

PLANNING COMMITTEE – 14 AUGUST 2024

24/1064/FUL – Demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation; provision of window to side elevation AT 26 POPES ROAD, ABBOTS LANGLEY, HERTS, WD5 0EY

Parish: Abbots Langley
Expiry of Statutory Period: 30.08.2024

Ward: Abbots Langley and Bedmond.
Case Officer: Claire Wilson

Recommendation: That PLANNING PERMISSION IS GRANTED subject to conditions.

Reason for consideration by the Committee: The application has been brought to committee as the agent for the application is a District Councillor.

To view all documents forming part of this application please go to the following website:

[24/1064/FUL | Demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation; provision of window to side elevation | 26 Popes Road Abbots Langley Hertfordshire WD5 0EY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1064/FUL-Demolition-of-existing-conservatory-and-construction-of-single-storey-rear-extension-and-front-porch-extension-conversion-of-garage-into-habitable-accommodation-provision-of-window-to-side-elevation-26-Popes-Road-Abbots-Langley-Hertfordshire-WD5-0EY)

1 Relevant Planning and Enforcement history

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site consists of a two storey semi detached dwelling located on the western side of Popes Road, Abbots Langley, in close proximity to the junction with Trowley Rise. The host dwelling has a brick external finish, with two storey front gabled projection. At ground floor level, there is an integral garage, with mono pitched roof form which extends across part of the width of the dwelling to form an open porch. It is noted that no.26 is part of a group of semi-detached dwellings which are similar in terms of their architectural design, although no.22 and 24 to the north have been altered. Both of these neighbouring dwellings have had garage conversions, with no.22 also having a porch. In addition, it is noted that the wider streetscene of Popes Road is varied in character.

2.2 The building line in this location is stepped, with the host dwelling sitting forward of the adjacent neighbour, it is also noted, that the dwelling sits at a lower land level to the adjoining highway. There is a paved driveway to the frontage, which can accommodate three off street car parking spaces.

2.3 To the rear of the dwelling, is an existing single storey conservatory which sits off the boundary with the adjoining neighbour. Within the rear roofslope are two rear rooflights. With regard to the neighbouring dwellings, both appear to have single storey conservatories, however, no.28's conservatory is set away from the boundary with the host dwelling. A brick wall is located on the boundary with this neighbour.

2.4 Beyond the rear of the dwelling, is a rear garden which is mainly laid to lawn.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for the demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation, provision of window to side elevation.

- 3.2 The existing single storey conservatory would be demolished, and a single storey rear extension would be located in its place. It would have a depth of 3.3m and would be the same width as the existing dwelling. The extension would have a mono pitched roof form with a height of approximately 3.3m. Three rooflights would be located in the roof form of the proposed extension with a door and window to the rear.
- 3.3 The existing integral garage would be converted to habitable accommodation to form a new reception room. This would involve the removal of the garage door and insertion of a window which would be flush with the existing front elevation. Adjoining the garage, a new porch is proposed which would effectively infill the existing open porch structure. It would have a width of approximately 1.4m and a depth of 1.3m. A window would be installed in the flank wall of the porch facing towards the boundary with no.24. The roof form would remain unaltered.
- 3.4 A new window would be located in the flank wall of the existing dwelling facing towards the boundary with no.24. The plans indicate that this would serve a utility room.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Abbots Langley Parish Council: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 5.
- 4.2.2 Responses received: None received.
- 4.2.3 Summary of objections: N.A
- 4.2.4 Site Notice: Not required.
- 4.2.5 Press Notice: Not required.

5 Reason for Delay

- 5.1 Not applicable.

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 2023 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.

The Environment Act 2021.

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. Policy DM1 and Appendix 2 of the Development Management Policies LDD provides further guidance on residential development and sets out that development should not be unduly prominent within the streetscene.

7.1.2 The development would involve the removal of the garage door and its replacement with a window which would be flush with the front wall of the dwelling. Given that there would be no increase in footprint and the fenestration would be of a similar style to existing, it is not considered that the alteration would be unduly prominent. The application form also confirms that matching materials will be used.

- 7.1.3 Adjoining the garage, a porch is proposed which would effectively infill the existing open porch structure. Given the modest nature of the alteration and that the roof form would remain unaltered, it is not considered that this would appear prominent. Furthermore, it is noted that no.22 has a similar porch structure and as such this would not be uncharacteristic.
- 7.1.4 A new window is proposed within the original flank wall of the dwelling at ground floor level. Whilst there would be some views of this from the frontage, it is not considered that there would be any harm due to the siting of the window and its position at ground floor level.
- 7.1.5 Appendix 2 of the Development Management Policies LDD advises that extensions should not be disproportionate to the original dwelling; and that generally single storey rear extensions to semi detached dwellings should have a maximum depth of 3.6m. In this case, the proposed single storey rear extension would have a depth of 3.3m and therefore would be in accordance with the guidance in Appendix 2. In addition, it would not be significantly deeper than the existing conservatory and would be single storey which also would also prevent any unacceptable visual impact.
- 7.1.6 In summary, subject to a condition requiring the use of matching materials, the development is viewed as acceptable and in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (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 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 The proposed garage conversion would result in a new window being located in the front elevation of the dwelling at ground floor level. It is noted that this would have some outlook towards the neighbouring frontages, however, given these are publicly visible areas, it is not considered that any harm would occur to neighbouring dwellings.
- 7.2.3 The proposed front porch would be screened from the adjoining neighbour by the existing forward projection. In addition, there would be no harm to no.24 as the new porch would be set in from the boundary with this neighbour. The plans do indicate that a window would be located in the flank wall of the porch facing towards this neighbour. However, again, given this would be located away from the boundary and that it would not serve habitable accommodation, it is not considered that there would be adverse harm in terms of overlooking. In addition, a new flank window would be installed at ground floor level facing no.24. Given this would be at ground floor level and would be in part screened by existing timber fencing, it is not considered that there would be harm in terms of overlooking.
- 7.2.4 As already set out, Appendix 2 notes that generally the maximum depth of single storey rear extensions to semi-detached dwellings is 3.6m. In this case, the proposed extension would have a depth of 3.3m, which would be in accordance with the above guidance. With regard to no.24, the extension would be set in from the boundary with this neighbour and it is also noted that the rear elevation of this neighbour is set back further than the original rear elevation of no.26. As such, it is not considered that the extension would be overbearing or result in a loss of light.
- 7.2.5 With regard to no.28, it is acknowledged that the extension would be located immediately adjacent to the boundary with the adjoining neighbour. This neighbour has a single storey conservatory which is set in from the boundary with the host dwelling and therefore the ground floor rear facing window in the original rear wall of the dwelling would become more

enclosed. However, given the depth of the rear extension at 3.3m and the existing site circumstances it is not considered that significant harm would occur to justify refusal on this basis. In addition, it is noted that the extension would have an eaves height of 2.4m at the deepest point of the extension which would further minimise any significant harm. A condition shall be added preventing the installation of any flank windows within the extension.

7.2.6 The rear boundary of the site adjoins the flank boundary of a neighbour fronting Trowley Rise. There would be no impact to this neighbouring dwelling or to its private amenity space which would be the part located closest to the dwelling.

7.2.7 There would be no harm to neighbours opposite the site due to the separation by the highway.

7.2.8 In summary, given the site circumstances, it is considered that there would be no harm to the residential amenities of neighbouring dwellings. The development is considered acceptable and in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (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.

7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. Whilst the proposal would result in the loss of the existing garage, there is provision for three off street car parking spaces on the driveway in accordance with Appendix 5 and thus no objections are raised.

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. Appendix 2 of the Development Management Policies LDD advises that a four bedroom dwelling should have 105 square metres of amenity space.

7.4.2 In this case, the plans indicate that the existing garden has an area of approximately 84 square metres, and that the proposed single storey rear extension would reduce this area to approximately 74 square metres. Consequently, there would be a shortfall in amenity space. However, given the existing shortfall and the modest depth of the single storey rear extension which would replace an existing conservatory for part of its footprint, it is not considered that this would result in increased harm to justify refusal on this basis. Furthermore, the development would not result in the creation of any additional bedrooms.

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 application site is not located within a Conservation Area nor are there any protected trees on or near the site. As such, no objections are raised in this regard.

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.

7.7 Mandatory Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development [or enter alternative exemption here].

8 **Recommendation**

8.1 That retrospective PLANNING PERMISSION IS GRANTED subject to 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:

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Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with CP1, CP9, CP10 and CP12; of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011)

and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 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 in the flank elevation of the extension facing no.28 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).

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 £145 per request (or £43 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 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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.