

**4/00751/15/FHA - TWO STOREY REAR EXTENSION.
BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW.
APPLICANT: MR I KILICH.**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval.

The proposed rear extension will not have a detrimental impact on the character of the existing building the streetscene or the residential amenities of the neighbours. The proposal is in compliance with Core Strategy policy 12 and Appendix 3 and 7.

Site Description

The application site is located on the eastern side of Shootersway Lane, Berkhamsted and comprises a two storey detached dwelling well set back from the lane and with a detached garage to the front of the dwelling. Shootersway Lane is characterised by large dwellings on spacious plots well set back from the lane. The application site used to be part of the garden for the neighbour on the southern side the "Briars" but the land was subdivided and planning permission for a new dwelling was granted on the subject site in 1989.

Proposal

The original plans submitted were lacking detail, had inconsistencies and had rooms which you could not access. It was difficult to understand what was proposed. Improved plans were repeatedly requested and submitted until finally the current plans were submitted. These plans are still somewhat lacking but were considered adequate to assess the proposal.

The original scheme was out of character with the existing dwelling in terms of scale and design and would have overlooked both the immediate neighbours.

Through a number of sketches, a new scheme was devised entailing complete removal of rear flat roofed dormers, changing the design of the rear elevation, making eaves consistent with the existing dwelling and removing the side windows which overlooked the neighbours.

This application, as amended is for a part ground floor rear extension with a first floor extension to be built across the entire width of the dwelling. The extension is proposed to be 3.4 metres deep and have a ridge height lower than the existing house. The eaves will be in line with the existing dwelling. The proposal is to allow for an extended kitchen/family room at ground floor, one additional bedroom, and the enlargement of two existing bedrooms at first floor.

The proposal also includes 3 new windows on both side elevations at ground floor and first floor. The two new windows serving the shower and bathroom will be high level, top hung and obscure.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

4/02700/15/LDP for Part Double Storey, Part Single storey rear extension was submitted on 21st July, 2015. The decision on this application will be reported to the committee.

4/1342/10/FHA Proposed: Raise roof height to allow loft conversion with rear facing balcony, two storey rear and single storey front extensions and porch. This proposal was withdrawn due to design and impact issues.

4/0545/89/FUL granted planning permission for a new dwelling.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 58 & 99
Appendices 3, 5 & 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [BCA12: Shootersway]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Summary of Representations

Original Plans

Berkhamsted Town Council

Object.

This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan Supplementary Planning Guidance BCA12.

We request that should there be a further application for this site, the supporting drawings and plans be of a substantially improved quality.

Response to Neighbour Notification:

White Oaks (revised objections)

- windows on the side of the house and extension facing my rear garden will impact on my privacy and that of my next door neighbour's property, Puddledocks.
- overdevelopment of the site which is a small plot in comparison to others in the area.
- dormer windows do not appear to match the existing design, and they will result in the loss of privacy to my next door neighbour and the property known as The Firs.
- The side of the development adjacent to The Briars will only be some 3 metres from this property which does not conform to the distance of 5 -10 metres as stated in Policy 11 of the local Borough Plan.
- the bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.
- it is very difficult to assess the roof line or exactly what is planned from the drawings.
- poor quality of all the drawings so far submitted and the lack of any information on the materials to be used have made it difficult for me to carry out an objective assessment of the impact this development will have on my property and my quality of life as well as on the surrounding properties.
- if the poor quality of the planning application is indicative of the development as a whole, then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area and Shootersway Lane in particular.
- the positioning of the current house on the site in relation to the neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to both me and my neighbours. It will also result in a very small back garden which will not be in keeping with the surrounding properties

I urgently request that this application is rejected.

Puddledocks - Strongly objects.

- It is unclear from the scrappy drawings exactly what is proposed.
- the 'plans' show five windows on the north elevation, two on the ground floor and three on the first floor which would overlook the whole of our rear garden and south side of our home. This would be a gross intrusion into our privacy.

- we understood from the original owners of Briars Orchard that no further development of any sort would ever receive planning consent.
- over-development of this site. It is a small plot and this bulky addition with an assortment of windows is quite out of keeping with the surrounding properties.
- my objections also extend to the impact this unsightly development will have upon my neighbours in Briars, The Firs and White Oaks.

Garden Cottage - object

- very sketchy plans
 - completely agree with all points Mr Ben Roberts he has put forward in his objections.
 - our garden would be overlooked by the bulk of the first floor and dormer windows, which would be much closer to our boundary.
- the encroachment of the extension would leave the rear garden completely out of proportion with most other gardens in Shootersway Lane properties.

The Briars, Shootersway Lane (immediate neighbour) - object

We wish to object to the above application which borders immediately to the north of our house. We live at Briars, immediately next door.

By way of background, a not dissimilar scheme was applied for in September 2010. Whilst there are changes to that scheme, from our perspective they are largely cosmetic. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16th March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach the minutes from the town council meeting for your ease of reference.

Turning now to the latest application, I would comment that generally speaking, this third set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the third time we have had to consider and rewrite our objection. Whilst slightly better than previous submissions, the current drawings leave far too much to interpretation. It would have been helpful to shown some more dimensions and to annotate as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built. As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

1. **A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.**

The proposed development would have a very dominant effect on the original house when viewed from the rear.

2. A7.2 (i) (b) – roof form – it should match the existing house in terms of design, angle of pitch and materials.

From the drawings submitted it is very difficult to know exactly what is planned. It looks like flat roof dormer windows are part of the design now. If dormers are part of the design it would be a significant deviation from the current roof form, there are currently no dormer windows on the property, nor indeed anywhere visible on any of the houses affected by the proposal. There is no mention of materials to be used.

3. A7.2 (i) (c) – window design - it should match the existing windows in terms of size, proportions, divisions and materials.

The rear view windows have different spacings between them, they are not uniform—the drawings are so poor we are not sure if this is intended or simply inaccurately drawn.

4. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.

The rear extension will create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north. We receive a very significant amount of daylight especially from the high windows, which is a major feature of our house. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length

The proposed extension is only 1.5m from the boundary and is about 3.6m long (longer than the original 3.3m proposal). In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended.

6. 45° Rule

Our living room (our principle habitable rooms) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.

This is our principle objection and the proposal also contravenes CS12c and g. The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant brick wall and probably

dormer roofs protruding some 3.6m long by 7.1m high; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden. This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear.

8. Loss of Privacy

The side elevation facing our house has a whole new triple sill window built into the existing wall, directly looking into our garden. It is far from discernible as to whether or not this has clear or opaque glass. Even if opaque, it would create a strong sense of perceived overlooking.

The proposed side elevations on the first floor of the extension will have new windows which will, despite vague/ambiguous reference to them being opaque, create a significant perceived loss of privacy in garden and the other adjacent garden to the north (Puddledocks), contrary to planning policy. Puddledocks now has three windows overlooking them.

The large dormer windows will look directly into the garden and house of The Firs, causing loss of privacy.

General

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon when the land was first sold off. To increase the size of the first floor by almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is extremely visually intrusive and will harm the surrounding neighbourhood. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

The Firs - strongly object

Effect of amenity on neighbours – Policy Core Strategy 11 & 12

The proposed extension constitutes a significant increase to the overall scale, bulk and massing of the property. It contains a number of large windows set at an elevated position at first storey level that would approach our property by several metres and crucially would significantly overlook both our property and especially our garden. In addition, the development would add no less than eight new windows, all of which directly overlook its neighbouring properties.

As a result, the proposed development does not accord with the guidance set out in Dacorum Planning Policy CS11 in terms of design quality and Dacorum Planning Policy CS12 in terms the impact on the local area. Policy CS12 states that regarding

the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. The proposed extension fails on all three counts. Furthermore it is not in keeping with the development principles contained within Dacorum planning guidance BCA12 for the Shootersway area.

The proposed development will create significant additional visual intrusion for us from all our main living spaces, all first floor bedrooms and from our garden. In addition to dominating our plot it will have an impact on the daylight we receive, being SSW of our property and garden.

Our south facing garden and home currently enjoy relative seclusion and a light and airy feel. This development would result in a major loss of sunlight and visible amenity. The substantial growth in the bulk, height and proximity of the property would dominate our current sunny, southern aspect. The cumulative effect of the development would be a property that would be completely overbearing thus it would seriously affect the enjoyment of our garden and home.

The additional overlooking that this development would represent is even more significant and is a gross intrusion of our privacy. The hedge that marks the boundary between our properties is generally maintained and we have plans to reduce the height of this significantly to increase the daylight and sunlight for our garden. This means that the extension would further overlook our house and garden.

The three large, elevated first/second floor, clear glass windows positioned at comfortable head height result in our home and garden being over-looked **all year-round**. The windows stand proud of any existing screening that exists between the properties (which being deciduous is effective for the summer months only) and by being elevated from our property represent significant intrusion as they provide a 'grandstand' view of all our living areas and bedrooms and our entire, south-facing garden. This is a significant loss of privacy compared to that which we currently enjoy. We have a growing family and this is particularly concerning. The overlooking and loss of privacy would have a significant, ever-present impact in terms of living in our home. We request that you act to ensure that this is not taken away.

Domination of the existing house

Shootersway Lane comprises of large, detached houses with sizeable, mature gardens. The plot which Briars Orchard sits on is one of the smallest in the area. We understand that the size of the current house is as large as was deemed acceptable when the land was first sold off. To increase the size of the house by 30% would result in over-development of the plot and would leave only a small garden which would be completely out of keeping with the character of the area. The extension would also dominate the existing house.

The additional bulk of the property will also significantly adversely impact the principle habitable rooms in neighbouring properties in particular Puddledocks and the Briars.

Roof form to match existing roof-form

The proposed roof design is extremely confusing and includes a lowered guttering level and dormer windows to both the rear and both sides of the property – creating at least 5 dormer windows – all of which are not in keeping with the property. There

would also appear to be a flat-roofed element to the roof design, again failing to remain in keeping with the existing property.

Window design to match existing

The plans show several large, unevenly spaced and unevenly sized rear windows and additional side windows of various sizes. These are not in keeping with the existing design.

Extension along a boundary

The property already approaches its neighbours on the southerly boundary by less than the 5-10 metres suggested in planning guidance BCA12. This would contravene the policy and give a far greater impression that the two houses encroach on one another when viewed both from the front and the rear of the property.

Visual appearance of prominent rear extension

The development is also visually prominent despite being a rear-extension due to the orientation of neighbouring gardens – this is particularly relevant both for our property and our neighbours at Puddledocks and The Briars.

Taking the overall effect of the proposed plans it results in completely altering the nature and appearance of the property through varying the design, roofline and style, window design. The proposed house would add a total of eight new windows of varying sizes, five of which are at first floor level and all of which are sited to be directly overlooking their neighbours (five for Puddledocks, three for The Briars).

Furthermore, as there are no details regarding materials it is conceivable that the extension would be constructed in a manner that completely contrasts with the existing house.

General

We have strong reservations regarding the overall detail, accuracy and viability of what is proposed, in particular the roof treatment and the consequential impact of sloped and lowered ceilings to the first floor bedrooms. There are still many unanswered questions arising from the submission and the potential for these ambiguities to result in a far larger construction of poorer design and appearance.

In conclusion, we would therefore urge that this proposal is rejected due to falling foul of Dacorum guidelines in several areas: the impact on visual intrusion, loss of light and air, overlooking/loss of privacy, over-development of the plot and impact on the general amenity of both our own and our neighbours' properties.

Ploughmans Piece - strongly objects

The whole concept is quite unsuited to the character of this neighbourhood. The small plot of Briars Orchard is infill and the proposed extensions would be bulky and not in keeping with the area. The addition of many new windows would greatly affect the adjoining properties by their ugliness and bring about gross intrusion into their privacy.

St. Wilfreds - objects

Current Plans - now being considered

Berkhamsted Town Council

Mr Roberts a neighbour commented on the latest changes which were the sixth set of drawings since 2010 and that the latest was for a smaller development. He considered that the proposal was an overdevelopment of the site and that the proposed windows at the rear of the property were invasive (the new proposal was for four windows rather than three as previously). Drawings accompanying previous applications were poor. The new drawings are marginally better but no measurements had been provided and it was not clear how large the property would be. The new roof is wholly different and contravenes Policy CS 12 and Appendix 7

Mr Roberts was very concerned about the view from his garden which would be overlooked either by windows or a large brick wall which would stick out and set a precedent. Mr Roberts considered that this was a clear contravention of the boundary policy and that his own living room would be very dark. The proposal was out of keeping with the houses in the area and he noted that this was the smallest plot on the road.

Mr Scott a resident spoke against the application and explained that the proposed rear extension would be very visually prominent for approximately six houses. He noted that Core Strategies 11 and 12 should not incur unnecessary visual intrusion and that the proposal fails on those points because there is a loss of light and privacy and that it was of an indeterminate size and scale.

Object

The proposal was considered to be an overdevelopment of the site and that the four windows proposed would result in potential loss of light and visual intrusion for the neighbouring properties. There was no information on the materials to be used and concern was expressed about the roof height.

Councillor Reay declared a prejudicial interest as he had visited the site.

Comments from residents (received by 4 June, 2015)

Puddledocks- objects

Yet again, for a fourth time no less, we are required to submit our objections to the above request. I do so as follows:

1. The proposals mean a gross overdevelopment of this small and narrowing in-fill plot. It detracts from the existing house, invades our privacy and the neighbours' and is out of character with the area.
2. Contravenes Core Strategy Policies and local planning guidelines.
3. Furthermore, the Drawings, as you know, are without any scale or sizes, nor is

there mention of materials for use. If these were to be approved then he would have carte blanche to do just as his fancy takes him.

You will see that our objections have been hurriedly prepared; they are, nonetheless, very strong and we wholeheartedly echo those of Mr & Mrs Roberts and Mr & Mrs Scott our neighbours who also will be severely damaged if these ideas get the go-ahead from Dacorum.

Briars - objects

Dear Ms. Palmer, further to the submission of yet further revised drawings concerning the above application, as the owner of Briars, immediately to the north of Briars Orchard I wish to maintain my objection.

As a reminder and as previously mentioned, a not dissimilar scheme was applied for in September 2010. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16th March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach immediately below the minutes from that town council meeting for your ease of reference.

Object for the following reasons:

- Overdevelopment of the site, which is a small plot in comparison with others in the area.
- Size, scale, bulk of the development, particularly since the existing house is only approx. 3 m. from its neighbour, The Briars, whereas the appraisal for this Character Area (BCA12) specifies 5- 10 metres and contrary to Policy 11 of the Local Borough Plan.
- Increase from two to three storeys, contrary to BCA12 guidelines.
- The flat roof and the revised pitch to the other roof are out of keeping with the design of the existing house and the neighbourhood.
- The third floor and additional windows will result in a loss of privacy to neighbouring properties.
- The bulk of the design would result in loss of daylight to the house called Puddledocks to the north. Potential damage to tree/roots of a TPO'd Oak tree at the front of the house during construction.
- Turning now to the 2015 proposals, the previous set of drawings under the current application were rejected unanimously by Berkhamsted Town Council with one councillor referring to the drawings as "contempt of court". The Council rejected the last set for the following reasons:
- This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan Supplementary Planning Guidance BCA12.

We request that should there be a further application for this site, the supporting

drawings and plans be of a substantially improved quality.

Referring now to the latest submission, I would comment that generally speaking, this fourth set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the fourth time we have had to consider and rewrite our objection, it has been casting a shadow over ours and our neighbours for too long. The applicant is still trying to put a quart into a pint pot. Whilst the quality of the drawings is slightly better than previous submissions, they still leave far too much to interpretation and are still not good enough for proper consideration. No dimensions whatsoever are provided and in fact the drawings actually state "All dimensions must be checked on site and not scaled from this drawing". As a result we do not know how large the extension will be and it effectively gives the applicant carte blanche to do what he likes once on site. Again, there is no annotation whatsoever as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built.

As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

1. A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.

The proposed development would have a very dominant effect on the original house when viewed from the rear, indeed it almost looks like two semi detached houses when viewed from the ground.

2. A7.2 (i) (b) – roof form – it should match the existing house in terms of design, angle of pitch and materials.

From the drawings it looks like two pitched roofs meeting together in a semi detached style. It clearly fails this policy on all grounds, it is completely out of keeping with the existing house in terms of design and angle of pitch and there is no mention of materials to be used so we do not know what the applicant intends the finished product to look like.

3. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.

From our perspective, the latest proposal is as bad as previous ones as it will still create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north and is the major feature of our house. We receive our principle daylight from these high windows. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length

The proposed extension is only 1.5m from the boundary and looks to be about 3.6m long (longer than the original 3.3m proposal), though there is no way of verifying this from the drawings. In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended. The amended drawings have made no attempt to alleviate this issue.

45° Rule

Our living room (our principle habitable room) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.

This is still our principle objection and the proposal also contravenes CS12c and g. Viewed from our side, the amended drawings have not improved the situation for us at all. The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant solid brick wall and roof. We are not aware of how much the extension will protrude as the drawings clearly state that no dimensions can be taken from the drawings. We suspect that it will be at least some 3.6m long; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden.

This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear and inevitably lead other houses to want to do the same over time as a precedent would have been set if this is granted.

8. Loss of Privacy

The rear elevation now has four windows (previously three) which will look directly into the garden and house of The Firs, causing them an even greater loss of privacy. Whilst the new proposals have removed the windows overlooking our garden and Puddledocks, I believe that the applicant always intended to negotiate these away and is nothing more than a cynical gesture/concession. I seem to remember he used a similar tick in 2010.

General

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon when the land was first sold off. To increase the size of the first floor by I suspect almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is just as extremely visually intrusive as the previous proposal and will harm the surrounding neighbourhood. With the new roof form it is even more out of keeping with the existing house and totally unsuited to the area. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

Finally and apart from the overall unpleasant nature of what is proposed, the quality of the application still appears to be an attempt to fudge many issues and leaves far too many questions unanswered.

The Fir- objects

Please find attached our objection to the planning application referenced above.

We understand that the normal timescale for a decision is 8 weeks and that if the standard process had been followed in accordance with the submitted plans at that time this planning application would have been refused some weeks ago now on a number of grounds. We note that this would have concurred with your own decision, the judgement of Berkhamsted Town Council and the representations made by a number of neighbours affected by this proposed development. The recently submitted plans still fall short of any adequate response to the multiplicity of deficiencies in the design and this final re-iteration of plans is actually worse for us as there are now four second floor windows that would be overlooking us and invading our privacy. Worryingly, it includes the wording: "All dimensions must be checked on site and not scaled from this drawing". Anyone who secured planning approval with such a sweeping rider would have carte blanche to simply build anything they wanted to whatever dimensions they could stretch to. Mr Kilich has never actually resided at Briars Orchard and is attempting to build as big a box as possible for commercial gain, irrespective of the negative impact on the lives of a significant amount of neighbours who have lived in the area for many years.

St Wilfreds – objects

We have now had the opportunity to view the amended plans for this extension. In light of this we would like to reiterate our concerns as outlined in my email of 7th April.

White Oaks – objects

I refer to your letter dated 20 May and to the revised plans for the above planning application submitted by Mr I Kilich for the construction of a two storey extension at the rear of Briars Orchard, and wish to lodge a formal objection to this development on the grounds shown below.

- The overdevelopment of the site which is a small plot in comparison to others in the area. Even in this further revision to the plans the increased mass is considerable and is about a quarter of the existing property.

- The new design for the roof is out of keeping with all the other properties in the Lane and does not align with the existing roof line.

- The number of windows to the rear of the property has increased to four, with two retained on our side of the property. This will result in the loss of privacy to my family and the new plans will have a greater impact on my neighbours, in the Firs.

- The side of the development, adjacent to The Briars, is extended along the boundary line rather than being stepped in and does not conform to the distance of 5 - 10 metres as stated in Policy 11 of the local Borough Plan.

- The bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.

- The statement in the upper right hand corner of the drawing reads, "all dimensions must be checked on the site and not scaled from the drawings" indicates that the exact dimensions will not be known before building works take place.

Although there has been some slight improvement in the quality of the drawings, the lack of any information on the materials to be used, makes it difficult for me to carry out an objective assessment of the impact this development will have, not only on my property and my quality of life but on the surrounding properties as well. I believe this is the fourth or fifth revision to the plans for this application. If the poor quality of the planning application is indicative of the development as a whole then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area, and Shootersway Lane in particular.

I contend that the positioning of the current house on the site in relation to the neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to my family and my neighbours.

I urgently request that this application is rejected.

Considerations

Policy and Principle

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP appendices 3 Layout and Design of Residential Areas and 7 - Small Scale House Extensions.

Berkhamsted Character Area 12: Shootersway, describes the area as a large, mainly low density residential area on the southern side of town featuring a variety of mainly detached houses in a spacious semi-rural setting, dominated by informal heavy landscaping.

The positioning and orientation of dwellings varies considerably. Spacing also varies, but falls mainly within the very wide range (over 10 m) and some within the wide range (5 m to 10 m).

In terms of development within the plot the Character Study states there are no special requirements for extensions.

Effect on appearance of building

The part ground floor rear extension with a first floor extension built across the entire width of the dwelling will be in character with the existing dwelling in terms of scale and design. The roof design will be hipped back and the ridge will be lower than the existing in an attempt to reduce the massing. The materials will match the existing dwelling. There is a variety of roof designs along Shootersway

The proposed fenestration in terms of shape and size are in character with a dwelling

of this size. The dormer windows have been removed from the proposal.

The rear garden width and depth will be approximately 12.5 metres by approximately 19 metres and the front garden approximately 16 metres wide and approximately 30 metres deep. Based on this it is considered that there is sufficient spacing around the building to avoid a cramped appearance and retain a suitable amount of amenity space.

The property has a good level of screening at ground floor level around the boundaries by means of a mixture of fencing and vegetation. The only gap in fencing faces Puddledocks. (Proposed ground floor side window facing Puddledocks has been removed from the plans.)

Effect on Street Scene

The proposal by nature of size and location (ie. set down from the main ridge line and being to the rear of the dwelling) would not be visible from public vantage points along Shootersway Lane or Lane End.

Shootersway Lane is particularly varied in terms of size, scale and design of properties all detached and generally quite distinct from each other. Due to the variation in design types and styles along Shootersway Lane, the proposed two storey rear extension is considered to not significantly detract from the character of the area. The extension will project out from the rear of the existing dwelling which sits 1.5 metres from the southern boundary allowing retention of the gap between the proposal and Briars. It is acknowledged that this spacing is below that normally associated within this Character area but the proposal will not decrease the existing gap and in context of the adjacent properties, it is considered that the extension would not result in detrimental harm to the character of this area. It should also be noted that although the extension will be set approximately 1.5m from the boundary, as the plot is particularly large, significant space is retained to the front and back, preserving the open nature of the area.

Effect on Amenity of Neighbours

Loss of Privacy

Two new small windows are proposed on the first floor of the northern elevation facing Puddledocks. These windows will serve a bathroom and shower room and will be high level, obscure glazed glass and top hung.

A new window is also proposed on the southern elevation at ground floor level facing Briars. The boundary opposite the window is screened with a 2 metre fence and vegetation.

There will be 4 east facing windows in the proposed rear extension (ie. facing Garden Cottage). The distance between the new windows and the boundary fence will be approximately 19 metres. The distance between the two dwellings (which are not back to back but back to side facing) will be approximately 22 metres. The boundary between the two properties is fenced and screened with trees/hedging. The boundary next to the dwelling Garden Cottage is screened with tall trees. The current view from a bedroom window in the rear elevation of Briars Orchard (admittedly 3.4 metres further away from that now proposed) is only of the rooftop of Garden Cottage.

The rear elevation of The Firs will be approximately 21 metres from the nearest window proposed in the rear elevation. The Firs have a patio area at the rear of the dwelling nearest the site. Any overlooking from the proposal would be at an oblique angle as The Firs is located on the north-eastern side of Briars Orchard. Also it should be noted that even though there is one more window in the proposed first floor rear elevation there is actually going to be one less window pane. The existing elevation has 11 panes of glass and the proposed only has 10 panes. As a result there will be no increase in the amount of windows in this elevation. The main consideration is therefore whether the movement of the windows 3.4 metres back makes the overlooking significant.

There is some screening along the site boundary between Puddledocks and The Firs which forms a partial visual buffer between the existing dwelling and the adjacent neighbours. The vegetation on the Puddledocks boundary is thick but thins out along the boundary with The Firs.

Appendix 3 DBLP states that private gardens should normally have an average minimum depth of 11.5 which would allow the minimum back to back distance between dwellings to be 23 metres. There are no guidelines for rear to side distances.

Loss of sunlight and daylight

The Briars is the closest neighbour to the extension on the southern side. The development respects the 45 degree line principle from neighbouring windows comfortably and is not considered to impact upon outlook or light to neighbouring habitable room windows in this regard. The ground floor room belonging to the Briars which is nearest to the extension has high level side windows facing the site. These windows serve a living room which has windows at the front and large patio doors at the rear. There may be some light lost to the side windows but the other windows will not be affected. The proposal being on the northern side of Briars will not disrupt the sunlight provided as the sun goes from east to west.

The Firs and Puddledocks are too far removed from the proposal to be affected in terms of sunlight and daylight.

The effect on amenity of neighbours is considered acceptable in accordance with saved DBLP appendix 3 and 7 and policy CS12.

Other Considerations

The property has a double garage to the front of the dwelling and a long driveway with adequate parking provision for a dwelling of this size.

No significant trees or landscaping would be harmed by the proposal.

Sustainability

The development will be built to modern building regulations and considered to improve the overall sustainability of the home. The development will accord with CS29 with regard to sustainable design and construction.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A and B]

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality. The site is an tight infill development in an area of large properties on large plots. To ensure compliance with Core Strategy Policies 11 and 12.

- 4 **The windows at first floor level in the northern elevation of the extension hereby permitted shall be top hung and permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to comply with CS 11 and 12.

- 5 **No development shall take place until details of the obscured glazed glass to be used in the first floor windows in the northern side elevation of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure there is no loss of privacy for neighbours and to comply with CS 11 and 12.

- 6 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site location plan
Section
Existing elevations
Existing section
1623/2/5288

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement:

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.