

PLANNING COMMITTEE – 24 MARCH 2022

PART I - DELEGATED

- 12. 21/2901/FUL: Demolition of existing structure and construction of ground floor and lower ground floor rear extension with raised platform to rear at 181 ABBOTS ROAD, ABBOTS LANGLEY, HERTS, WD5 0BN (DCES)**

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 15 March 2022

Ward: Abbots Langley and Bedmond
Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Planning Agent is a Councillor.

1 Relevant Planning History

- 1.1 8/1175/88 - Two storey side extension, two storey rear extension and alteration - Refused - 03.03.1989
- 1.2 8/347/89 - Utility, Dining Room, Balcony - Permitted - 28.04.1989

2 Description of Application Site

- 2.1 The application site contains a detached two storey dwelling sited along Abbots Road. The dwelling is set back from the highway and is served by a drive that can accommodate three cars. The dwelling is constructed close to both of the flank boundaries at ground floor level. The western boundary is slightly tapered reducing the width of the site slightly to the rear.
- 2.2 The land levels of the site drop to the rear. The dwelling is served by a lower ground floor level and the dwelling has been previously extended to the rear with a ground floor rear extension that is set higher than the lower external levels and is supported by pillars and served by a raised terrace and steps along the eastern flank. The existing high vegetation boundary treatments prevent unacceptable overlooking from the existing raised decking area. The site contains protected trees.
- 2.3 The neighbouring property to the east (No.179) has a similar original rear building line and is on a slightly higher land level to that of the application dwelling. No.179 is constructed close to the common boundary at ground floor level.
- 2.4 No.183 to the west is set on slightly lower ground to the application dwelling. The main dwelling is set in a significant distance from the common boundary with a detached garage constructed close to the common boundary. The main dwelling of No.183 extends beyond the rear elevation of the application dwelling.

3 Description of Proposed Development

- 3.1 The applicant is seeking permission for the demolition of the existing extension and decking area and its replacement with a ground and lower ground floor extension and raised platform to the rear.
- 3.2 The proposed ground floor level of the rear extension would have a width of 7.8m to extend 0.8m beyond the western elevation and be set in 0.7m from the eastern elevation. It would have a maximum depth of 5m along the western elevation to project 4.7m beyond the original rear elevation of the dwelling. The proposed extension would have a pitched roof with a gabled rear elevation and a height of 6.4m above the lower external ground level.

The lower ground floor level would have a width of 7m. The rear elevation would be stepped however the lower ground floor extension would have a maximum depth of 1.8m and would be set in and back from the extremities of the ground floor extension. The ground floor level would be supported by pillars where it projects beyond the lower ground floor level. Fenestration (including rooflights) would be inserted within the front, side and rear elevations of the development.

- 3.3 The ground floor level would be served by a raised platform to the rear that would project 1.6m beyond the rear elevation of the proposed extension. It would have a width of 5.7m and would be set in from both of the flank elevations of the proposed extension. It would have a height of 2m above the external ground level and would be enclosed by glazed balustrading.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: No objections.
- 4.1.2 Landscape Officer: No comments received at time of writing the report. The Committee will be verbally updated of any comments received.
- 4.1.3 National Grid: No comments received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 6
- 4.2.2 No of responses received: No comments received.
- 4.2.3 Site Notice: Not required Press notice: Not required

5 Reason for Delay

- 5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 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 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 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'. Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential extensions and sets out that they should not appear unduly prominent within the streetscene.
- 7.1.2 The proposed extension would be sited to the rear of the dwelling. It would extend beyond the flank elevation of the dwelling however due to its siting to the rear it would not result in a notable or contrived feature as viewed from public vantage points. The proposed extension would exceed the 4m guidance for single storey rear extensions as set out within the Design Criteria. However, the extension would not appear disproportionate in scale to the main dwellinghouse and would not result in overdevelopment of the plot. It would add a modern addition to the dwelling and would be constructed of materials that would not match the existing building. Due to the siting of the development the modern design of the development would not adversely affect the character of the dwelling or varied nature of the street scene. Thus, no harm would arise from the scale, siting or design of the proposed development.
- 7.1.3 In summary, the development is considered to be 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 The proposed extension with a depth of 4.7m beyond the original rear elevation would exceed the 4m maximum depth guidance for single storey rear extensions as set out within the Design Criteria. This however only provides guidance and each application is assessed based on individual circumstances.
- 7.2.3 The proposed extension would be set in 2.3m from the boundary with No.179. No.179 is set on slightly higher ground and has a similar original rear building line to that of the application dwelling. The set in of the extension from the common boundary with No.179 and relationship with No.179 would prevent the proposal from resulting in any loss of light or harm to the visual amenities of this neighbouring property.
- 7.2.4 The main dwelling of No.183 is set in from the common boundary by approximately 8m and No.183 extends beyond the existing rear elevation of the application dwelling. The proposed development would be constructed close to the common boundary with No.183 and No.183 is set on slightly lower ground however the depth, height and scale of the extension relative to No.183 would not result in any loss of light or harm to the visual amenities of this neighbouring dwelling. The proposed extension would sit at an elevated position relative to the neighbouring garden. No.183 is served by a large garden and it is not considered that the proposal would result in a dominant or oppressive relationship. No.183 is served by a detached garage that is constructed close to the common boundary and it is not considered that the siting or scale of the development would result in any harm to this ancillary building.
- 7.2.5 In terms of overlooking the proposed extension would extend deeper into the plot than the existing built form. The fenestration to be inserted within the front and rear elevations and flank rooflights would not result in unacceptable overlooking into the neighbouring properties. No windows would be inserted within the western flank elevation of the development thus would not facilitate overlooking into No.183. A door and full height glazing would be inserted within the eastern elevation facing No.179. It is noted that the existing rear extension is served by fenestration within the eastern flank elevation facing No.179. However the proposed extension would be of an increased width and sited 3m closer to the common boundary with No.179. Due to this the full height windows would be conditioned to be obscure glazed as shown on the proposed plans. Considering that the proposed door would be sited closer to the existing rear elevation of the dwelling where there is existing raised decking it is not considered that this element would permit any material levels of greater overlooking than in comparison to the existing situation. The steps leading down to the garden would be sited approximately 0.4m closer to the common boundary with No.179 than the existing steps. The slight closer proximity of the proposed steps is not considered to result in any greater levels of overlooking than the existing situation.
- 7.2.6 The proposal would also include a raised platform to the rear of the extension. This would be set in from both of the flank boundaries but would project deeper into the site than the existing raised terrace and would allow greater levels of overlooking into the neighbouring properties than the existing situation; this overlooking would not be mitigated by the existing boundary treatments. The increased overlooking could be mitigated by the insertion of 1.8m high screens sited along both flank elevations of the raised platform. Taking into consideration the set in of the raised platform and relationships with the neighbouring properties a 1.8m screen would not result in any harm to their residential amenities. In light of this any planning permission would include a condition requiring details of a privacy screen to be submitted for approval.

7.2.7 The dwelling is served by a garden with a depth in excess of 40m thus no unacceptable overlooking into the neighbouring properties to the rear would result from the proposed extension and raised platform.

7.2.8 In summary subject to conditions, 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.

7.3 Amenity Space and Parking

7.3.1 There is sufficient amenity space to accommodate the proposed development and serve the dwellinghouse. The proposal would not introduce an additional bedroom or intrude upon the existing parking provisions serving the dwelling.

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 The application is supported by a Biodiversity Checklist that states that no protected species would be affected by the proposed development. The development proposes the demolition of a flat roof extension to the dwelling. It is considered that the proposal is unlikely to affect any protected species.

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 The site contains protected trees however any protected trees within the site are positioned a sufficient distance from the proposed development as to not be adversely affected by the construction of the development. Notwithstanding this, the Landscape Officer has been consulted on the proposed development and the Committee will be verbally updated of any comments received.

7.5.3 There is however a large tree sited within the neighbouring garden (No.183) close to the common boundary and close to the existing and proposed development. This tree is not protected and it was noted on site that the existing hardstanding runs along the boundary with the tree and the neighbouring garage is also constructed close to the tree. The proposed extension at lower ground level would not bring the built form closer to the boundary with No.183 and the ground floor level would be supported by pillars in a similar position to existing. The proposal would result in some pruning of the tree to facilitate construction however it is not considered that the proposal would result in any greater risk to the health and longevity of this tree than in comparison to the existing built form.

8 **Recommendation**

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 plan:

2233-SK-100D.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the neighbouring properties 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 The extensions shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans; and no external materials shall be used other than those approved.

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 building/extension hereby permitted the windows within the eastern elevation of the ground floor level of the extension 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(s) 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 flank 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).

- C6 Prior to occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of the raised balcony be erected along both flank elevations of the raised balcony shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such 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).

8.1 **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 £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.

- I2 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. 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).
- I3 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.