

## PLANNING COMMITTEE – 19 MARCH 2020

### **20/0394/FUL – Demolition of detached garage and store and erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ**

Parish: Abbots Langley  
Expiry of Statutory Period: 17 April 2020

Ward: Abbots Langley and Bedmond  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application site is adjacent to two TRDC Councillor's property.

#### **1 Relevant Planning**

- 1.1 19/2078/PDE - Prior Approval: Single storey rear extension (depth 5 metres, maximum height 3.5 metres, maximum eaves height 2.9 metres) – No objection- Not implemented.
- 1.2 19/2377/FUL - Demolish detached garage and store, double storey side extension – Permitted.

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

- 2.1 The application site has splayed boundaries and is located on the southern side of Kindersley Way. The application dwelling is a two storey semi-detached property built of a brown brick. The application dwelling has an existing garage and store to the western side of the site abutting the boundary with No.100. This structure is adjoined to the main dwelling by a wall which also includes a side access gate.
- 2.2 Land levels slope upwards from west to east along Kindersley Way and also from north to south such that the properties on the southern side are at an elevation position to the highway. In addition No. 100 to the west is at a lower land level.
- 2.3 The neighbour to the west (No.100) is a two storey semi-detached dwelling built of a similar architectural style to the application dwelling. This neighbour has an existing two storey side and single storey rear extension. The rear elevations of this neighbour and the application site are orientated towards each other owing to the splayed boundary and siting on the bend of the road.
- 2.4 The neighbour to the east (No.104) is the adjoining semi-detached dwelling built of a similar architectural style to the application dwelling. This neighbour has an existing two storey side extension and a conservatory to the rear.

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

- 3.1 This application seeks full planning permission for demolition of detached garage and store and erection of single storey rear extension and two storey side extension.
- 3.2 Planning permission was granted for the demolition of the existing garage and the erection of a two storey side extension via application reference 19/2377/FUL.
- 3.3 The proposed two storey side extension would have a stepped side elevation. The extension would be in line with the front elevation with a width of 3.9m for a depth of 4m and would step in 0.7m for the remaining depth of 3.3m to project in line with the existing main rear elevation.
- 3.4 A first floor flank window is now proposed within the two storey side element and tile hanging to the central element of the gable.

- 3.5 The extension would extend in line with the main eaves and ridge heights. Where the front element is of greater width its ridge would be set down 1m from the main ridge.
- 3.6 The existing garage and outbuilding are proposed to be demolished in order to facilitate the proposed development.
- 3.7 The proposed single storey would have a depth of 5m, set up to the boundary with the adjoining neighbour with a width of 9.1m. This element would have a parapet with a height of 3.6m and a flat roof form with a height of 3.3m.
- 3.8 The application differs from 19/2377/FUL in that a single storey rear extension is also included. The two-storey side extension remains as previously permitted.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 National Grid: [No response received to date]
- 4.1.2 Abbots Langley Parish Council: [No response received to date]

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

- 4.2.1 Neighbours consulted: 7
- 4.2.2 Responses received: 0 [Consultation expires 18.03.2020]
- 4.2.3 Site Notice: Not required
- 4.2.4 Press notice Not required

## **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 February 2019 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 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 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 the character and appearance of the host dwelling and the locality

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 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.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in 1.2m from the boundary at first floor level, although in high density areas 1m will be considered.

7.1.3 The proposed two storey side extension was assessed and permitted via application reference 19/2377/FUL. This element was considered acceptable for the reasons outlined below.

*The proposed two storey side extension would have a stepped side elevation and as such would be set in a minimum of 1.2m at the rear and 1.25m at the front owing to the splayed nature of the boundary. This would comply with the guidance set out within Appendix 2 and would ensure sufficient spacing is maintained to prevent a terracing effect.*

*It is acknowledged that owing to the elevated position of the application dwelling relative to the highway, it's siting on the bend in the road, the step in land levels and siting opposite the junction with Manor House Gardens, the extension would be readily visible. However given that it would be set in a minimum of 1.2m, that it would not project beyond the existing front or rear elevations, that the existing single storey structure is proposed to be removed thereby increasing the spacing to the boundary at ground floor level, and that 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. The stepped relationship between the application dwelling and No. 100 to the west is existing and would be maintained and is a relationship that is replicated elsewhere within the street scene due to the change in land levels.*

- 7.1.4 The two storey side extension is considered to remain acceptable in terms of impact on character and street scene, for the above reasons.
- 7.1.5 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached dwellings should not generally exceed a depth of 3.6m. The proposed extension would have a depth of 5m and as such would exceed the guidelines of Appendix 2. However the existing garage and store would be removed which are set up to the boundary with No.100. The proposed extension would be set off the boundary by a minimum of 1.25m and as such would increase spacing to this side of the site. The proposed rear extension would not project as deep as the existing store and would have a flat roof set in from the flank of the two storey element. As such it is not considered that the proposed extension would result in harm in this respect and would increase spacing to the side of the site when compared with the existing situation. It is also noted that a large rear garden of approximately 215sqm would be retained which would exceed amenity space standards which would be required to serve a four bedroom dwelling.
- 7.1.6 The proposed two storey extension would now include tile hanging to the central gable and an additional first floor flank window. It is not considered that either of these elements would appear incongruous within the streetscene of Kindersley Way.
- 7.1.7 In summary, it is not considered that the proposed development 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 (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 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 proposed two storey side extension was assessed and permitted via application reference 19/2377/FUL. This element was considered acceptable for the reasons outlined below.

*Appendix 2 indicates that two-storey development should not intrude a 45 degree line taken from a point on the joint boundary level with the ground floor rear wall of the neighbour. Whilst it is noted that the guidance refers to two-storey rear extensions, it is also of assistance when assessing two-storey side extensions.*

*It is acknowledged that the neighbour at No.100 to the west is sited on a lower land level than the application dwelling and as such the extension would be at an elevated position relative to this property. This neighbouring property has been previously extended to the side and rear and it is noted that there are no flank openings. The proposed two-storey side extension would be set in line with the existing front and rear wall of the application dwelling and would not intrude a 45 degree line when taken from a point on the joint boundary level with the rear wall of the neighbouring ground floor rear extension, or when*

*applying a more strict interpretation and taking the 45 degree line from a point on the joint boundary level with the rear wall of the two-storey side extension. Whilst the level changes are noted, given that the proposed extension would be set off the boundary by a minimum of 1.2m, would not intrude a 45 degree line, that the extension would not project forward of the main front or rear elevation and that the existing single storey structure would be removed from the boundary it is not considered that the proposed extension would result in an overbearing impact or unacceptable loss of light to the neighbouring property.*

*Given that the proposed extension would not project beyond the main front or rear elevations it would not be readily apparent to the adjoining neighbour at No.104.*

*The proposed front and rear fenestration is not considered to afford any additional overlooking when compared with the existing situation. A window and door are proposed within the side elevation at ground floor level. The elevated siting of the extension relative to the neighbour at No.100 is noted however given that the extension is set off the boundary and would face towards the flank of this neighbouring dwelling which does not include any openings, it is not considered that overlooking would be facilitated and therefore it is not considered necessary to require either to be obscure glazed. It is noted that the window would serve a bathroom so would likely be obscure glazed in any case. No first floor flank windows are proposed, a condition on any grant of consent would prevent the insertion of additional windows.*

- 7.2.3 The two storey side extension is considered to remain acceptable in terms of impact on neighbours, for the above reasons.
- 7.2.4 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached dwellings should not generally exceed a depth of 3.6m.
- 7.2.5 The proposed single storey element would have a depth of 5m and as such would exceed the guidelines of Appendix 2. However the neighbour at No.104 has an existing single storey rear extension. The proposed extension would have a depth of 2.5m beyond this neighbour's extension. Given this in addition to its single storey nature and that there is an existing conservatory to the rear of the application site it is not considered that the proposed extension would result in an unacceptable impact on No.104.
- 7.2.6 As part of the proposed development the existing garage and store would be removed which is currently set up to the boundary with No.100. The proposed single storey extension would be set off the boundary by a minimum of 1.25m and would not project as deep as the existing store. The proposed extension would have a single storey flat roof with a height of 3.3m. Whilst No.100 is sited on a lower land level it is considered that the proposed extension would be an improvement to the existing situation and would not result in harm to this neighbour.
- 7.2.7 An additional first floor flank window is now proposed at first floor facing No.100. It is considered reasonable to condition it to be obscure glazed and top level opening to prevent unacceptable overlooking to neighbouring amenity.
- 7.2.8 In summary, the proposed development would not result in any 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 (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 7.3 Highways & Parking

- 7.3.1 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.

7.3.2 Appendix 5 of the DMP LDD outlines that dwellings with four or more bedrooms should provide three on site spaces. The application site can accommodate 3 cars within the existing driveway and as such would comply with the guidelines of Appendix 5 in this respect.

#### 7.4 Rear Garden 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 Appendix 2 outlines that four bedroom dwellings should provide 105sqm of amenity space. The application site will retain approx. 215sqm of amenity space and therefore would exceed the requirements of Appendix 2 in this respect.

#### 7.5 Trees & Landscape

7.5.1 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.

7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

#### 7.6 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. Given that the proposed development includes work affecting the roof space an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

### **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: TRDC 001 (Location Plan), 191105/A Rev A, 191107/A Rev A
- Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality 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, 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 Before the first occupation of the extension hereby permitted the first floor window in the western side elevation shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.
- Reason: To safeguard the amenities of the occupiers of neighbouring residential 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).
- C5 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/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes 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](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) - 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. 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).