

4/01230/12/FHA - PROPOSED FIRST FLOOR SIDE EXTENSION AND PART SINGLE AND TWO STOREY REAR EXTENSION.

9 LOMBARDY DRIVE, BERKHAMSTED, HP4 2LG.

APPLICANT: MR AND MRS J FEARN.

[Case Officer - Sally Peeters]

[Grid Ref - SP 99885 07314]

Summary

The application is recommended for approval.

The proposal is in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the DBLP and Policy CS4 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012). There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals would therefore be in accordance with Policy 11 of the DBLP and Policy CS12 Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012).

Site Description

The application site is a link detached dwelling located in a residential street within the built up area of Berkhamsted. The dwelling is gable fronted with an attached single storey flat roof garage to the side and a single storey side/rear extension behind the garage.

The dwelling sits within a row of similar link detached properties, which are all connected by single storey flat roofed garages to the side. The properties are located on a slope such that the property on the southern side (number 7) is approximately 1m higher than the application site and the property on the northern side (number 11) is approximately 1m lower.

The property has a single parking space to the front, plus garage and a garden to the rear.

Proposal

The application is for a first floor side extension above the existing single storey side extension, set behind the garage. The proposals also include a rear extension which is part single storey and part two storey. The side wall of the proposed two storey extension sits on the boundary between the application site and number 7.

The scheme would provide for larger living space downstairs and an additional bedroom and bathroom upstairs, such that the property would become a 4 bedroom dwelling.

The scheme has been amended during its consideration such that the two storey element of the rear extension has been reduced by 0.5m in depth.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary

views of Berkhamsted Town Council. These are that the proposal would be detrimental to the street scene.

Planning History

4/00263/08/FHA - Single storey rear extension.

Policies

National Policy Guidance

NPPF

Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 58
Appendix 7

Supplementary Planning Guidance

Residential Character Area BCA2: Swing Gate

Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS4 and CS12.

Representations

Berkhamsted Town Council

In response to the original scheme:

Object:

The development would lead to inappropriate in-filling between properties which would be detrimental to the character of the street scene and encourage an unwelcome precedent.

In response to the amended scheme:

Object:

Despite the slight reduction in rear width, the development would lead to inappropriate in-filling between properties which would be detrimental to the character of the street scene and encourage an unwelcome precedent.

Response to Neighbour Notification

In response to the original scheme:

No.7 Lombardy Drive (immediately adjacent to the south):

- window on the boundary will cause direct overlooking

- boundary will be turned into a solid wall, which will spoil outlook and devalue property
- damage to property during construction
- foundations will encroach
- interference with sewer pipe
- disturbance during building works
- roof will overhang property, this will not be permitted

No.5 Lombardy Drive (next door but one to the south)

- roofline overhangs neighbouring property
- application is misleading as it states all the development is within the boundary of number 9
- bathroom window is a fire hazard and should not be allowed
- overlooking from bathroom window
- extension is immense, over 50% greater than original house
- would set a precedent and link houses would become, visually, terraces
- overdevelopment that would alter character of house

In response to the amended scheme:

No.7 Lombardy Drive (immediately adjacent to the south)

- amendments do not address previous objections
- comments as above, plus:
- degradation of view from patio area
- obscure glass is still transparent and when opened is no longer obscured

No.5 Lombardy Drive (next door but one to the south)

- amendments do not address previous objections
- comments as above, plus:
- number 9 is trying to acquire a strip on number 7's land
- requirement for a party wall agreement
- no consideration to drainage
- no planning notice displayed

Considerations

Policy and Principle

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the DBLP and Policy CS4 of the draft Core Strategy

Effect on appearance of building

The existing dwelling is a 1960's link detached house which is of no significant architectural merit. The proposed two storey extension will extend the existing two storey part of the house rearwards by approximately 2.5m, and the existing single storey extension will be extended rearwards by 4m. The proposed first floor side extension has a depth of 4m and a width of 3m and is set well back within the plot behind the position of the existing garage and main hallway area. Extensions of this size and scale are considered appropriate to the host dwelling and will not over dominate it or project above the roof line.

The design and form of the extensions is in keeping with the main building, following existing rooflines and fenestration patterns.

The proposals are therefore considered acceptable in terms of impact on the existing building in accordance with Policy 11 and Appendix 7 of the DBLP.

Effect on Street Scene

The proposed two storey and single storey rear extensions will not be visible in the streetscene.

The proposed first floor side extension will be visible in the streetscene. However, it will be set back from the main frontage of the house by 5.5m behind the existing garage and hallway area. The property will therefore retain its link detached nature and character. Furthermore, the side extension will be set within the neighbouring boundary with number 11 by approximately 1m. Although the street comprises consistency of design (as is noted in the character area SPG), the side extension will not harm this.

Of note, is a similar extension at number 3, which is set back behind the garage and has not detracted from the link-detached character of the property in the streetscene.

The proposal is therefore considered acceptable in terms of Policies 11 and CS12.

Effect on Amenity of Neighbours

No.11

This is the property to downhill to the north. It has a large single storey extension on the boundary which would not be affected by the proposals. There are no side windows that would be affected and there are no new windows which would face directly onto this property.

No.7

This is the property uphill to the south. It has a single storey extension to the side with french doors to the rear and close to the boundary with the application and close to the position of the proposed two storey extension which sits on the boundary between the two properties. In the original proposal, the two storey extension fell within a 45 degree line from the neighbouring french doors. However, concerns were expressed regarding the level of visual intrusion caused by the extension. In response, the applicants agreed to reduce the depth of this part of the proposal by 0.5m. As a result, the two storey extension will now extend 1m beyond the rear wall of number 7 (given the staggered relationship between the two dwellings) and will fall well within a 45 degree line. Furthermore, as the application site is some degree lower than the neighbour at number 7, the new wall, although 2 storeys in height, will not be perceived as this from the neighbouring, higher, property.

Although it is acknowledged that the proposed extension will be on the boundary and will be visible from number 7, the harm caused is not significant. Levels of light will be

maintained to a good level and the reduced depth of the extension would not cause a harmful visual intrusion.

There is a window proposed in the side of the application site at first floor level to serve an ensuite bathroom. The position of this window is in the side elevation of the existing building such that permission would not be required to insert it. Nevertheless, its impact is considered acceptable. It will face towards the side of the neighbouring property at no.7 and whilst this property has two windows facing towards the application site, they are off-set and do not directly face each other. The proposed window serves a bathroom and will therefore be obscure glazed, and in response to concerns from the neighbour, it will be top hung and so views out of this window, even when open will not overlook the side windows of number 7. In order to ensure privacy levels are maintained, a condition is recommended removing permitted development rights for windows other than those applied for.

Number 7 has also raised a number of other objections regarding ownership and construction matters (see below).

Other Material Considerations

There is sufficient parking within the site (2 spaces) and on the surrounding streets for a dwelling of this size (4 bedrooms).

Response to Neighbour representations

Comment	Response
window on the boundary will cause direct overlooking	See report above
boundary will be turned into a solid wall, which will spoil outlook and devalue property	See above, devaluation of property is not a planning consideration
damage to property during construction	This is not a matter for consideration in this application
interference with sewer pipe / drainage	This is not a matter for consideration in this application
disturbance during building works	There will inevitably be disturbance during building works, any unreasonable or excessive noise and disturbance is dealt with by Environmental Health.
roofline overhangs neighbouring property / foundations will encroach	Land ownership issues are not a matter for consideration in this application
application is misleading as it states all the development is within the boundary of number 9	The application has been amended so that Certificate B was completed and notice served on the neighbour at number 7.
bathroom window is a fire hazard and should not be allowed	This is not a matter for consideration in this application

extension is immense, over 50% greater than original house	See report above
would set a precedent and link houses would become, visually, terraces	See report above
overdevelopment that would alter character of house	See report above
degradation of view from patio area	See report above
obscure glass is still transparent and when opened is no longer obscured	See report above
number 9 is trying to acquire a strip on number 7's land	Land ownership issues are not a matter for consideration in this application
requirement for a party wall agreement	This is not a matter for consideration in this application
no planning notice displayed	Site notices are not always required and the relevant neighbour consultation letters were sent.

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) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the

adjacent dwellings.

- 4 **The window(s) at first floor level in the south (side) elevation of the extension hereby permitted shall be permanently fitted with obscured glass and shall be top hung only 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.

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

E001
P001

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

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The proposal is in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the DBLP and Policy CS4 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012'). There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals would therefore be in accordance with Policy 11 of the DBLP and Policy CS12 Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13 and 58
Appendices 5 and 7

Supplementary Planning Guidance

Development in Residential Areas

Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS4 and CS12