

**PLANNING COMMITTEE – 25 MAY 2023**

**PART I - DELEGATED**

- 10. 23/0449/FUL - Construction of part single, part two storey side and rear extension; loft conversion including rear dormer and front rooflights; relocation of entrance door and removal of chimney breast; internal alterations, at 5 POPES ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ**

Parish: Abbots Langley  
Expiry of Statutory Period: 26 May 2023

Ward: Abbots Langley and Bedmond  
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: called in by 3 Members of the Planning Committee due to concerns regarding proximity to the boundary, overdevelopment and parking.

**1 Relevant Planning**

- 1.1 No relevant planning history.

**2 Description of Application Site**

- 2.1 The application site consists of a two storey semi-detached property located on the eastern side of Popes Road, Abbots Langley. This part of Popes Road can be characterised by detached, semi-detached and terraced dwellings of varied architectural design and finish.
- 2.2 The application dwelling has a dark slate pitched roof and an exterior consisting of light render to the front and brick to the rear of the flank and rear elevation. At the rear there is a two storey and part single storey rear projection. To the front of the dwelling is a small front garden and a side access. The application site has no off street parking. To the rear of the dwelling is an amenity garden of some 120sqm in area.
- 2.3 The neighbour to the north at No. 3 is the adjoining two storey semi-detached dwelling which is built of a similar architectural style to the application dwelling. This neighbour has a two storey rear and part single storey projection which mirrors that at the host dwelling.
- 2.4 The neighbour to the south at No. 7 is a detached two storey dwelling, sited on a similar building line, built up to the flank boundary. This neighbour has a single storey rear extension with a hipped roof form.

**3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the construction of a part single part two storey side and rear extension, loft conversion including rear dormer and front rooflights, relocation of entrance door and removal of chimney breast and internal alterations.
- 3.2 The existing dwelling has a 'L' shaped projection and is therefore less wide to the rear. The proposed part single, part two storey side and extensions would essentially extend the full depth of the dwelling, infilling the existing recessed area to the rear.

- 3.3 The two-storey side element would have a width of 1.8m at both ground and first floor level, set in from the common boundary with No. 7 Popes Road by 0.5m. The proposed two storey side extension would be built in line with the front wall of the host dwelling. At ground floor level, it would have a total depth of 14.1m projecting beyond the original recessed rear elevation of the host dwelling by 5.9m. The single storey rear element would have a width of 5.8m, set in 0.5m from the common boundary with No. 7. It would have a mono pitched roof form with a maximum height of 3.5m. At first floor level, the proposed side and rear extension would have a total depth of 11.3m, extending 2.9m beyond the original recessed element of the original host dwelling. The first floor rear element would have a gabled roof form. It would have a maximum height of 7.9m and eaves height of 5.7m.
- 3.4 The proposal would also include a loft conversion which would include a flat roofed rear dormer extension. The proposed dormer would have a width of 5.2m, depth of 2.3m and height of 2m. It would be set down from the main ridge by 0.2m and set in from the western flank by 0.3m and set in from the eastern flank by 0.3m. Two rooflights are proposed to the front elevation.
- 3.5 The existing entrance door into the dwelling would be slightly relocated to within the front wall of the ground floor element of the extension.
- 3.6 At first floor level, front and rear facing windows are proposed. A first floor window is proposed to the southern flank to serve a bathroom. Rear facing fenestration is also proposed to the rear and within the rear dormer.
- 3.7 The proposed extensions would be constructed in materials to match the host dwelling.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid: [No response received]

4.1.2 Abbots Langley Parish Council: [Objection/concerns raised]

*Members believe the proposed development presents a number of issues such as issues with the proximity to the neighbour's boundary, parking allocation issues due to the extra bedroom, and party foundation issues. Member also note objections raised by neighbours and would raise a concern regard the Party Wall Act 1996. Members ask the planning officer to note to the applicant that neighbours should be in accord on what will be done along a shared boundary.*

### **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 2 (objections)

- 1<sup>st</sup> floor side extension would block any light to two 1st floor windows adjacent to - No. 5 and would be less than half a meter away resulting in darkness during the day due to its proximity to the common boundary. The windows would also directly face walls and block light into the garden in the evening.
- Would lead to access issues to the rendered walls and wall ventilators for our bathrooms.
- Result in a terracing effect, overbearing and not typical of the streetscene.

- Loft could be used as a bedroom which will increase the demand for additional parking spaces which is extremely challenging already.

4.2.3 Site Notice: Not required

4.2.4 Press Notice: Not required

## **5 Reason for Delay**

5.1 None.

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

6.1 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).

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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 states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

### **6.3 The Three Rivers Local 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.

### **6.4 Other**

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

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.

## **7 Planning Analysis**

### **7.1 Impact on the character and appearance of the host dwelling and the locality**

- 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 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in 1.2m from the boundary at first floor level, although in high density areas 1m will be considered. The Design Criteria of the DMP LDD stipulates that few properties are designed to incorporate future extensions, therefore any additions built need to take into account their visual impact. Oversized, unattractive and poorly sited additions can detract from the character and appearance of the general streetscene.
- 7.1.3 This part of Popes Road comprises of semi-detached, detached and terraced properties which are varied in architectural style and are of a suburban character with spacing between them. The neighbour at No. 7 is a detached property which is sited on the boundary with the application dwelling.
- 7.1.4 The submitted plans indicate that the proposed two storey side extension would be set in from the southern boundary with no. 7 at ground and first floor by only 0.5m. Whilst it is acknowledged that the application site is within a higher density area where 1m spacing may be appropriate, the proposal at 0.5m would fall significantly short of this. The spacing is further reduced by the siting of the neighbour on the boundary.
- 7.1.5 It is considered that the proximity of the proposed extension at first floor level to the flank boundary with No 7 would result in a terracing effect and would not maintain the appropriate spacing in line with the character of the locality. The close proximity to the boundary would also be exacerbated by the extensions gabled roof form, adding upper bulk and massing close to the common boundary. As such, it is considered that this element of the proposal by virtue of its proximity to the boundary at first floor level would result in demonstrable harm to the character and appearance of the host dwelling and wider streetscene of Popes Road.
- 7.1.6 The existing rear projection at the application dwelling is mirrored by the adjoining neighbour. These existing rear elevations are unarticulated but characterful features to the pair. The proposed first floor rear extension would create a wide flush rear elevation at first floor level which would add significant massing to the dwelling and would fail to respect the character and appearance of the host dwelling or adjoining

neighbour. The introduction of large first floor windows would also fail to respect the character and appearance of the dwelling.

- 7.1.7 The single storey rear element would project for a depth of 5.9m from the recessed element of the host dwelling to be built in line with the existing two storey rear projection. At this depth, whilst it would exceed the guidance figure within Appendix 2, given that it would not project beyond the deepest existing ground floor element it is not considered that the single storey element would in itself appear disproportionate in relation to the host dwelling.
- 7.1.8 The application proposes a loft conversion to incorporate a rear dormer and front rooflights.
- 7.1.9 Appendix 2 of the Development Management Policies LDD states the following with regard to dormer windows; *'dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall'*.
- 7.1.10 The proposed dormer window given its scale would overwhelm the roofslope and would be only minimally set down from the main ridge and minimally set in from the flank elevations. It is not considered to be a subordinate addition to the host dwelling and by virtue of its scale would adversely affect the character and appearance of the host dwelling. Additionally, whilst sited to the rear, the large dormer window would be evidently visible from public vantage points in Breakspear Road. When considering its scale and lack of subordination, it would result in an unsympathetic addition which would adversely affect the character and appearance of the host dwelling and area.
- 7.1.11 With regards to the proposed front rooflights, there are others within the vicinity and therefore this would not be uncharacteristic or harmful.
- 7.1.12 In summary, the proposed two storey side and rear extension by virtue of its design, scale and proximity to the flank boundary would appear incongruous, cramped and excessively prominent within the street scene and would fail to maintain appropriate spacing, to the detriment of the character and appearance of the host dwelling and street scene. The proposed rear dormer by reason of its excessive scale would subsume the rear roofslope, resulting in demonstrable harm to the character and appearance of the host dwelling and area. The development would therefore fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

## 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 and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.
- 7.2.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay 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 position of windows and development on neighbouring properties.

- 7.2.3 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above 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.
- 7.2.4 Appendix 2 of the Development Management Policies LDD (2013) states that generally for semi-detached dwellings single storey rear extension should not be deeper than 3.6m, this distance may be reduced should the extension adversely affect adjoining properties or be unduly prominent.
- 7.2.5 Considering firstly the impact on the adjoining property, No. 3 Popes Road. The proposed extension would not project beyond the rear of this neighbour at ground or first floor and therefore would not result in demonstrable harm. The rear dormer, whilst substantial in size would not result in harm through overshadowing. It is not considered that overlooking of No. 3 would be facilitated by the rear dormer. This is because the rear dormer would be in the main roofslope and views of the neighbouring garden would largely be obscured by the existing two-storey rear projections at both properties. There are currently no first floor rear windows in the rear projection adjacent to No. 3, whereas the proposal would introduce two large bedroom windows in close proximity of the boundary that would afford views into the private amenity space of the neighbour to the detriment of the residential amenities of occupiers of this property.
- 7.2.6 Turning to No. 7 Popes Road. This neighbour is sited on the shared boundary and includes two first floor flank windows facing the application site that serve a landing and stairs. To the rear there is a first floor window close to the boundary and a single storey rear projection. The proposed two-storey side extension would be sited only 0.5m from the shared boundary which would reduce the space between the properties and may result in some loss of light to the two first floor flank windows. However, these flank windows do not serve a habitable room and are currently borrowing light from the neighbour and it is not considered that the reduction in spacing would result in such harm to justify refusal of planning permission.
- 7.2.7 The ground floor element of the side/rear extension would not project beyond the rear of the neighbour at No.7. The first floor side/rear element would project slightly (approximately 0.7m) beyond this neighbour and due to the siting of the neighbour on the boundary, the 45 degree line would be intruded. However, as noted above Appendix 2 indicates that the 45 degree line should be taken from the rear of any ground floor projection and when applying this approach there would be no intrusion. It is also noted that the first floor window is slightly set in from the boundary. Therefore it is not considered that the extensions would result in harm through overshadowing or loss of light. The proposed flank window could be conditioned to be obscure glazed and top opening to prevent overlooking in the event that planning permission were to be granted. The rear dormer would give some oblique views to the neighbour, however, it is not considered that this would be significantly different to that from existing first floor windows.
- 7.2.8 The proposed rooflights to the front roofslope would not result in any unacceptable overlooking to any neighbouring properties.
- 7.2.9 Subject to conditions the proposed development would not result in demonstrable harm to neighbouring amenity through overshadowing or loss of light and similarly

there would be no demonstrable harm through overlooking of No. 7. However, the introduction of two first floor rear windows would afford views into the private amenity space of the neighbour at No. 3 to the detriment of the residential amenities of occupiers of this property and contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2013) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. The parking standards set out that for a dwelling of four bedrooms or more, three off-street parking spaces should be provided.
- 7.3.2 It is noted that the application site has no off street car parking currently. There is a layby adjacent to the application site on the eastern side of the Popes Road. However, there are parking restrictions on Gallows Hill Lane and the western side of Popes Road. The existing property has 3 bedrooms and therefore the existing shortfall is 2.25 spaces of which 2 should be assigned. The proposed development would result in a four bedroom property including the space in the loft which could be used as a bedroom. This would equate to a shortfall of 3 assigned car parking spaces and increased shortfall of 0.75 or 1 assigned space.
- 7.3.3 The National Planning Policy Framework requires Local Planning Authorities to set parking requirements taking into account the accessibility of the development; the type, mix and use of the development; the availability and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 7.3.4 While Appendix 5 of the Development Management Policies document refers to adjustment of parking requirements according to the accessibility zone in which a site is located, the zone-based reductions do not apply to residential development, although Appendix 5 does advise that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate.
- 7.3.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy, however, it is not considered that the application site would be considered to fall within an area of high accessibility where a reduction in the levels of parking required for residential development would be appropriate.
- 7.3.6 Although parking standards are generally considered as maxima, the shortfall in parking provision at the application site that would result from the proposed development would lead to increased demand for the limited on-street parking that is available. As set out in the Core Strategy, levels of car ownership in Three Rivers are high and given the existing site circumstances and constraints in the area, it is considered that this increased demand would add to parking stress in the area so as to materially affect the highway with parked vehicles leading to obstruction to the free and safe movement of vehicles and pedestrians, adversely affecting the character and appearance of the area and the amenity of residents. Whilst the existing shortfall is noted, given the pressures for parking in the locality the increased shortfall is considered significant in this instance and the parking stress in the locality has been raised by residents and was observed by the Case Officer during the site visit.
- 7.3.7 It is therefore considered that the proposed development results in an increased shortfall of parking provision to serve the dwelling which would be likely to result in

an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

#### 7.4 Rear Garden Amenity Space

7.4.1 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 Appendix 2 outlines that four bedroom dwellings should provide 105sqm of amenity space. The application site will retain approx. 120sqm of amenity space and therefore would exceed the requirements of Appendix 2 in this respect.

#### 7.5 Trees & Landscape

7.5.1 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.

7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

#### 7.6 Biodiversity

7.6.1 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.

7.6.2 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 document. 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 was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

### **8 Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reasons:



- R1: The proposed two storey side and rear extension by virtue of its design, scale and proximity to the flank boundary would appear incongruous, cramped and excessively prominent within the street scene and would fail to maintain appropriate spacing, to the detriment of the character and appearance of the host dwelling and street scene. The proposed rear dormer by reason of its excessive scale would subsume the rear roofslope, resulting in demonstrable harm to the character and appearance of the host dwelling and area. The development therefore would fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).
- R2: The proposed development would introduce two large first floor rear bedroom windows in close proximity of the boundary with No. 3 Popes Road that would afford direct views into the private amenity space of the neighbour, to the detriment of the residential amenities of occupiers of this property and contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2013) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R3: The proposed development results in an increased shortfall of parking provision to serve the dwelling which would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

#### Informatives

- 11 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.