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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 7 SEPTEMBER 2023 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Link
Councillor Durrant	Councillor Mottershead
Councillor Hobson (Vice-Chairman)	Councillor Patterson
Councillor Maddern	Councillor Riddick
Councillor Stevens (Chairman)	Councillor Silwal
Councillor Bristow	Councillor Mitchell

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

7. **ADDENDUM** (Pages 2 - 21)

# Agenda Item 7



**DEVELOPMENT MANAGEMENT COMMITTEE**  
**07 SEPTEMBER 2023**

## ADDENDUM SHEET

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### Item 5a

**23/00672/FUL      Construction of a new dwelling and detached double garage with crossover.**

**1 Fox Close, Wigginton, Tring, Hertfordshire, HP23 6ED**

NO UPDATES REQUIRED.

### Recommendation

As per the published report.

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**Item 5b**

**23/00828/FUL Construction of a ground floor rear extension and first floor rear extension, conversion of existing property to 4no. flats. Construction of a dormer window at the front elevation and construction of a bow window**

**51 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW**

Report correction

The first sentence of Paragraph 4.3 of the published report reads:

*‘4.3 Whilst similar in nature to the scheme previously approved under 21/02407/FUL, the current application proposes a reduction to the total number of flats provided, (from four to three units), as well as a reduction to the proposed extensions undertaken to the main building, (i.e. with the proposed side extension limited to the creation of a new bow window under the current scheme, and no extensions proposed to the front of the property under the current proposal).*

The above is incorrect. Paragraph 4.3 should read:

*‘Whilst similar in nature to the scheme previously approved under 21/02407/FUL, the current application proposes a reduction to the number of bedrooms provided within the four new flats, (i.e. from three 2-bed units and one 1-bed unit to two 2-bed units and two 1-bed units), as well as a reduction to the proposed extensions undertaken to the main building, (i.e. with the proposed side extension limited to the creation of a new bow window under the current scheme, and no extensions proposed to the front of the property under the current proposal).*

Recommendation

As per the published report.

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## Item 5c

**23/00960/FHA One and a half storey rear extension including room in roof space, extension to existing side dormer, re-roof with new tiles, reconstruct attached garage to side and installation of new doors and windows.**

**29 Langley Hill, Kings Langley, Hertfordshire, WD4 9HA**

Additional Comments received from No. 27 and planning consultant on their behalf.

KEY TO SUBMITTED PHOTOS 1-10,

OBJECTING TO AMENDED PROPOSAL 22/03760/FHA, SHOWING HOW THE PROPOSAL FAILS DACORUM BOROUGH COUNCIL CORE STRATEGY CS12 and DACORUM LOCAL PLAN, ON: VISUAL INTRUSION, LOSS OF PRIVACY, LOSS OF SUNLIGHT AND QUALITY OF DESIGN REGARDING LACK OF OBSERVATION OF ORIENTATION AND LEVELS., and LACK OF RESPECT TO ADJOINING PROPERTY IN TERMS OF: SCALE, HEIGHT AND BULK.

1. 29-25 Langley Hill, showing roof colours and heights of the 2 storey properties in the road.
2. This shows the existing elevated rear of no 29 Langley Hill
- 3.Existing rear of no 29 Langley Hill. The proposed extension is for a 4.65m depth, two storey, overbearing, 8m wide extension, extending to 8.5metres in height from our ground level.The proposed 1<sup>st</sup> floor replacement windows will be 2.5 to nearly 3 times larger than the current window.
- 3A. This shows the potential loss of privacy to ourselves at no 27, due to the 180 degree outlook, from the proposed 2 x2.5m glazed area at 1<sup>st</sup> floor level, together with the replacement of windows and doors at ground floor level by 6metre wide, visually intrusive, floor to ceiling, glazed bi- fold doors. Also note that no 29's floor levels will be 1.5 metres above ours, due to the slope of the hill. These differences in levels have not been taken into account in the design of this extension and the subsequent loss of privacy contravenes Dacorum's CS12 policy on Loss of Privacy.
- 4.The black outline shows the scale and bulk of this vast, overbearing 8m wide, full width, 4.65m depth, 2 storey extension, and how it will block and overshadow us, resulting in the loss of all afternoon and evening sun from our property and our neighbours, contravening Dacorum's Core Strategy on Height, Bulk and Scale.

4A-F Our house and those of our neighbours, faces North West. We therefore receive limited sunshine, so any sunshine that we do receive, is really enjoyed. This photo shows the existing outlook from our 1<sup>st</sup> floor study and the current western route of the afternoon and evening sun. The proposed height of the extension will block all our

afternoon and evening sunlight, to our patio, our kitchen French doors and rooflight, our 1<sup>st</sup> floor study and bedroom and our small original 1937 roof terrace. As we are sited on a hill, there are drops of between 1 to 2 metres between each property, going down the hill. As a result, nos 25 and 23 etc will also have all the evening afternoon and evening sunlight blocked to their patios , ground floor Velux rooflights and their rear 1<sup>st</sup> floor bedroom windows. This contravenes Dacorum's Core Strategy CS12 on Loss of Sunlight.

5. This diagram shows the difference between the existing 1<sup>st</sup> floor window with a window sill to the proposed floor to ceiling glass area. This hugely enlarges the viewing area, resulting in an even larger loss of privacy and therefore contravening Dacorum's Core Strategy CS12 on Loss of privacy.

6.This plan shows the horizontal lines of sight from the 1<sup>st</sup> floor bedroom/study window and the 45 degree line from our kitchen doors. Both lines fail the BRE test. The plan also shows how the proposed extension results in no 29 projecting forward from our first floor windows by 6.9 metres!

6A. Rear view of no 29, showing that" the applicants pass version" of the 45 degree vertical line of sight, from our kitchen French doors is only 0.5/1 degree less than the BRE guidelines, but this has never been formally measured. The horizontal degree line already fails the test in 2 locations. BRE quote that their guide lines should be interpreted flexibly. ( see plan 5 above)

6B. Plan showing the extent of next doors 2 storey extension, resulting in next doors property, projecting forward from our first floor windows by 6.9metres, failing Dacorum's Core Strategy CS12 on scale and bulk.

7.This shows the overlooking impact of the proposed glazed areas to the rear of no 29. The increased area of overlooking, compared to the refused previous application (i.e. 180 degrees compared to a much more restricted view due to the previously enclosed sides to the east and west.) results in an even larger loss of privacy, therefore contravening Dacorum Core Strategy CS12 on Loss of Privacy.

8.This shows the floor levels of the proposed extension compared to our property, the proposed full height glazed areas at both ground and 1<sup>st</sup> floor level, indicating the impact of the difference in levels between the two properties.

9. Plan showing the huge increased degree of overlooking from the proposed 2 x 2.5 metre glazed area, compared to the reduced overlooking from the previously refused, former plans with enclosed walls to either side.

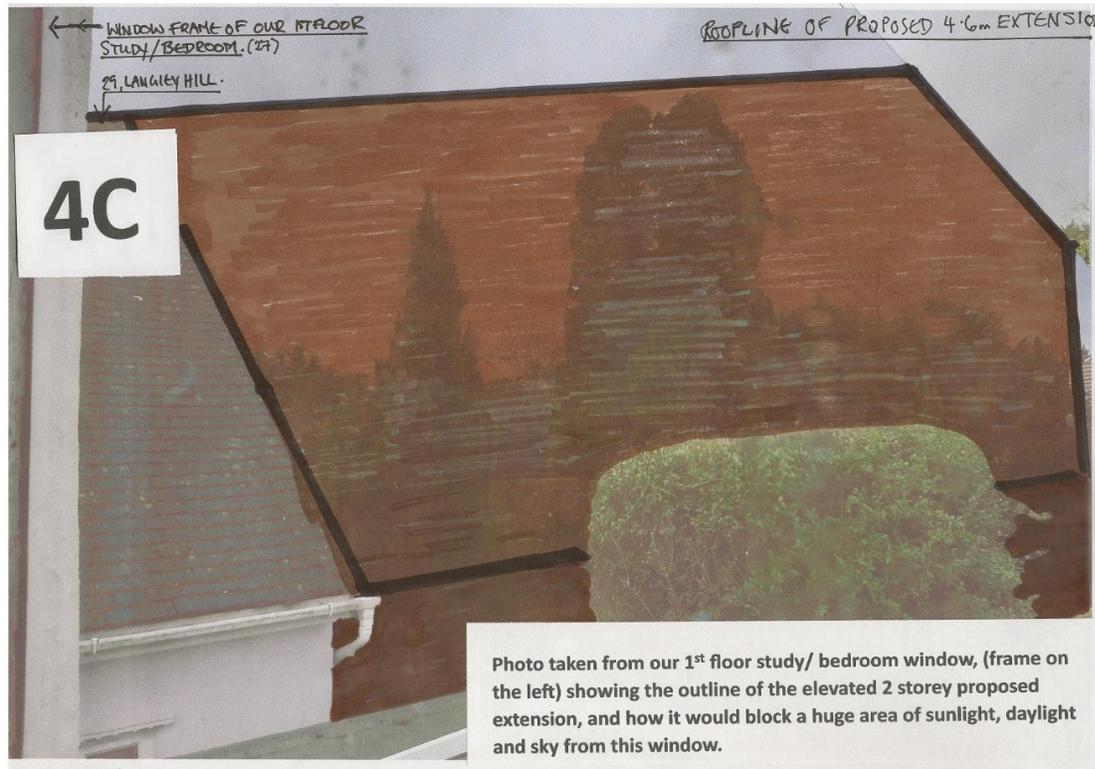


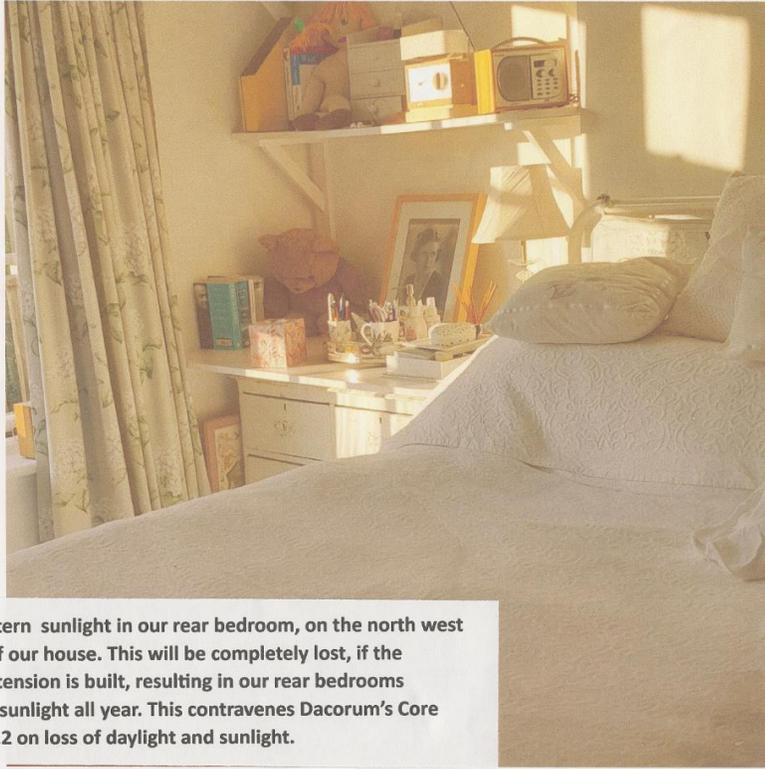




Diagram to show the overlooking impact of proposed glazed areas to the rear of no29.







Evening western sunlight in our rear bedroom, on the north west facing rear of our house. This will be completely lost, if the proposed extension is built, resulting in our rear bedrooms receiving no sunlight all year. This contravenes Dacorum's Core Strategy, CS12 on loss of daylight and sunlight.

**4D**



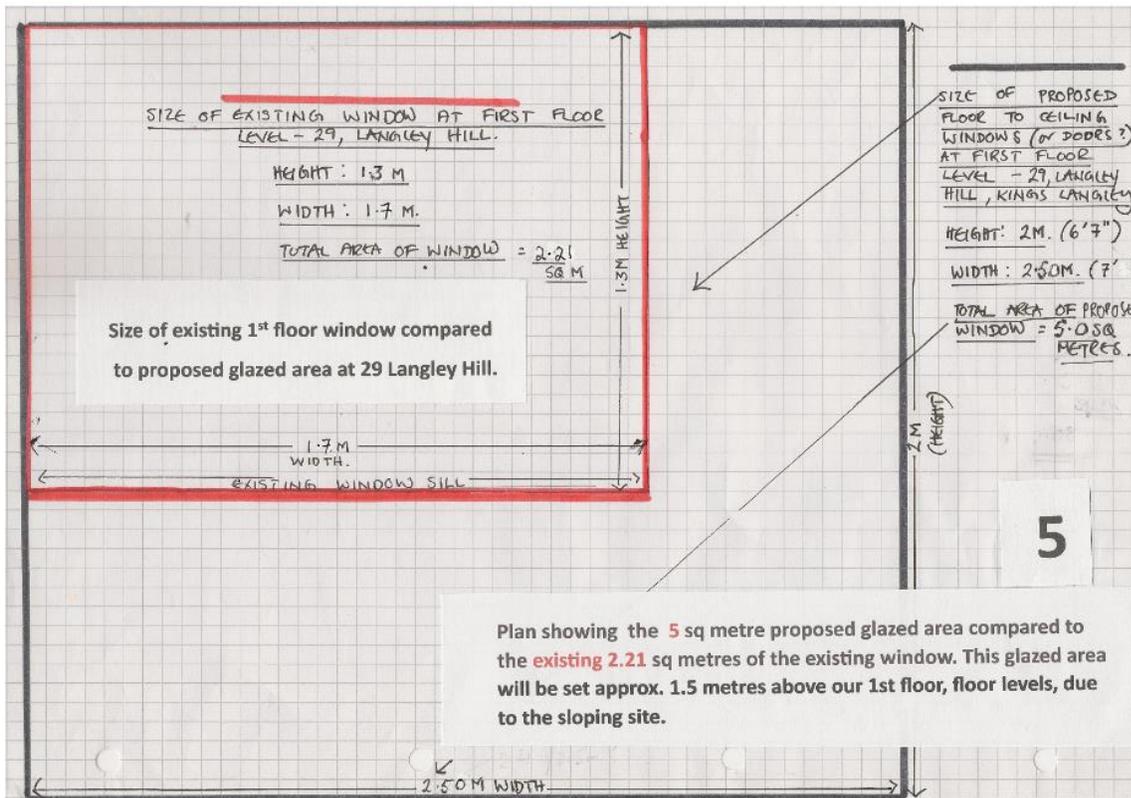
Photo showing the late afternoon/evening sunlight on our patio. The depth and height of the proposed extension will block ALL afternoon and evening sunlight to this area.

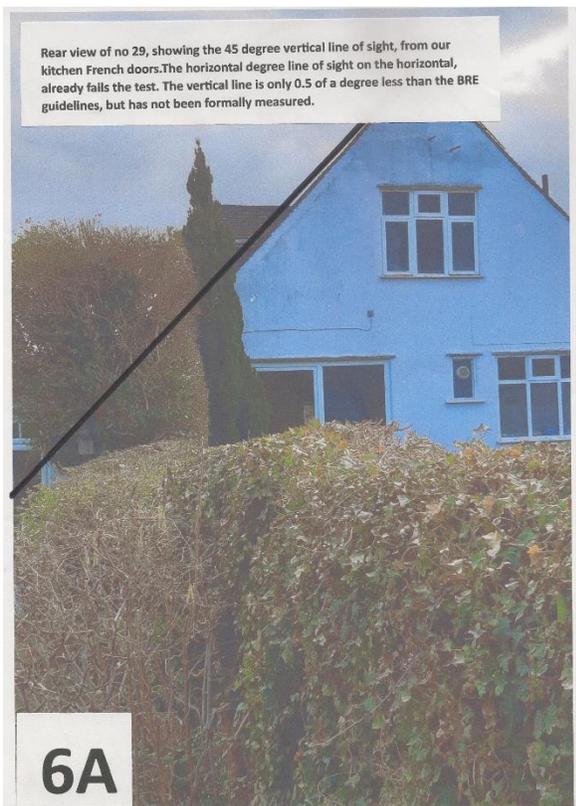
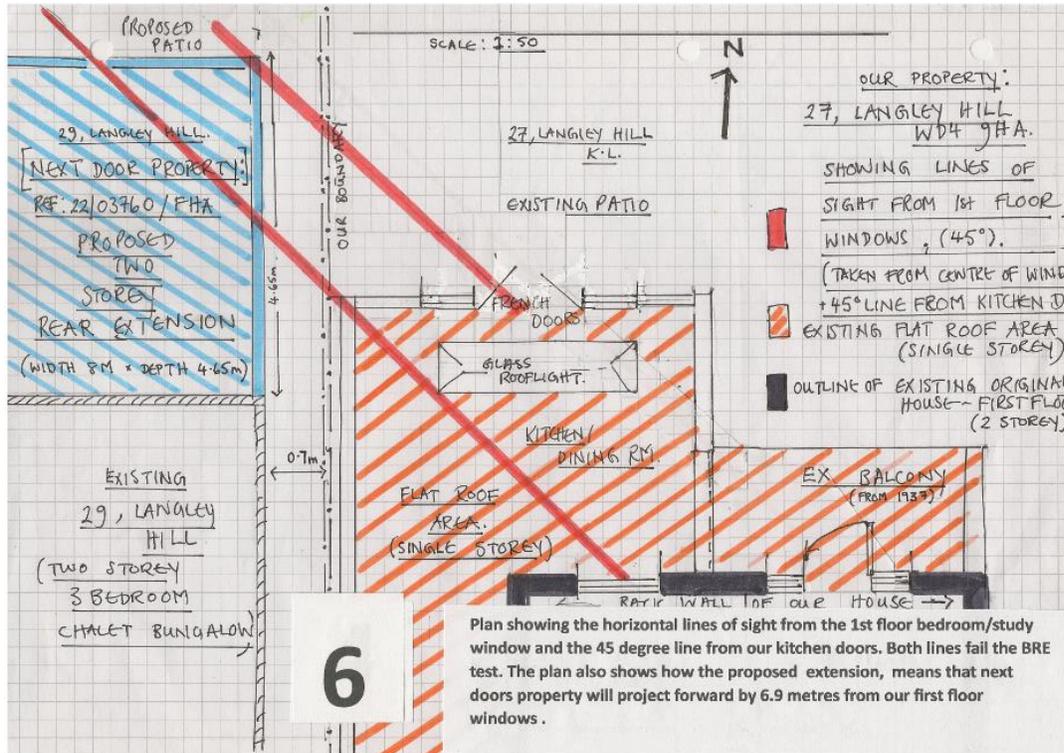
**4E**

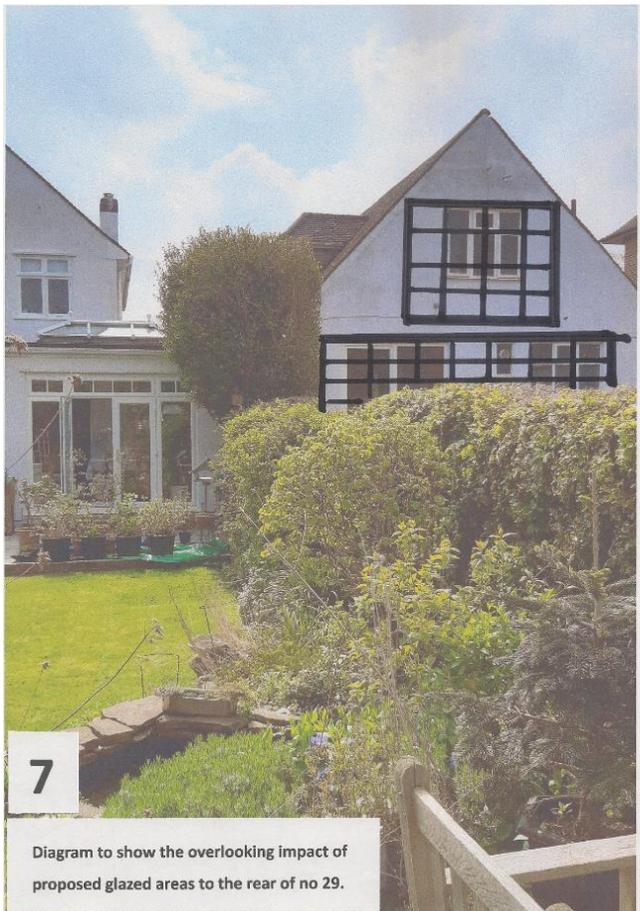
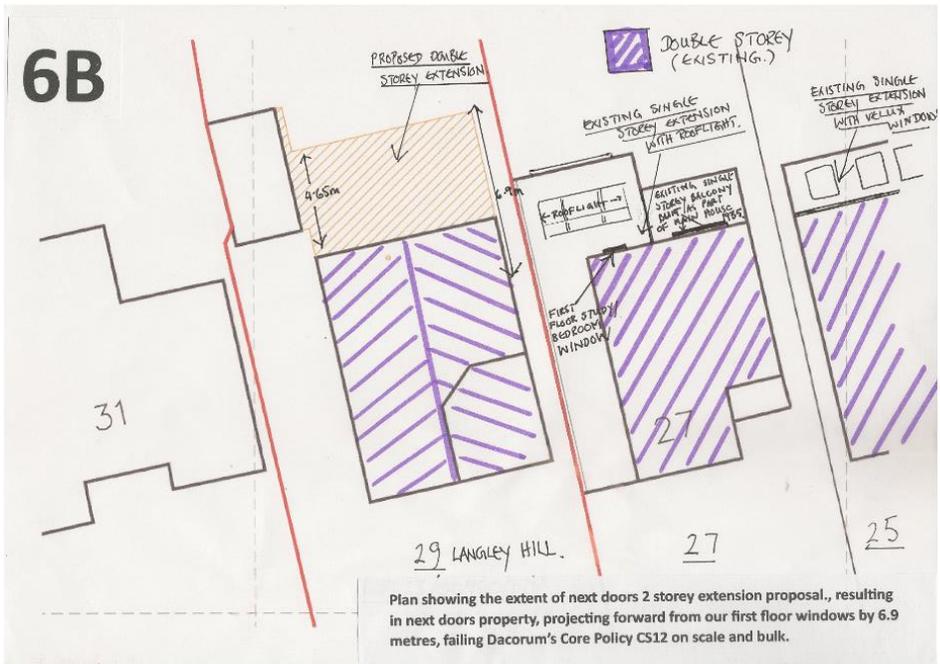
Photo showing the late afternoon/evening sunlight across the rear of no 25 Langley Hill. The depth and height of the proposed extension will block ALL afternoon and evening sun to their patio, their 1<sup>st</sup> floor windows and ground floor Velux's.



4F









8

Red line showing Floor levels at 29 Langley Hill  
And proposed glazed areas.



Response to the Case officers Report: Planning application 23/00960/FHA 29 Langley Hill, Kings Langley

Ref 9.8 Mass and bulk of extension

We understand that the property will not appear bigger from the road, but it is still considered to be significantly larger, more overbearing and certainly NOT in keeping with the scale of neighbouring properties.

The overall 1<sup>st</sup> floor depth of the property, if extended by 4.65m, as proposed in the plans, would be over 15.5m! This compares to an overall first floor depth of 9m of neighbouring property no 27, 12.5m depth of no 31, 11m depth of no 25, and 12m depth of no 23 Langley Hill.(See plan 6B in Addendum)

If extended, according to the submitted plans, the rear of no 29 will project out 6.9 m, at 1<sup>st</sup> floor level, next to the rear of our house and our bedroom windows. The applicants have frequently said, that no 29 currently sits back from the rear of our property by 2.3m, but they have declined to mention that this is a measurement from our ground floor single storey kitchen/diner extension only and that in fact no 29 currently sits FORWARD approximately 2.3m from our rear main house walls. (See plan 6B in Addendum)

Also ,due to the 1.5 m height difference in floor levels, between next door's floor levels and our lawned garden, the proposed extension and its vast roof area, will appear as a huge overbearing bulk, towering over us.

Although policy CS12 does not refer to an appropriate increase in size of property, these plans for a 49% increase of size, are obviously contrary to CS12 policy, as the proposals DO NOT respect the adjoining properties in terms of scale and bulk.

9.10 Street scene/materials/Replacement of brown clay tiles

The case officer has said that there is a variety of materials in the street. However, along the 0.8km long, Langley Hill, St Laura's care home, The Old Palace Public House and all 36 residential properties on the northern side of Langley Hill have brown clay tiles. The proposed modern grey slate tiles are considered out of keeping with the existing built environment and are contrary to CS12's policy reference to respect adjoining propertie's materials.

9.19 Loss of light;

Reference is made to the development extending around 3m from the rear wall of no 27. As we have pointed out in section 9.8 above, this ONLY refers to the projection from the rear wall of our ground floor , single storey extension. Number 29 ,if extended, as stated above , will project approx. 6.9metres from the rear main wall and bedroom windows of our property at no 27.

Reference is made to the 45-degree lines. The horizontal lines from both our kitchen doors and our first floor bedroom/study window, (which only has the one window as a source of light), FAIL the BRE guidelines. The vertical lines pass, by only 0.5 to 1 degree, and in view of the fact that these have been drawn up by the applicant, rather than a qualified daylight and sunlight surveyor, we consider that this property development could well fail the BRE 45-degree guidelines on daylight.

We acknowledge that this property development will not remove ALL the daylight from our kitchen/diner or patio area. However, to re-iterate, policy CS12 states that each development should AVOID loss of SUNLIGHT and DAYLIGHT to surrounding properties. The proposed vast extension will block all afternoon and evening sunlight and a significant amount of daylight, through our skylight and kitchen doors, as well as our 1<sup>st</sup> floor bedroom windows and our patio plus those of our neighbours at no 23. This will sadly change our kitchen/family room as well as our patio, which our family have enjoyed for many years. These areas will change from bright and sunny spaces to much darker, greyer spaces. As this development will result in a significant loss of sunlight and daylight to surrounding properties, including no 27, it is considered contrary to Policy CS12.

Please note there have been NO SUNLIGHT REPORTS OR ASSESSMENTS or shadow diagrams submitted, despite it being obvious that the proposed elevated extension will block a high level of sunlight from our property and patio . Oddly, the word "sunlight "is not even mentioned in the agent's planning statement, yet Dacorum Policy CS12 states categorically that loss of SUNLIGHT should be avoided!

9.22 "Replacement of the balcony with glazed doors, will result in similar views, of no 27's garden"

See PLAN NO 9 in Addendum

We acknowledge that the removal of the balcony is positive in reducing the ability for the residents of no 29, to impact the privacy of ourselves at no 27.

However as the balcony space has been internalised and replaced with a 2 x 2.5m glazed window area, this will enable the residents to sit by the windows, looking directly into our garden (at no 27)( as well as no 31's) and this will result in the loss of privacy to surrounding properties, contrary to Policy CS12.

The planning officer states that the extension will protect the privacy of 27 and neighbouring properties! Yes, it protects the privacy of our PATIO , but we already have that to a degree, with a semi evergreen hedge/tree on our boundary , but this proposal WILL BLOCK ALL AFTERNOON AND EVENING SUNLIGHT plus daylight , from the rear of our house and our patio , plus no 25's set below us.

The views from the proposed 5sq metre rear facing windows, CANNOT POSSIBLY BE CONSIDERED TO BE SIMILAR TO THE EXISTING RAISED, CILLED, 2.21 SQ M WINDOW, especially as the applicant has created an " indoor sitting area!". The view

and overlooking from the glass door area, on the previously refused planning application (22/03760/FHA) was a major cause for concern. However this refused ,INSET glazed area offered 90 degree views from the rear bedroom, looking outwards, due to the screening effect of the angled roofs to either side, whereas the views from the glazed 2m HIGH area on this latest application , offer AN EXTENSIVE 220 DEGREE view from the rear bedroom across OUR ENTIRE GARDEN! SEE PLAN 9 in ADDENDUM.

This application contravenes Policy CS12 , to an even larger degree than before, on visual intrusion and loss of privacy.

We suggest that obscure glass, up to eye/head level is considered by the committee, to reduce the overlooking over the neighbour's gardens as this would give both the applicant and both neighbours a degree of privacy both from inside and out.(It must be noted that the applicant has added two Velux clear glazed windows to this rear bedroom, on the west side, enabling him to gain extra daylight and enjoy all the afternoon and evening sunlight, which we would so sadly lose.)

Alternatively, perhaps the applicant would consider submitting, a revised application, as suggested by our Planning Consultant, reducing the upstairs bedroom extension to 3m depth ( the same size as the previous application),( also replacing the proposed 5sq m glazed area WITH A SMALLER WINDOW)? The ground floor could still be extended by 4.65m, with either a pitched tiled roof with Velux windows , or a raised brick balustrade with a large skylight on the flat roof behind, introducing far more light into the depth of their large kitchen/diner? This would reduce the overbearing aspect of a 4.65m x 8m extension on this elevated site.

#### **RESPONSES TO THE APPLICANT'S AGENT, Mr Luis Nieves Re; PLANNING APPLICATION 23/00960/FHA**

##### **GROUND LEVEL DIFFERENCES:**

We are concerned that in our last e mail to Dacorum Planning Dept, the measurements we quoted contained a typing error, in that we put the measurements in mms and cms instead of metres. Basically, despite Luis Nieves (the applicants agent) accusations, **the difference in FLOOR LEVELS between ourselves at no 27 and no 29, is 1.2 to 1.5m. Luis Nieves has continuously disputed this, by thinking we are quoting GROUND level differences. At the end of the day, it is the huge difference in levels and the drops between each property down the side of the hill, that make the Dacorum Core Strategy CS12 issues, of loss of privacy, loss of daylight and loss of sunlight, so pertinent. These levels have to be seriously considered as the impact is TOTALLY DIFFERENT to 2 properties on level plots. We trust that you will give this aspect of the plans your serious consideration.**

##### **BRE GUIDELINES:**

We have been looking at the applicant's recently submitted "BRE " drawings, as **Dacorum's core Strategy Policy CS12 says each development should c) Avoid visual intrusion, loss of SUNLIGHT and daylight!** We feel that Luis Nieves' report has been tailored to his clients requirements rather than an independent assessment being carried out. Our observations are as follows;

**The 45 degree horizontal PLAN lines from Window ONE , our 1<sup>st</sup> floor bedroom/study, and window THREE, (our kitchen French doors) both FAIL! Oddly enough, this fact is hidden in the tiny print in black and white, yet all their other results are highlighted in GREEN!**

Regarding the vertical measurements, the line from Window 2 , from our rooflight, at 45 degrees, almost touches the roof of the dormer of no 29, **only 0.5 of a degree out , yet this is marked as a pass, despite being drawn without any formal measurements?**

The vertical measurement from Window 3 (our kitchen French doors) **is only 1 degree out** from touching the entire slope of next doors roof, **yet this too is marked as a pass?**

If there is only 0.5/1.00 of a degree between a pass and fail, then surely it is obvious that there will be a reduction in skylight to our property and patio. There has been no shadow study undertaken. BRE suggest in 2.2.18/19 that their guidelines need to be interpreted flexibly and that the 45degree vertical lines only consider diffuse skylight and that additional checks for sunlight are needed. **Luis Nieves has consistently interpreted our objections to loss of sunlight as objections to loss of daylight.**

We have grave concerns that these estimates, from a site that has not been measured, are inaccurate and **there has been no consultation or report produced, by a qualified and experienced daylight and sunlight consultant.**

**REFERENCE: LUIS NIEVES-the Agent- Our Response.**

On re- reading Luis Nieves comments dated 23<sup>rd</sup> May 2023, and 31<sup>st</sup> May 2023, we note that he has written the following libellous comments: **(our response is in brackets):**

LN: "We have submitted factually incorrect and misleading objections."

LN: "Our claims can be shown to be false."

LN: "We have submitted purposefully misleading objections."

LN: We have suggested that our original 1930's wooden balcony is original and doubts the truth of this.

**(We have shown Briony and Laura, Dacorum planning officers, copies of the original plans of our property showing that both the lounge area (his suggested "extension"!) and wooden balcony over, date back to the 1930's!)**

LN: We have claimed that that the extension would also affect no 25 Langley Hill and that this is an entirely unreasonable and unfounded assertion.

**(This is untrue, as due to the height of next doors proposed extension, on such an elevated plot, it will block all late afternoon and evening sun through their ground floor extension Velux's and 1st floor bedrooms. We will be submitting photos of this.)**

LN: We retain control of substantial natural screening.

**(Despite this, the owner of no 29 employed a "contractor) to lean over and cut over a foot from our hedge despite it being on our land. It was done so badly, that we had to pay to have it re cut and levelled up! There is a tall semi evergreen privet tree currently on our boundary, that we have only trimmed, but not reduced this year or last, while we waited to see what as planned for no 29. Luis suggests that the proposed development would not be any worse than the existing situation due to this screening! (The tree is currently (August 2023) nearly 5 metres tall, compared to the 8/9m height of the proposed extension!).**

LN: We have claimed the gap between us and next door is 50cm, then 70cms on another objection.

**((The alleyway varies in width from front to back. Luis Nieves has not taken into account that the side of our house is not a boundary wall! Our boundary extends c15cms beyond our house walls. His assertion that there is a GAP (wall to wall) of 870mms is correct, where our extension ends, as unfortunately ,he has mistakenly included our land on his measurements, so the correct actual measurement from our boundary to no 29's wall is 720mm in that particular location..)**

LN: We have claimed there has been no consultation.

**(There was no consultation with the neighbours on either side before submitting both sets of plans, and no consultation with Dacorum until after the refusal of the 1<sup>st</sup> application. This summer we invited the Bakers to our garden, to suggest alternatives that would still give them, the same space as their original design, but would lower the impact of loss of privacy, light and sunlight etc to ourselves. They categorically refused to consider any amendments saying they were going to the "government" and that it was all too late. At no stage have we ever indicated that we are unlikely to accept ANY development and we consider that we have been totally open and reasonable to any ideas or alternative plans.)**

LN: We have lobbied the Parish Council who have continued to object based on these false claims.

**(We have never lobbied the Parish Council and the Parish Council have only expressed their objections, following a site visit to both no 31 and ourselves at no 27 and our submission of photos and discussion on the points raised in our objections).**

LN: We have demonstrated a lack of truthfulness within our objections and this risks undermining the planning process!

**(This is not true. We have gone to great lengths to submit visual information to back up our objections.)**

To sum up, we are appalled and upset by the libellous, unprofessional remarks and allegations made by Mr Luis Nieves (the applicants agent). We note that his Linked In page quotes, “we came across some very poor decision making from local planning departments”.

We have sought professional advice from a highly respected and experienced Senior Town Planner, Gaby Medforth, with a Master’s degree from Sheffield University and a chartered member of MRTPI. She considers that this planning application fails Dacorum’s Core Strategy policy CS12 on many aspects and she has submitted her report to Laura Bushby, the case officer at Dacorum planning. It is attached to this Appendix. We trust that you give it your utmost consideration before deciding whether to recommend this extension proposal.

Recommendation

As per the published report.

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**Item 5d**

**23/00610/FHA      First floor front extension and double storey side extension**

**253 Chambersbury Lane, Hemel Hempstead, Hertfordshire, HP3 8BQ**

NO UPDATES REQUIRED

Recommendation

As per the published report.

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