

PART I - DELEGATED

5. 23/0117/FUL - Construction of a single storey side and rear infill extension at 31 Trowley Rise, Abbots Langley, Hertfordshire, WD5 0LN

Parish: Abbots Langley Parish Council Ward: Abbots Langley and Bedmond
Expiry of Statutory Period: 20/03/23 (Extension Case Officer: Katy Brackenboro
agreed to 30/03/2023)

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 09/1617/FUL- Demolition of existing house and erection of 4 new dwellings with associated parking and new vehicular accesses- Permitted. 21.12.2009.
- 1.2 11/2543/FUL- Single storey rear and side extension- Permitted and implemented.
- 1.3 16/2370/RSP - Part Retrospective: Raised patio area to rear garden. Permitted. 18.01.2017. Implemented.

2 Description of Application Site

- 2.1 The application site contains a two-storey detached dwelling located on the southern side of Trowley Rise, Abbots Langley. It is finished in brown brick and has implemented a single storey side and rear extension.
- 2.2 To the front of the dwelling is an existing area of hardstanding shared with No. 31A with off street parking provision for two vehicles. To the rear of the dwelling is an amenity garden. The land levels slope down to the rear of the application site. There is an existing raised patio extending from the rear elevation which has a depth of approximately 2m beyond the rear elevation to the south west stepping up to a section adjacent to the rear elevation adjacent to the single storey rear extension. The patio also steps down away from the rear elevation of the dwelling from the lower ground level grassed area. The land levels decrease to the rear of the application site.
- 2.3 The neighbour to the east (No. 29) is a semi-detached property with a beige pebble dash and painted white render to the exterior. This neighbour is set off the boundary of the application site by a footpath and is sited on a slightly lower land level than the application dwelling. It has a single storey rear projection.
- 2.4 The neighbouring to the west (No. 31A) is a detached property built of a brown brick and has a main ridge set down from the application dwelling. This property has front and rear dormers. It has no rear alterations.
- 2.5 The neighbouring properties to the south (No. 1a Cherry Hollow) is semi-detached property which is orientated at right angles to the application site on a slightly lower land level.
- 2.6 The common boundary treatment with all neighbouring properties is approximately 1.8m high close boarded fencing.
- 2.7 There is a public footpath located to the east of the application site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a single storey side and rear infill extension.
- 3.2 The single storey side extension would project from the eastern flank of the host dwelling. It would have a width of approximately 1m and a maximum depth of approximately 5.4m to be set up to the eastern splayed boundary of the application site. It would partially infill the staggered eastern building line of the host dwelling. It would comprise of a w/c, utility and games room. It would have a parapet roof form with a maximum height of approximately 3.1m. No flank or rear glazing is proposed. Two rooflights are proposed to the flat roof.
- 3.3 The single storey rear extension would infill the south-western corner of the host dwelling. It would have a depth of approximately 3m and width of approximately 2.5m to adjoin the existing single storey rear extension and to be set in line with the western flank of the host dwelling. It would extend the crown roof to the existing rear projection, matching the height and design of the existing rear projection. . Rear fenestration is proposed. This element would comprise of an office.
- 3.4 The proposed extensions would be constructed in brickwork and roof tiles to match the host dwelling and the proposed fenestration would be made of upvc in brown to match the existing fenestration of the host dwelling.
- 3.5 Furthermore, a high level additional window is proposed to the western flank of the host dwelling at ground floor level serving the lounge.

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 Hertfordshire County Council Footpath Section: No comment received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 8 No of responses received: 0
- 4.2.2 Site Notice: [posted 03.02.203 and expired 24/02/2023]
- 4.2.3 Press notice: [published 10/02/2023 and expired 03/03/2023]
- 4.2.4 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'.

- 7.1.2 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.
- 7.1.3 As set out within Appendix 2, single storey side extensions will be individually assessed in terms of their proximity to the flank boundary. In terms of single storey rear extensions, Appendix 2 states that they should have a maximum depth of 4m for detached properties. This distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 7.1.4 The proposed side storey side extension would project from the eastern flank of the host dwelling and as such would be visible from the streetscene of Trowley Rise and from the public footpath to the east of the application site. It would be set in line with the principal building line and set up to the eastern boundary of the application site and would infill the area to the eastern boundary of the application site. Given its scale and siting, it would be read as a subordinate addition to the main dwelling and it is not considered that it would appear unduly prominent within the streetscene. It is not considered that it would result in any demonstrable harm to the character and appearance of the host dwelling or wider streetscene. Its roof form would minimise its impact. It is not considered that the proposed rooflights on the flat roof would result in harm to the character of the streetscene or the application dwelling.
- 7.1.5 The proposed single storey rear extension would infill the space between the existing single storey rear extension and the western flank of the host dwelling. With a depth of 3m, it would, comply with the guidelines set out above. The proposed rear extension would not project beyond the western flank of the host dwelling. 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 and would match the roof form of the existing single storey rear extension. The proposed extension would be visible from the streetscene on Cherry Hollow however owing to the single storey nature of the proposed rear extension, 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.
- 7.1.6 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).

7.2 Impact on amenity of neighbours

- 7.2.1 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'.
- 7.2.2 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.
- 7.2.3 With regard to the proposed single storey side extension, it would project approximately of 1.1m from the eastern elevation and would be set up to the eastern boundary of the application site. Whilst the proposal would bring built form closer to the eastern boundary, given that the neighbour to the east at No. 29 is separated from the application site by a public footpath, with this neighbour also set in from the common boundary, it is not

considered that the proposed side extension would have an overbearing impact to this neighbouring property or result in a loss of light. Its parapet roof form is not considered excessive and would minimise any harm.

- 7.2.4 The proposed side extension would be screened from view by the host dwelling from the neighbour to the west at No. No. 31A and the neighbour to the south at 1A Cherry Hollow and as such would not result in any harm to these neighbours in terms of loss of light or overbearing impact. The proposed rooflights would not result in any unacceptable overlooking to any neighbouring properties given their scale and siting.
- 7.2.5 The proposed single storey rear extension would be built to the south-western corner of the host dwelling and would infill the space between the western flank of the host dwelling and the existing single storey rear extension. The proposed rear extension would have a depth of 3m and would be set off the shared boundary with the neighbour at No. 31A by 0.7m. Given that the proposed depth would not exceed the recommended figure of 4m as set out in Appendix 2 and the height of the proposed extension is not considered to be excessive, it is not considered that the proposed single storey rear extension would result in any adverse impact to the residential amenity of occupiers of the neighbouring property. The proposed rear extension would have a window within the rear elevation. This would predominately overlook the rear amenity space of the application site and is therefore not considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.2.6 An additional window is proposed to the western flank of the host dwelling at ground floor level serving the lounge. Given its single storey nature, siting and high level, it is not considered that it would result in any unacceptable overlooking to the neighbouring dwelling to the west at No. 31A Trowley Rise.
- 7.2.7 The neighbour to the south at 1A Cherry Hollow is sited beyond the rear boundary of the application site, the flank elevation of this neighbour faces the rear elevation of No. 31 and sits at a lower land level than the application site. The proposed extension is set approximately 7.3m off the shared boundary with this neighbour. Given the separation maintained to the southern boundary and that it is the flank elevation of the neighbour (not private garden area) that adjoin the boundary, it is not considered that the proposed single storey rear 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.
- 7.2.8 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

7.3 Rear Garden Amenity Space Provision

- 7.3.1 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.
- 7.3.2 The proposed development would not increase the number of bedrooms within the dwelling and would therefore not require additional amenity space. The existing dwelling has three bedrooms. The amenity standards state that a property of this size should have 84sqm of amenity space. Whilst the proposed extension would reduce the size of the rear garden to 78sqm, a slight shortfall of 6sqm against the 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.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 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.

7.5 Trees and Landscaping

7.5.1 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.

7.5.2 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.

7.6 Highways, Access and Parking

7.6.1 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.

7.6.2 The application dwelling currently has three bedrooms. The proposal would not increase the number of bedrooms and as such there is no additional requirement for parking. 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 three bedroom dwellings should provide 2 assigned spaces within the dwellings curtilage. As such the proposal would comply with the parking standards and 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: 2309-SK-100A.

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).

8.2 **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) - 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.

- 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 development maintains/improves the economic, social and environmental conditions of the District.