

RECONVENED PLANNING COMMITTEE – 5 JANUARY 2023

PART I - DELEGATED

3. **22/1776/FUL - Construction of a single storey rear extension and alterations to patio at 31A Trowley Rise, Abbots Langley, Hertfordshire, WD5 0LN**

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 22/12/22 (Agreed Extension)

Ward: Abbots Langley and Bedmond
Case Officer: Lilly Varnham

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor.

1 **Relevant Planning History**

1.1 No relevant planning history.

2 **Description of Application Site**

2.1 The application site contains a two-storey detached dwelling on Trowley Rise, Abbots Langley with loft accommodation. The application dwelling has a dark tiled hipped roof form with existing front and rear dormer windows, and an exterior finish of red brick. The dwelling does not appear to have been previously extended.

2.2 To the front of the dwelling is an existing area of hardstanding shared with No. 31 with off street parking provision for two vehicles. To the rear of the dwelling is an amenity garden predominantly laid as lawn, there is an existing raised patio extending from the rear elevation which drops down to a raised decking area along the joint boundary with No. 31. The rear also benefits from a detached shed (outbuilding).

2.3 The wider context of Trowley Rise consists of a number of detached, semi-detached and terraced dwellings and commercial units of varying architectural style and design some of which appear to have been extended or altered.

3 **Description of Proposed Development**

3.1 This application seeks full planning permission for the construction of a single storey rear extension and alterations to patio.

3.2 The proposed single storey rear extension is to be built off the original rear elevation of the host dwelling, it would extend the full width of the host dwelling and would be set up to the shared boundary with No. 31, it would not extend beyond the existing flank wall. It would have a depth of approximately 3m and a width of approximately 8.44m. It would have a mono pitched roof form with an overall height of 3.57m measured from the highest land level with an eaves height of 3.04m. There would be a set of bifold doors and a three casement window within the rear elevation of the proposed extension. Three rooflights are proposed within the rear roofslope of the extension.

3.3 The proposal also includes an extension to the existing raised patio and steps to facilitate the extension. The height of the proposed steps would be approximately 0.5m when taken from the highest land level and a total depth of 2.25m when measured from the proposed rear elevation, the steps would extend for a full width of 4.5m. There is existing 1.8m high close boarded fencing along all boundaries of the application site, an additional privacy screen set 1.8m off the external finished floor level is proposed on the patio adjacent to the neighbour at No. 31.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No comment.

4.1.2 National Grid: [No response received]

4.1.3 Cadent Gas: No objection

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6 No of responses received: 0

4.2.2 Site Notice: [Not required] Press notice: [Not required]

4.2.3 Summary of Responses: [No response received]

5 Reason for Delay

5.1 No delay.

6 Relevant Local and National Planning Policies

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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.

6.2 Policy/Guidance

National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

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 unless there is a clear reason for refusing the development (harm to a protected area).

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 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).

7 **Planning Analysis**

7.1 Design and Impact on Character and Appearance of the 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 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.2 As set out Appendix 2, single storey rear extensions to detached properties should have a maximum depth of 4m. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.

7.1 The proposed single storey rear extension would have a depth of approximately 3m extending across the full width of the host dwelling, which would comply with the guidelines set out above. The proposed extension would not project beyond the existing flank elevations. The roof form of the proposed extension is considered to be of an appropriate scale and design to the application dwelling and would not result in any demonstrable harm to the character of the host dwelling or streetscene. The proposed extension would be visible from the streetscene on Cherry Hollow given the application sites location on a corner plot, however owing to the proposals single storey nature, the set in from the boundary and that it is proposed to be constructed in materials to match the existing dwelling, it is not considered that this would result in any harm to the character of the streetscene or the application dwelling.

7.2 It is not considered that the proposed bifold doors or window within the rear elevation nor the proposed rooflights within the rear roofslope of the extension would result in any harm to the character or appearance of the host dwelling or wider streetscene. The proposed patio would not be excessive in scale and would not result in harm to the character of the property or area.

7.2.1 As such the development is considered 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 Impact on amenity of neighbours

- 7.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.1 The proposed single storey rear extension would extend beyond the rear elevation of the host dwelling for a depth of 3m, it would be set off the shared boundary with the neighbour at No. 31 (an extended neighbour). Given that the proposed depth would not exceed the recommended figure of 4m as set out in Appendix 2 and that the height of the proposed extension is not considered to be excessive, it is not considered that the single storey rear extension would result in any adverse impact to the residential amenity of the occupiers of this neighbouring property. The proposed extension would have a set of bifold doors and a window within the rear elevation which would predominantly overlook the application sites rear amenity space and is therefore not considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.2 The neighbours at 1A Cherry Hollow are sited beyond the rear boundary of the application site, the flank elevation of this neighbour would face the rear elevation of No. 31A and sits at a lower land level than the application site. The proposed extension is set approximately 7.4m off the shared boundary with this neighbour, given the separation maintained to the boundary, that it is the flank elevation of the neighbour (not private garden area) that adjoins the boundary, and it is not considered that the proposed single storey extension would result in any demonstrable harm to the residential amenity of this neighbour nor result in additional overlooking beyond that of the existing situation.
- 7.3 The proposed extension to the raised patio and steps would be sited closest to the shared boundary with No. 31, it would have a height of approximately 0.5m and would extend across the rear elevation for a total width of 4.5m. It is acknowledged that there is an existing raised patio and whilst the proposed patio would appear deeper in the rear amenity garden than the existing, the additional privacy screen adjacent to No. 31 paired with the existing 1.8m close boarded fencing on the shared boundary would limit any additional overlooking of this neighbour, it is not considered that this would result in demonstrable harm through overlooking.
- 7.4 The proposed rooflights and are not considered to facilitate additional overlooking of any neighbour.
- 7.4.1 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development 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 LDD
- 7.5 Rear Garden Amenity Space Provision
- 7.6 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.7 The proposed development would not increase the number of bedrooms within the dwelling and would therefore not require additional amenity space. Whilst the proposed extension would reduce the size of the rear garden to 76sqm, a slight shortfall against standards, a reasonably sized rear garden would be retained for existing and future occupiers and it is

not considered that the shortfall against standards would result in harm justifying refusal of planning permission..

7.8 Wildlife and Biodiversity

7.8.1 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.

7.8.2 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.

7.9 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.

7.10 Trees and Landscaping

7.11 Policy DM6 of the DMP 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.

7.12 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.

7.13 Highways, Access and Parking

7.14 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.15 The application dwelling currently has four bedrooms at both first and second floor, the proposal would not increase the number of bedrooms and as such there is no additional requirement for parking. Notwithstanding this there is an existing shared area of hardstanding forward of the dwelling with off street parking provision for two vehicles, Appendix 5 of the DMP LDD outlines that four or more bedroom dwellings should provide 3 assigned spaces within the dwellings curtilage. The shortfall of one space is noted, however given that there is no additional requirement for parking the proposal is considered acceptable in this regard. It is not considered that the proposed would result in harm to highway safety.

8 Recommendation

8.1 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 plans: 2286-SK-100A, 2286-SK-100B (received 02/12/2022)

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 and DM13 and Appendices 2 and 5 of the Development Management Policies (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 prevent the building being constructed in inappropriate materials 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 Prior to the first use of the proposed patio hereby permitted, a 1.8m high (from patio floor level) opaque privacy screen shall be erected on the proposed patio for a depth of 1.94m to the side adjacent to No. 31 Trowley Rise and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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:**

- 11 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. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- 15 If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions
- 16 Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.