**9. 17/2212/FUL – Demolition of existing garage and construction of single storey side and rear extension including alterations to existing conservatory and new hipped roof to porch at 158 TOMS LANE, KINGS LANGLEY,WD4 8NZ for Mr Armando Benvenga.**

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| Parish: Abbots Langley Parish Council | Ward: Abbots Langley and Bedmond |
| Expiry Statutory Period: 18 December 2017 | Officer: Katy Brackenboro |
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| Recommendation: That Planning Permission be Granted subject to Conditions. | |
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| Reason for consideration by the Committee: A Councillor lives within the consultation area. | |

1. **Relevant Planning History**

1.1 There is no relevant planning history.

2. **Site Description**

2.1 The application site is a roughly rectangular plot located on the southern side of Toms Lane, Kings Langley.

2.2 The site contains a semi-detached bungalow with its principal elevation fronting Toms Lane. The dwellings along Toms Lane are varied in architectural design and style.

2.3 The application dwelling is finished in red brick and has a hipped roof with a front projection. There is a single storey flat-roofed garage to the western flank attached to the dwelling via a covered walkway. Behind the garage is an existing shed and lean-to sited close to the common boundary with the neighbouring dwelling at No.156 Toms Lane. There is an existing rear conservatory.

2.4 The dwelling is set back approximately 10m from Toms Lane. There is hardstanding to the frontage with space for three vehicles and soft landscaping.

2.5 To the rear, there is an area of patio within the lean to and along the rear elevation of the dwelling. The rest of the rear amenity space is laid to lawn with soft landscaping. The rear amenity space is enclosed by close boarded fencing approximately 1.6m high.

2.6 The neighbouring dwelling to the west, No. 156 Toms Lane is a detached dwelling which is set back from the application dwelling and sited at a slightly higher land level to the application dwelling. It has a single storey rear conservatory located close to the site boundary and a rear dormer. The common boundary is lined with close boarded fencing approximately 1.5m high.

2.7 The adjoining semi-detached neighbour No. 158a Toms Lane is built on a similar building line and similar land level as the application dwelling. This dwelling has a single storey side and rear extension. The common boundary is marked by close boarded fencing approximately 1.6m high.

2.8 This application site falls within the Metropolitan Green Belt.

3. **Description of Proposed Development**

3.1 Full planning is sought for the demolition of existing garage and construction of single storey side and rear extension including alterations to existing conservatory and new hipped roof to porch.

3.2 The existing garage and shed and lean-to would be demolished and the proposed single storey side extension would be constructed along the western elevation of the dwelling.  The proposed side extension would create two bedrooms (one additional), WC, bathroom and utility room.

3.3 The proposed side extension would project from the western flank elevation of the host dwelling by a maximum of 2.9m and have a depth of 12.5m to adjoin the proposed single storey rear elevation.

3.4 The proposed side extension would have a hipped roof with a maximum height of 3.3m and a height to the eaves of 2.3m. A window would be inserted into the front elevation of the proposed side extension.

3.5 Two windows would be inserted into the western flank located at ground level facing the neighbouring dwelling at No.156 Toms Lane.

3.6 The proposed rear extension not would extend beyond the rear elevation of the existing conservatory and would have a maximum width of 3.9m to incorporate some of the existing conservatory and to adjoin the proposed side extension.

3.7 The proposed rear extension would have a flat roof within a maximum height of 2.6m. A glazed dome rooflight would be located on the flat roof. It is would be 1.25m by 1.35m. A replacement flat roof would be constructed onto the existing conservatory with a maximum height of 2.6m

3.8 Double patio doors with a casement window either side would be inserted into the rear elevation of the proposed rear extension.

3.9 A five casement patio door and a four casement window either side would be inserted into the existing rear elevation of the conservatory.

3.10 Amended plans have been submitted to reduce the depth of the rear extension so that it would not project beyond the existing conservatory. The height of the side extension has also been reduced.

4. **Consultation**

4.1. National Grid: No comments received.

4.2 Abbots Langley Parish Council:

*No objections providing the extension does not exceed the 40% guidance for properties within the Green Belt.*

4.3 **Neighbourhood**

4.3.1 Number consulted: 5

No responses received: 1

4.3.2 Summary of responses:

* Overshadowing
* Too close to boundary line
* Roof height

4.3.3 Site Notice not required.

4.3.4 Press notice not required.

4.3.5 Material planning considerations addressed below, however, it is noted that the height of the side extension and depth of the rear extension have been reduced.

5. **Reason for Delay**

5.1 Not applicable.

6. **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework (NPPF)

6.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

6.2 The Three Rivers Local Plan Core Strategy:

6.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP8, CP9, CP10, CP11 and CP12.

6.3 Development Management Policies LDD:

6.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM2, DM6 and DM13 and Appendices 2 and 5.

6.3.2 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

6.3.3 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

6.3.4 The Supplementary Planning Guidance No. 3 – Extensions to Dwellings in the Green Belt (March 2004) provides further guidance on extensions to dwellings in the Green Belt.

7. **Planning Analysis**

7.1 Impact to Green Belt

7.1.2 The application site is located within the Metropolitan Green Belt. The NPPF states at paragraph 79 that;

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

7.1.3 Paragraph 87 of the National Planning Policy Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by

other considerations.

7.1.4 Paragraph 89 of the National Planning Policy Framework advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original dwelling. Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013) reflects the guidance in the NPPF. Policy DM2 states that:

“Extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building’s proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account”.

7.1.5 More specific guidance is provided in Supplementary Planning Guidance No.3, Extensions to Dwellings in the Green Belt. The SPG provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD (adopted July 2013) advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As the NPPF or the Local Plan Policies do not give any clear guidance on the interpretation of the scale of extensions that would be disproportionate, the SPG, whilst of limited weight, does give useful guidance and states that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate.

7.1.6 Green Belt calculations

Original floor space – 109sqm (including existing garage)

Existing Extensions – 27sqm

Proposed Extensions – 34sqm

The proposed extension would result in an overall floor space of 170sqm which is equivalent to a cumulative increase of approximately 56% over the original dwelling.

7.1.7 Extensions to the floor area of the dwelling are proposed in the form of a single storey side and rear extension. The original dwelling is understood to have had a floor area of approximately 109 square metres from calculations undertaken. The total floor area of the proposed dwelling as extended is 170 square metres. The proposed extensions would result in a 56% increase compared to the original dwelling.

7.1.9 Whilst garages are not always included in floor space calculations, in this instance the garage is in close proximity to the dwelling, attached by a walkway thus adding to the built form of the site. Its existence is therefore a material consideration. As the existing garage would be demolished as part of the proposal it is relevant in this instance to include it in the floor space increase calculations.

7.1.10 At a 56% increase, the proposed extension would cumulatively exceed the 40% guidance figure, however, the floor space increase is one consideration when determining whether an extension is disproportionate and it is not considered that the proposed extension when compared with the existing development would be disproportionate additions. The proposed rear element would essentially infill the existing space to the side of the existing conservatory and rear of the existing garage and would not project beyond the rear building line of the existing conservatory. The side extension would replace the existing garage and shed but would be set off the flank boundary, thereby increasing the spacing around the dwelling. Whilst the height of the side extension is greater than existing, it has been reduced during the application such that it would be set down significantly from the main ridge.

7.1.11 The proposed extensions are not considered to be disproportionate additions and as such, the proposal would constitute an appropriate development and would not result in demonstrable harm to the visual amenity or openness of the Metropolitan Green Belt and would accord with Policies CP1 and CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

7.2 Design and Impact on Street Scene

7.2.1. Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy relates to design that states that in seeking a high standard of design, the Council will expect development proposals to ‘have regard to local context and conserve or enhance the character, amenities and quality of an area’.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. The Design Criteria at Appendix 2 of the Development Management Policies document state that generally the maximum depth of single storey side and rear extensions to semi-detached dwellings may be 3.6m although this distance should be reduced if the extension would adversely affect adjoining properties or be unduly prominent. The proximity of side extensions to the flank boundary will be individually assessed.

7.2.3 The existing garage, shed and lean to would be demolished and the proposed side and rear extension would project from the flank elevation of the application dwelling by a maximum of 2.9m and have a maximum depth of 12.5m. Whilst the proposed side extension would project 2.9m from the western flank it would have the width of the existing garage, therefore, in terms of character, it would not appear unduly prominent within the streetscene of Toms Lane. The proposed side extension would have a hipped roof with a maximum height of 3.3m and reflect the character and design of the dwelling. Spacing would also be introduced between the dwelling and the common boundary with No. 156 Toms Lane.

7.2.4 Whilst the proposed hipped roof constructed over the existing porch would be seen from Toms Lane, it would not be incongruous to the application dwelling or the street scene as the street scene is varied and there are some examples of hipped roof porches along Toms Lane.

7.2.5 The proposed single storey rear extension would not project beyond the rear elevation of the existing conservatory and a large garden would be retained. It would also be located to the rear of the application dwelling. As such, it would not be prominent within the street scene of Toms Lane.

7.2.6 The proposed single storey rear extension would have flat roof from with a maximum height of 2.6m. This would match the existing extension and be in keeping with the existing roof line of the dwelling.

7.2.7 Fenestration and the rooflight inserted into the rear elevation of the conservatory would not be visible from the street scene.

7.2.8 It is not considered that the proposal would adversely affect the character or appearance of the host dwelling or area and the development would not be acceptable in this regard 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 Residential Amenity

7.3.1 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 extensions 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. Furthermore, Appendix 2 of the Development Management Policies LDD advises that generally single storey rear extensions to semi-detached properties can have a maximum depth of 3.6m.

7.3.2 The proposed rear extension has a depth of 2.9m, which complies with the guideline for semi-detached dwellings as set out in the Design Criteria of the Development Management Policies LDD. It is noted that concerns were raised due to overlooking. Considering the size and positioning of the proposed rear extension, whilst it would be sited close to the shared boundary with No. 156 Toms Lane, it is not considered that this would facilitate overlooking. The ground floor flank openings would both serve bathrooms and could be conditioned to be obscure glazed.

7.3.3 The rear extension would have a flat roof with a maximum height of 2.6m. Given that the proposal is single storey in nature and the height is not excessive, it is not considered that this would result in any loss of light or harm to the visual amenities of any neighbouring dwellings.

7.3.4 The proposed roof light to be inserted in the flat roofed rear extension would serve the ground floor. Given that the existing single storey rear extension would retain the same depth and width, the proposed roof lantern would increase the maximum height of the existing conservatory from 2.6m to 3.8m. It is not considered that the proposed roof lantern would cause overlooking, or result in demonstrable harm to neighbouring residential amenity through overshadowing or loss of light given its central siting.

7.3.5 The proposed fenestration inserted into the rear elevation of the proposed rear extension and the existing conservatory would not be directed towards adjoining neighbours.

7.3.6 The proposed single storey side extension would have a depth of 12.5m, a width of 2.9m and a maximum height of 3.3m and a height of the eaves of 2.3m. The extension would be set 1m at its widest point and 0.6m at its narrowest point from the boundary with No. 156 Toms Lane. It would be single storey in nature and given its height, spacing and roof sloping away from the boundary, it is not considered that overshadowing or loss of light would occur to this neighbouring dwelling.

7.3.7 In summary, the proposed development would not result in any significant detrimental effect on the residential amenity of any neighbouring dwellings and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Parking and Amenity Space

7.4.1 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. 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 The property currently benefits from a driveway, with an integral garage. The existing garage would be demolished to provide one additional bedrooms (a total of three bedrooms). The parking standards set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013) indicate that a property of the size proposed (3 bedrooms) should provide 2.25 spaces (2 assigned). Whilst the garage would be lost, the driveway is of sufficient size to ensure that the adopted parking standards would be met. As such there is no objection to the proposal on highways or parking grounds.

7.4.3 Policy CP12 of the Core Strategy (adopted October 2011) states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Amenity space standards are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). The extended property would benefit from three bedrooms, with Appendix 2 setting out a requirement for 84 square metres amenity space for a property of this size.

7.4.4 There would be sufficient amenity space to accommodate the proposed development and serve the dwellinghouse, ensuring sufficient amenity space was retained for future occupiers.

7.5 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.5.2 A Biodiversity Checklist has been submitted and sets out that no protected species would be affected as a result of the development. Given the single storey nature of the development, no objection is raised to the development in this regard.

8. **Recommendation**

8.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTEDsubject 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: 472/D001, 472/D002 Rev A, 472/D003, 460/D004 Rev B and 472/D005 Rev B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities and openness of the Green Belt and the locality and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, 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 flank windows facing No. 156 Toms Lane 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 windows 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).

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 £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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. Information on this is also available from the Council's Building Control section. 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.

I2 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.

I3 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.