative would be added to any consent advising the applicant what to do should bats be discovered during the course of development.

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 development would not impact on any trees of visual amenity value.

7.7 Highways, Access and Parking

7.7.1 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.

7.7.2 The dwelling would remain as a three bedroom dwelling. Policy DM13 and Appendix 5 of the DMP LDD stipulates that properties with three bedrooms should be served by 2.25 spaces (2 assigned spaces). The frontage of the site has a driveway providing two car parking spaces to the frontage of the application site. Whilst there would be a minor shortfall of 0.25 spaces, the required assigned spaces would be provided and there would be no change in the existing site circumstances such that no objection is raised.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:

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: 1219 SK 100, 1219 SK 104C, 1219 SK 105B

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area, Abbots Langley Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011)

and Policies DM1, DM3, 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).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties 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:

- 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 £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. 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 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).