

## PLANNING COMMITTEE - (Thursday 19 October 2023)

23/1372/FUL – Construction of part single, part two storey front and side extensions at 32 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PG.

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 13 October 2023  
Extension of Time: 26 October 2023

Ward: Abbots Langley And Bedmond  
Case Officer: David Heighton

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss the size of the extension and lack of parking.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZF8V7QFGQA00>

### 1 Relevant Planning History

- 1.1 20/1426/CLED: Certificate of Existing Development: Erection of a fence and associated concrete posts. Approved.
- 1.2 20/1683/CLPD: Certificate of Lawfulness Proposed Development: Single storey rear extension. Approved.

### 2 Site Description

- 2.1 The application site contains an end of terrace, two storey dwelling located on the eastern side of Oak Green where it runs south from the main east-west part of the same road. The application dwelling does not directly front the highway of Oak Green, rather it is set away from a turning area (located to the south west of the site). There is a footpath providing access to the front elevation from the south, and the rear garden extends toward the north. Beyond the rear garden is the access track from Oak Green to a garage block complex.
- 2.2 The application dwelling is finished in mixed red brick with tile hanging at part of the first floor level. There are three blocks of garages to the northeast of the application site arranged in a U shape, one of which serves the application site. Fencing 1.9m in height encloses an area of front garden.
- 2.3 The adjoining neighbour to the west, number 31 Oak Green, adjoins the western flank of the host dwelling and is of a similar architectural style and design to the host dwelling. The neighbouring dwelling to the south, number 33 Oak Green, is orientated such that the northern flank of this neighbour faces the application site, and this neighbour is separated from the application site by a footpath.

### 3 Description of proposed development

- 3.1 This application seeks full planning permission for the construction of part single, part two storey front and side extensions.
- 3.2 The proposed two storey element would extend from the existing flank wall of the dwelling by approximately 4.7m and would be set off the shared boundary with No.

31 by approximately 4.1m at both ground and first floor. It would extend forward to a depth of 2.4m.

- 3.3 The proposed single storey front extension element would extend 3.5m in width and be constructed adjacent to the shared boundary with the neighbour at No.31. It would extend forward by approximately 1m. It would have a mono-pitched roof form with an eaves height of 2.3m and a maximum height of approximately 3.7m.
- 3.4 The part single, part two storey side extension would be set down from the main ridge line of the application dwelling by approximately 1.2m and has a gable roof form running front to rear (north to south), detached from the ridge to the main dwelling which runs east to west. The two-storey side extension would have a total height of 6.9m with an eaves height to match that of the existing dwelling.
- 3.5 Flank glazing is proposed at ground floor level facing the garages and new glazing is proposed within the front and rear elevations at both ground and first floor level.
- 3.6 Amended plans were sought and received throughout the course of the application to remove the proposed door at ground floor level to the two storey side extension, alter materials to match the existing dwelling at ground and first floor level to the front/side elevation and clarify the use of one the first floor level rooms.

#### **4 Consultee responses**

4.1 Abbots Langley Parish Council – [No Objection]

*Members have no issue with the development perse but are still concerned the proposed scheme does not offer the most aesthetic solution to a 2 storey extension as it presents as two separate houses.*

4.2 National Grid – [No response received]

#### **5 Neighbour consultation**

5.1 Site/Press Notice:

- Site Notice: Posted - 12.09.2023 Expired – 03.10.2023.

5.2 No. consulted: 8 No. of responses: 2 objections.

5.3 Summary of responses:

- Overdevelopment.
- Not in keeping.
- Loss of light.
- Loss of Privacy.

#### **6 Relevant Local and National Planning Polices**

##### **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 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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 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.

## **7 Analysis**

### 7.1 Design and Impact on the Host Dwelling and 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. Policy CP12 of the Core Strategy states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.

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 Appendix 2 of the DMP LDD outlines 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 high density areas an absolute minimum of 1 metre will be considered. Applications for front extensions will be assessed on their individual merits but should not result in a loss of light to windows of a neighbouring property nor be excessively prominent in the street scene.
- 7.1.4 The proposed part single, part two storey side and front extension would extend beyond the side wall of the dwelling by 4.7m, projecting beyond the front building line by 2.4m. The single storey front extension element would have a width of 3.5m to match the existing dwelling with a depth of 1m. The proposed single storey element would have a mono-pitched roof at ground floor level, whilst the two storey side extension element would have a gable roof form set down from the main ridge line of the host dwelling. Whilst the roof of the two storey element would appear somewhat detached from that existing it is considered to be of an appropriate scale and design to the host dwelling such that the proposed development would not result in an overly prominent or incongruous form of development such to justify refusal of planning permission, particularly given the set back from the highway, gable roof form to the opposite end of the terrace and variation within the street scene.
- 7.1.5 The proposed development would be visible from the street scene on Oak Green by virtue of its siting to the front and side of the application dwelling. However, it is noted that the application dwelling is set a minimum of 12m from the main highway, adjacent to a set of garages on Oak Green and is also set on a slightly lower land level than the adjacent dwelling at No. 31 Oak Green, which would assist in reducing the overall prominence of the proposed development. The proposed two storey element would be set off the shared boundary with No. 31 Oak Green by 3.5m first floor level, whilst the single storey element would be set adjacent to the shared boundary, however, it would not project beyond the existing neighbouring front extension. It is considered that 3.5m spacing at first floor level would be appropriate and maintain an appropriate level of spacing. In addition to the set back from the highway, the proposed extension would project in line with the opposite end gable of the terrace row at No. 33-36 Oak Green. In addition, the proposed development would be constructed in materials to match the existing dwelling which would further retain its character.
- 7.1.6 Whilst the proposed development would collectively alter the appearance of the host dwelling when viewed from the street scene, it is not considered that the proposed additions to the host dwelling would appear incongruous or unduly prominent within the street scene. The proposed development would not result in any demonstrable harm to the character of the host dwelling or wider street scene. In addition, it is not considered that the proposed development would result in a terracing effect given the end of terrace site circumstances, adjacent to a set of garages.
- 7.1.7 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or street scene. 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 (2013).

## 7.2 Impact on 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 Appendix 2 outlines that two storey rear extensions should not intrude a 45 degree splay line drawn 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 the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 7.2.4 The proposed development would be sited closest to the boundary with the attached neighbour at No. 31 Oak Green. It is noted that this neighbour is set on a slightly higher land level than the application dwelling, and the ground floor front element is set forward of the front elevation of the host dwelling. The proposed two storey extension would be set off the joint boundary with this neighbour by 3.5m at both ground and first floor. The proposed single storey front element would infill an existing space in between both properties and would be set in line with the front porch of this neighbouring dwelling. The total height of the proposed two storey extension would be set down from the main ridge line of the dwelling and would hip away from the boundary with this neighbour. It is noted that this element would project forward of the front building line of the host dwelling. When taken from a point on the shared boundary level with the front building line of this neighbouring dwelling there would be no intrusion of the indicative 45-degree line. As such given the separation that would be maintained to the boundary (4.1m between the two storey extension and the boundary with No. 31), and that the proposed two storey extension would be set down from the ridge line it is not considered that this would result in an overbearing form of development or harmful loss of light to the residential amenity of this neighbouring dwelling such to justify refusal of planning permission.
- 7.2.5 The proposed extension would be set approximately 2m from the southern boundary of the application site, beyond which is a footpath. The neighbouring dwelling to the south, No. 33, has its side gable facing the application site and that gable contains a ground floor window only. Given the separation distances and this relationship, it is not considered that the extension would result in a harmful impact on the amenities of the occupants of No. 33.
- 7.2.6 The first floor window within the rear elevation would have obscured glazing and would face the garage block and as such would not facilitate overlooking of any neighbour. New windows are proposed within the front elevation of the part single, part two storey side and front extension, these would predominantly overlook the application site's front amenity space, and in comparison to the existing fenestration are not considered to result in additional overlooking of any neighbour. Flank glazing is proposed at ground floor level facing the boundary with the garages, given the siting at ground floor it is not considered it would result in additional overlooking, no flank glazing is proposed at first floor level.
- 7.2.7 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 Amenity

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 application dwelling currently has two bedrooms at first floor level, the proposal would not result in an increase of bedrooms, with a walk in wardrobe/dressing room/home office at first floor level. Given no change, the rear amenity space is considered to be sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.

#### 7.4 Highways and Parking Provision

7.4.1 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.

7.4.2 The application site currently has two bedrooms at first floor level, which would require 2 spaces (1 assigned space). Currently there is 1 garage space, so an existing shortfall of 1 space. However, the proposal would not increase the number of bedrooms within the dwelling, so would not change the existing parking requirement or the existing shortfall.

7.4.3 The site has no off-street parking other than its garage, however, given the lack of parking restrictions and that the proposal does not increase the number of bedrooms it is therefore not anticipated to result in any material increase in the demand for car parking spaces and the proposal is considered acceptable in this regard.

#### 7.5 Trees and Landscape

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 Wildlife & 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.

- 7.6.3 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.

## 7.7 Use

- 7.7.1 A condition would be included on any approval requiring that the proposed extension is used only ancillary to the dwellinghouse and not as a separate independent dwellinghouse.

- 7.7.2 Given the proposed layout, it is not considered that the proposed walk-in-wardrobe/dressing room/home office could be converted into a self-contained separate bedroom.

## 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: TRDC 001 (Location Plan), 723/D001, 723/D002 B, 723/D003 B, 723/D004 B, 723/D005 A.

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).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed at first floor level or above in any elevation or roof slope of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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 The extension hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.  
Reason: The creation and use of a separate and independent unit would not comply 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 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto: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](http://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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community



Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 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.
- 13 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.