**13. 16/1536/FUL - Two storey side and rear extension, extension to drive, creation of raised decking, at 97 Kindersley Way, Abbots Langley for Mr and Mrs Leigh Frost**

(DCES)

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| Parish: Abbots Langley Parish Council | | Ward: Abbots Langley And Bedmond | | |
| Expiry Statutory Period: 14 September 2016 | | Officer: Denis Toomey | | |
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| Recommendation: That Planning Permission be Granted | | | | | |
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| This application is brought before the Committee as a Councillor lives within the neighbour consultation area. | | | | | |

1. **Relevant Planning History** 
   1. 8/667/74 – Lounge/kitchen extension - Permitted - 25.11.1974
2. **Site Description** 
   1. The application site consists of a two-storey semi-detached property located along Kindersley Way. The application dwelling is approximately 13m from the front site boundary. The driveway to the property slopes towards the application property, as the application property is set on a lower land level with regards to the highway. The driveway is a shared access for both the application dwelling and No. 95. The properties within the vicinity of the application dwelling are of a similar design and architectural style. The rear of the property contains a single storey rear extension with additional steps that provide access to the property. In addition to this, two outbuildings are located north west of the application property and are both built within close proximity to the boundary between the application property and No. 95.
   2. The neighbouring property north west of the application dwelling (No.95 Kindersley Way) is built on a slightly lower land level and is set back in relation to the application dwellinghouse. The rear of this neighbouring property also contains a single storey rear extension. The separation distance between both these properties is approximately 4.5m. An outbuilding also exists within this neighbouring site and is within close proximity to the boundary between both sites. The boundary between both properties consists of a 1.8m high wooden fence within the vicinity of both properties and an approximately 1m high wired fence is located towards the rear of both sites.
   3. The neighbouring property that is located east of the application dwelling (No. 99 Kindersley Way) is positioned on a similar land level and contains a similar rear building line. A single storey rear extension also exists to the rear of this property and has the same depth as the existing extension to the rear of the application property. A raised terrace area is located to the rear of the extension at this neighbouring property. The boundary with the application property consists of a bricked wall with an additional wooden fence on the neighbours side which measures approximately 3m in height in total. An approximately 1.5m high wooden fence acts the boundary to the rear part beyond the terrace area.
3. **Proposed Development**
   1. The application seeks full planning permission for a two storey side and rear extension, with an extension to the drive and creation of a raised decking.
   2. The proposed development would incorporate a first floor extension over the north western portion of the existing single storey rear extension set 3m from the boundary with 99 Kindersley Way. This extension would have an overall height of 7.8m, a width of 4.2m at the deepest point and would extend beyond the rear building line of the existing property by approximately 3.7m. The extension would incorporate a pitched roof design. A first floor bedroom window would be included to the rear elevation of the extension.
   3. As part of the development the existing single storey rear extension would extend by a further 1.5m in width at its deepest point. A set of patio doors and additional fenestration would be included to the rear elevation of the existing single storey rear extension.
   4. A two storey side extension would be added on the western flank elevation and would adjoin the proposed rear extensions. The side extension would hold the following dimensions; a height of 7m, a depth of 3.4m and a width of up to 1.4m. The extension would include two first floor windows and one ground floor window. A door would be inserted to the front elevation of the extension and set of steps would be added to the front elevation to allow access to the door that would be added to the front elevation of the extension.
   5. The south west flank of the proposed side and rear extensions would be slightly splayed to narrow towards the rear elevation. A raised decking area would be included to the rear of the dwelling and would extend out from the existing extension by approximately 3m and would have a maximum height of approximately 1m from ground level. Steps would be inserted on the north eastern portion of the decking to provide access to the rear garden.
   6. Additional hardstanding would be included to the front of the property and would link onto the existing driveway.
4. **Consultation** 
   1. **Statutory Consultation**
      1. Landscape Officer: no comments received to date. An update will be provided during the Committee meeting.
      2. National Grid: no comments received to date. An update will be provided during the Committee meeting.
      3. Abbots Langley Parish Council: no comments received to date. An update will be provided during the Committee meeting.
   2. **Public Consultation**

4.2.1 Number consulted: 5 Number of responses: 0 to date, expiry date is 16 August 2016

4.2.2 Site Notice: None required Press notice: None required

1. **Reason for Delay**
   1. Not applicable.
2. **Relevant Planning Policy, Guidance and Legislation**

6.1 The Three Rivers Local Plan:

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include CP1, CP9, CP10 and CP12.

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, DM6 and DM13 and Appendices 2 and 5.

6.2 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.

6.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.4 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.

1. **Analysis**
   1. Impact on Character and Street Scene
      1. Policy CP12 of the Core Strategy (adopted October 2011) relates to the ‘Design of Development’ and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
      2. Policy DM1 of the Development Management Policies LDD set out that development should not have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly within regard to the roof form, positioning and style of windows and doors and materials. Appendix 2 of the Development Management Policies LDD advises that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality; two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. In terms of size and volume, each application for a two storey rear extension will be assessed on its individual merits according to the characteristics of the particular property.
      3. The proposed side extension would be set in from the boundary between the application site and No. 95 by 1.2m from the front building line of the extension and approximately 1.2m from the rear building line of the extension. The extension would therefore comply and would not result in a terracing effect. The splayed nature of the extension is not considered to have a negative impact on the character of the host dwelling or the character of the area. The extension would be set back from the front building line of the existing property by approximately 3.7m and set down from the existing ridge height of the property by approximately 0.9m. Therefore due to the positioning and design of the proposed side extension it would not be a dominant addition to the property or would have a detrimental impact on the character of the overall street scene. Furthermore due to the significant change in land levels between the application site and street, the extension would not appear overly prominent. The proposed gabled design of the extension would resemble the existing dwelling and would not look out of character. The extension would be a subordinate addition to the side of the property and would not have a negative impact on the character of the dwelling as it would be set down from the existing ridge height of the dwelling.
      4. The rear extensions would be located to the rear of the property and the proposed side extension. This element of the development would also be set down from the existing roof ridge by approximately 0.8m and would not extend out beyond the flank elevation of the proposed two storey side extension. As a result the extension would not be readily visible from the street scene due to site circumstances and the positioning of the extension in relation to the Kindersley Way. The proposed materials of the extension would match the existing dwelling and would therefore not look out of character within the area.
      5. The proposed hardstanding to the front of the property would not look out of character within the area as many dwellings on Kindersley Way contain hardstanding to the front and soft landscaping would be retained to the front of the site. Furthermore an existing driveway exists south west of the site and therefore the additional hardstanding proposed would not have a negative impact on the area.
      6. The proposed decking to the rear of the dwelling would not be visible from the street scene and therefore would not appear prominent.
      7. The proposed development would not appear unduly prominent in relation to the existing dwelling or the streetscene, would not result in demonstrable harm to the character or appearance of the application dwelling, street scene or area. The proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
      8. Impact on Residential Amenity
      9. Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
      10. The proposed two storey side extension would be located on the south western flank elevation of the application property and would be set in from the flank boundary by 1.2m. The spacing between the proposed extension and No.95 would remain over approximately 4m and would retain sufficient spacing between both properties. Therefore the proposed side extension would not result in an overbearing form of development in relation to the neighbours at No. 95. Due to the design and positioning of the extension it is considered that this element of the development would not result in a loss of light to the residents located at this property.
      11. Appendix 2 of the Development Management Policies LDD advises that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. The proposed first floor windows that would be included on the flank elevation of the side extension would serve bathrooms which are not habitable rooms but to ensure these would not result inappropriate overlooking, a condition will be included to ensure that these windows contain obscured glazing and should be non-opening below 1.7m.
      12. Appendix 2 advises that ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge. The proposed ground floor window on the flank elevation of the two storey side extension would not result in any overlooking due to the screening provided by the existing fencing and the significant distance between the proposed extension and the neighbouring property (No. 95).
      13. The Design Criteria at Appendix 2 provide specific guidance including that to avoid unacceptable loss of light to neighbours, two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the positioning of windows and development to neighbours. The 45 degree angle taken from the from the boundary adjacent to the rear building line of the first floor element of the No. 99 would result in a slight intrusion of approximately 0.5m. However the 45 degree angle taken from the boundary adjacent to the ground floor rear building line of No. 99 would not result in any intrusion. The 45 degree angle taken from the boundary adjacent to the rear building of No. 95 would not result in any intrusion. The proposed extension would be set in from both boundaries and would not appear over bearing in relation to the neighbours within the vicinity of the application dwelling. The extension is therefore not considered to the result in a loss of light to the neighbours within close proximity to the site.
      14. The proposed raised decking would be set in from the boundary with No. 95 and would not project significantly beyond the rear of this neighbour, and therefore would not result in any harmful overlooking to the residents at this property. A raised patio area is located to the rear of the No. 99 and extends out from the rear extension at this property by approximately 2.5m. The existing boundary provides sufficient screening between both properties. However the proposed raised decking would incorporate a depth of approximately 3m. Therefore a condition would be included on any consent to ensure sufficient screening is implemented as part of any development to prevent overlooking.
      15. The proposed fenestration and patio doors that would be added to the rear elevation of the existing single storey extension would be directed towards the rear garden of the application site and therefore no overlooking would occur to neighbours within the vicinity of the application dwelling.
      16. Overall, subject to conditions it is not considered that the development would result in a significant adverse impact on neighbouring amenity and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
      17. Amenity Space
      18. Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
      19. The development would result in 4 bedroom property. Appendix 2 of the Development Management Policies LDD advises that a four bedroom property requires an amenity space of 105sqm. The application site would retain a rear garden that would measure approximately 530sqm and therefore would comply.
      20. Highways, Parking and Access
      21. Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
      22. The proposed development would result in a 4 bedroom property. Appendix 5 of the Development Management Policies LDD advises that a four bedroom property should contain an on-site parking provision of three spaces. The property contains hardstanding to the south western portion of the site that can accommodate one vehicle. Therefore currently the existing property has a shortfall of one space. The proposed hardstanding to the front of the property would accommodate two further vehicles and there would therefore be adequate provision for parking.
      23. Trees
      24. 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.
      25. No significant trees would be removed or harmed as part of the proposed development, and the Landscape Officer has verbally advised that there is no objection to the proposal.
      26. Wildlife & Biodiversity
      27. 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.
      28. 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 LDD. 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 has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. It is therefore unlikely that there would be any harm to any protected species. However, given that the works would affect the roof, an informative would advise the applicant of what to do should bats be discovered during the course of development.
2. **Recommendation**
   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 plan: 1151/SK100A.

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, 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 extensions hereby permitted the windows on the south western flank elevation of the proposed two storey side 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 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).

C5 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 decking to be erected to the north east of the decking 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).

* 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 application form; the relevant form is available on the Council's website (www.threerivers.gov.uk). 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.

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 stipulates that construction activity (where work is audible at the site boundary) 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 development maintains/improves the economic, social and environmental conditions of the District.

I4 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: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).