**8. 17/2164/FUL - Single storey front and side extension at 24 Blenhiem Road, Abbots Langley, Hertfordshire, WD5 0TG for Mrs Blencowe.**

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| Parish: Abbots Langley | Ward: Leavesden |
| Expiry Statutory Period: 26 December 2017 | Officer: Matthew Roberts |
| Extension of Time: 23 February 2018 |  |
| Recommendation: That planning permission is granted. | |
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| Reason for consideration by the Committee: The application is brought to Committee as an Officer is an immediate neighbour. | |

**1.** **Relevant Planning History:**

1.1 10/0342/FUL - Loft conversion with raise in ridge height, dormer and rooflights and ground-floor extension. Refused, for the following reason:

R1: *The cumulative impact of the proposed development by reason of the increase in ridge height and excessive scale of the dormer window would result in an overly prominent, overbearing and contrived development that would have a significant visual impact on the appearance of Blenheim Road and Lysander Way and would detract from the neighbour’s enjoyment of their private residential amenity. This would be contrary to Policy GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.*

1.2 17/1144/FUL - Single storey front and side extension. Withdrawn; due to concerns relating to the height of the front extension and the detrimental impact on the health of a protected Oak tree.

**2.** **Detailed Description of Application Site:**

2.1 The application site relates to a two storey end of terrace dwelling situated within a 1990’s residential development in Abbots Langley.

2.2 The application site is situated within a row of terraces which are accessed by a cul-de-sac which forms part of Blenheim Road to the north west which opens out onto a parking area. The parking area is supported by areas of landscaping including a large mature Oak tree which is positioned immediately adjacent to the private garden of the host property.

2.3 The host dwelling fronts a small lawn area and the said parking area to the north east while the other three terraces face in a north easterly direction and are accessed via a pedestrian path.

2.4 The host dwelling has a light bricked exterior, pitched roof form, brown framed windows and a timber storm porch positioned centrally within the principal elevation (north western elevation). A conservatory projects from the side elevation (which is akin to a rear wall) by approximately 3.5m, set in from the neighbouring boundary with No.26 Blenheim Road by 0.8m.

2.5 The private garden area which extends forward of the principal elevation and towards the side is wholly enclosed by close boarded fencing. A public right of way exists to the rear.

2.6 In terms of policy designations, the application site falls within the Abbots Langley and Leavesden Hospitals South Tree Preservation Order (TPO) and Ancient or Semi Natural Woodland.

**3.** **Detailed Description of Proposed Development:**

3.1 This application seeks planning permission for a single storey front and side extension.

3.2 The proposed single storey front element of the extension would project 2.3m and 3.3m in depth from the principal elevation incorporating a porch, shower room and study. The extension would have a width of 7.2m which would project beyond the existing rear elevation by 1.3m whereby it would adjoin to the side extension which has a maximum depth of 3.6m, set in 0.3m from the south eastern boundary with No.26 Blenheim Road. The extension to both the front and side would have a hipped roof form with a maximum height of 3.5m sloping down to an eaves height of 2.4m. Elements of the roof would overhang the porch which is recessed and the south western corner of the extension. A roof light is proposed within the side roofslope.

3.3 In terms of fenestration detailing, windows are to be inserted within the front and side elevations including bi-fold doors serving a new dining room.

3.4 The materials used would appear similar to the existing house with the use of facing brick, concrete roofing tiles and brown UPVC openings.

3.5 The existing conservatory would be removed to make way for the proposed extension.

3.6 The application was submitted with a Biodiversity Checklist, CIL Form and an Arboricultural Impact Appraisal and Method Statement dated 12 January 2018.

**4.** **Consultation:**

4.1 Abbots Langley Council: [No objections]

4.2 Landscape Officer: [No objections]

*“This application is supported by an Arboricultural Impact Appraisal and Method Statement prepared by Shane Lanigan of Urban Forestry ref SAL/KMA/18841. This report includes a number of method statements for tree protection in order to minimise the impact of the proposed extension on the mature Oak tree adjacent to the site. The tree is protected by the Three Rivers (Abbots Langley and Leavesden Hospitals South) Tree Preservation Order 1992.*

*Most of the proposed extension will be constructed within the root protection area (R.P.A.) of the Oak. Almost half of this will be within the footprint of the existing conservatory. Section 3.4 of the method statement outlines that excavations within the R.P.A. should be made by hand and clear instructions are given on how to prune any roots which are encountered. The tree protection plan included with SAL/KMA/18841 shows the location of protective fencing to ensure that construction activity is kept away from most of the R.P.A. The location of the fencing is set back from the proposed building to allow for a working space, however there is no provision for ground protection within this working space.*

*The submission of an Arboricultural Impact Appraisal and Method Statement shows a willingness to ensure that the protected Oak tree is not damaged during construction. Most of the detail included in SAL/KMA/18841 is acceptable and could have been considered as an approved document if the ground protection within the working space had been included.*

*Recommend consent subject to the following condition:*

*Tree protection scheme- Details*

*No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’*

*The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.*

*Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).”*

4.3 National Grid: No comments received.

**5.** **Neighbour Consultation:**

5.1 No. consulted: 3

No. responses: 0

5.2 Site Notice: Posted 9 November 2017. Expired on 30 November 2017 (Footpath/further consultations)

5.2.1 Press Notice: Published 6 November 2017. Expired 1 December 2017.

5.3 **Summary of responses:**

5.3.1 None.

**6.** **Reason for Delay:**

6.1 Extension of time agreed.

**7.** **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF):

7.1.1 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.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Three Rivers Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include: CP1, CP9 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies Local Development Document (LDD) 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 of the adopted Development Management Policies LDD include: DM1, DM6, DM13 and Appendices 2 and 5.

7.4 Other:

7.4.1 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.

7.4.2 Community Infrastructure Levy Charging Schedule (adopted February 2015).

7.4.3 Online Planning Practice Guidance.

**8.** **Analysis:**

8.1 Design, Character and Streetscene:

8.1.1 Policy CP12 of the Core Strategy sets out that development should have ‘regard to local context and conserve or enhance the character, amenities and quality of an area’.

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out further guidance for new residential development, stating that extensions must respect the character of the property/street particularly with regard to the roof form, positioning and style of windows and doors, and materials. For front extensions, the *Design Criteria* as set out within the Development Management Policies LDD states that they will be assessed on their individual merits but should not be excessively prominent in the streetscene.

8.1.3 This proposal has evolved from the previous withdrawn submission (Reference: 17/1144/FUL) following concerns regarding its prominent, high pitched roof design.

8.1.4 Due to the location of the host dwelling, it is read in relative isolation when approaching the site from Blenheim Road but it is highly prominent from the communal parking area.

8.1.5 It is acknowledged that at 3.3m in depth, the front extension would be unusually deep; however, as the principal elevation does not form part of an established building line it is considered that scope exists to support an extension of this depth without compromising the character of the property/street. Additionally, the extension would be single storey in form and would have a hipped roof which reduces its prominence and thus ensures that the front extension appears more subservient to the main house.

8.1.6 The proposed side element of the extension would also be visible from the parking area and properties opposite; nevertheless, it would be replacing the existing conservatory. Whilst materially larger than the existing conservatory, the proposed extension by virtue of its single storey form and hipped roof form would not have a detrimental impact on the visual amenity of the area.

8.1.7 The proposal would also appear in keeping with the existing house with the use of materials of a similar appearance.

8.1.8 Accordingly, the proposed single storey front and side extension would appear compatible with the immediate area and existing house and thus would accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.2 Impact on neighbouring amenity:

8.2.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.2.2 The host dwelling by virtue of its positioning and relationship with surrounding residential dwellings is such that the proposed single storey front element of the extension would not be directly adjacent to a neighbouring dwelling. Nevertheless, the side element of the extension would project 3.6m from the original wall and would be adjacent to the rear wall of No.26 Blenheim Road which has not extended. Whilst the proposed extension extends from a side wall, for all intents and purposes, it can also be treated as a rear wall given the relationship with the said neighbour. As such, having regard to the guidance provided within the *Design Criteria*, it states that the maximum depth of single storey rear extensions should be 3.6m, with this distance reduced if the extension would adversely affect adjoining properties or is unduly prominent. The proposed side extension would project 3.6m in depth adjacent to the boundary; however, it is also important to note that the single storey extension would be set in by approximately 0.3m and would have a hipped roof form with the highest part of the roof set well within the site. These particular factors therefore reduce the overall prominence of the extension and thus a depth of 3.6m at this location is considered acceptable and would not have an adverse impact on the amenity enjoyed by the occupiers’ of No.26 Blenheim Road.

8.2.3 In terms of overlooking, the openings within the front elevation would have sole outlook across the lawn and parking area and not into residential amenity areas considered private. In respect of the openings from the side extension, these would be contained within the private garden which is enclosed by standard close boarded fencing. No overlooking would arise from the rooflight given it would be sited well above head height with its sole purpose to provide light into the dining room.

8.2.4 In light of the above, the proposal would accord with Policy CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

8.3 Landscaping and Biodiversity:

8.3.1 Policy DM6 of the Development Management Policies LDD states that development proposals should demonstrate that existing trees will be safeguarded and designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

8.3.2 While there are no trees within the bounds of the application site, a Tree Preservation Order (TPO) covers the entire site and wider residential development. A large mature Oak tree (a relic Oak from when the site was a hospital) is positioned in very close proximity to the north western boundary and thus is protected by the TPO status of the area. This particular tree is of high amenity value and contributes positively to character and appearance of the area.

8.3.3 The previous application (Reference: 17/1144/FUL) failed to demonstrate that the extensions proposed did not have a detrimental impact on the longevity of the tree. This application has therefore been altered from the previous submission with changes to siting and layout of the extensions.

8.3.4 An Arboricultural Impact Appraisal and Method Statement has accompanied the application. The statement reports that the Oak tree is categorised as “C” (trees of low quality) within the accepted definitions of the British Standard and has a root protection area (RPA) of 8.4m from the centre of the trunk and encompasses much of the existing conservatory and a part of the house itself.

8.3.5 The report confirms that the extension would encroach further into the theoretical tree RPA but it should not lead to the death of the tree. The tree will be affected by digging works within the RPA; however, a large percentage has already been encroached when the conservatory was constructed. As such, it is considered that a further loss of approximately 7% would occur; an extent of which would not be significant or to the detriment to the tree’s longevity. The Method Statement outlines that the excavations within the RPA should be made by hand and gives clear instructions on how to prune any roots which are encountered. The Landscape Officer considers the details acceptable and does not objection to the proposal. A condition has been attached to ensure that the works are undertaken in accordance with the submitted details.

8.3.6 It is also important that the proposed tree protection measures are installed throughout the duration of works as shown on the submitted drawing which formed part of the Arboricultural Impact Appraisal and Method Statement. A planning condition has been imposed to ensure that such measures are installed to prevent any construction activities such as movement of plant and machinery, storage of materials and the location of welfare facilities from encroaching the area.

8.3.7 With regards to biodiversity, 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.

8.3.8 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.

8.3.9 Given the site circumstances and nature of the development, it is not considered that there would be any significant impact on any protected species or wildlife, nor would the development compromise the integrity of the Green Infrastructure, therefore complying with Polices CP1 and CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

8.4 Parking:

8.4.1 The existing dwelling has two bedrooms with the proposal seeking to enlarge the ground floor with the inclusion of a study which could potentially be used as a bedroom, thereby taking the total number of achievable bedroom space to three.

8.4.2 The Parking Standards as set out within the Development Management Policies LDD states that a three bedroom dwelling should provide 2.25 spaces per dwelling (2 assigned spaces).

8.4.3 There are no parking spaces within the application site; however, communal parking is provided with the parking area in-front with each dwelling allocated two spaces. As a result, it is considered that sufficient parking provision is provided.

8.5 Amenity Levels:

8.5.1 The *Design Criteria* sets out that a two/three bedroom dwelling should provide 63/84sqm of amenity space.

8.5.2 The resultant amenity space following the construction of the extension would still exceed 84sqm and therefore the proposal would comply fully with the *Design Criteria*.

8.6 Community Infrastructure Levy:

8.6.1 CIL is a tool for local authorities to help deliver infrastructure to support the development of their area, such as new schools and roads.  It came into effect on 1 April 2015 following adoption of the CIL Charging Schedule in February 2015.

8.6.2 However, in this instance the proposal would not result in new build floorspace of 100sqm and is therefore exempt from any charge.

8.7 Conclusion:

8.7.1 In conclusion, the proposed extensions would not have a detrimental impact on the character and appearance of the area nor would it adversely affect neighbouring amenity. Additionally, subject to conditions the works to undertake the extensions would ensure the longevity of the protected mature Oak tree. The proposal therefore accords with Policies CP1, CP9 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).

**9.** **Recommendation:**

9.1 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 plan: BR\_01\_C Rev C.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and to protect the visual amenities of the trees in accordance with Policies CP1, CP9 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 Prior to the commencement of development, no operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with drawing number **SAL/BRAL/TPP/18841** titled Tree Protection Plan contained at Appendix 8 of the submitted Arboricultural Impact Appraisal and Method Statement dated 12 January 2018.

The protective measures, including fencing, shall be undertaken in accordance with drawing number SAL/BRAL/TPP/18841 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 The works hereby permitted shall be undertaken in accordance with the submitted and agreed Arboricultural Impact Appraisal and Method Statement dated 12 January 2018 which sets out the programme of works, methodology for working and methods of excavation and construction methods, in particular where they lie close to trees. The development shall only be implemented in accordance with the approved method statement.

Reason: To prevent damage to the mature Oak tree during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 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 extension is in keeping with the existing dwelling 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).

9.2 Informatives**:**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

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 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.

I3 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.

I4 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.