

**4/01695/17/FHA - CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION.  
INSTALLATION OF 2 POST TIMBER FRAME PORCH OVER FRONT DOOR. REINSTATE  
DECKING AT BOTTOM OF GARDEN UTILIZING UNDERNEATH SPACE TO CREATE  
STORAGE ROOM. CONSTRUCTION OF WOODEN SHED AND FENCING..  
35 MARRIOTTS WAY, HEMEL HEMPSTEAD, HP3 9EN.**

**APPLICANT: Mr G Boutany.**

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[Case Officer - Rachel Marber]

## **Summary**

The application is recommended for approval.

The proposed single storey front extension and raised rear patio through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013), Crabtree Area Character Appraisal (2004) and the NPPF (2012).

## **Site Description**

The application site is located to the north of Marriotts Way in Hemel Hempstead. The site comprises of a detached dwellinghouse located within the Crabtree Area Character Appraisal (TCA6). Marriotts Way is a cul-de-sac characterised by similarly design detached dwellinghouses of relatively identical architectural style and build line, many of which feature front and rear extensions. The overall character of the area is evident.

## **Proposal**

This application seeks permission for the construction of a single storey front extension and replacement of the rear garden decking.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the applicant being a member of staff at Dacorum Borough Council

## **Relevant Planning History**

4/01482/16/FHA	SINGLE STOREY REAR EXTENSION WITH BI-FOLD DOOR Granted 23/08/2016
4/1256/77	1 No. DWELLING Refused 19/12/1977
4/1888/88	DETACHED GARAGE IN FRONT GARDEN

Granted  
28/11/1988

## **Constraints**

Established residential area of Hemel Hempstead

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### Saved Policies of the Dacorum Borough Local Plan (2004-2011)

Appendix 3- Gardens and Amenity Space  
Appendix 7 - Small-scale House Extensions

### Supplementary Planning Guidance (2004)

Area Based Policies- Development Residential Areas Hemel Hempstead

## **Summary of Representations**

### 65 Cedar Walk

## **Objection**

1. Loss of light / overshadowing
2. Overlooking / loss of privacy
3. Noise and disturbance resulting from use
4. Visual intrusion
5. Design and appearance
6. Ground unstable deemed for collapse onto properties below

Regarding point 6 this has already started to happen as building this proposed structure has already started to commence, considerable amounts of earth fell onto our property. Steel fencing which has been at the back of the properties in cedar walk for over 50 years collapsed into our property. We have had to dispose of the earth and the fencing at a cost to us. Had any of this earth / broken fencing fallen onto one of our children whilst they played in our garden then we would be dealing with this through a court now.

### 63 Cedar Walk

#### **Objection**

Our garden back directly on to the garden where they are looking have decking. The ground level of the new decking will be about 8-9 feet above the ground level of our garden, and due to the nature of the hill we live on it would be even higher for others. Not only will this effectively give them a viewing platform straight into our garden, but also in to our kitchen/conservatory and they'll be pretty much level with our rear bedroom windows. It states the decking area will be for a shed, but there is nothing to stop them changing that in the future and reverting it to seating area/patio. It would be such a huge invasion of our privacy if they are allowed to utilize that space in such a way.

#### Response from Applicant

Attached is a picture of google maps of the location taken some years ago, it shows clearly the decking we always had, we had to remove it and reinstating it as it was getting dangerously rotten and needed replacing, so it is not a new decking and we are only replacing old with new.

At the moment, there is a very big tree between our garden and theirs that blocks the view towards their garden or any other part of their property which we are happy with as it is better for the privacy of both of us. On top of that, we are planning to put a fence to further protect our and others privacy. Furthermore, we are planning to put a nice wooden shed on the decking that will protect their privacy even more. Please see the attached picture taken from our garden of No 35 Marriotts way showing the trees and the complete privacy protection of their property which will be enhanced once we put the fences proposed.

Reply to comments made by No. 65 Cedar Walk I am going to address this point by point

1. Loss of light / overshadowing;  
None of this will occur as the block structure at the bottom of No. 65's garden is higher than what has been proposed.
2. Overlooking / loss of privacy:

The view from the proposed decked area will not differ from what it always was. In fact, their privacy will be protected even more by the proposed fences. Once fitted, you would have to be standing on tip toes to look into their garden

3. Noise and disturbance resulting from use:

There will be no noise resulting from the use of the store room as it is just for storage. If the concerns are regarding the decked area, then we have always used it as a garden seating area for years and never had any issue.

4. Visual intrusion:

5. Design and appearance:

For those two points, I will just say, what I am proposing is better designed and it will look better by miles than the structure at the bottom of his garden.

Please see photo below of the visual intrusion of their structure.

6. Ground unstable deemed for collapse onto properties below:

This is simply not true as no ground changes took place and no earth or fence affected at all. The structure itself and the decked area have been there since we moved in in 2003, the only difference is we are renewing the rotten deck and raising it by 35 cm which is 5 cm above the statutory allowed 30 cm. We have been very considerate towards all the neighbors and maintained a gap between our structure and the fence in order not to cause any issue to anyone.

The mentioned 50 years old fence has been removed by himself and it's quite clear how it was done. In fact, he told me when we started building the store room that he would like to remove the fence and back his fences to our store room wall.

This is the view from our garden to No 65 Cedar Walk, notice their unsightly structure which could be above the 2.5 m height allowed. Our proposed scheme will improve the view from our garden and protect their and our privacy.

## **Key Considerations**

### Principle of Development

The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

### The Quality of the Design and the Impact on the Character and Appearance of the Area

Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and

adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Furthermore, the Crabtree Area Character Appraisal encourages extensions to be subordinate in terms of scale to the parent building.

No aspect of the proposed rear patio would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

Although, the front porch would have a mixture of flat, pitched and gabled roof forms it would not appear as overtly intrusive within the street scene as the application site is located off the main street, accessible via public footpath. Further, other properties within the immediate street scene contain similar front porches such as immediately neighbouring properties Nos. 29, 31 and 33 and Marriotts Way which features full width porches with flat and pitched roofs. As such, the proposed front extension would also not appear incongruous within the street scene.

Overall, it is not considered that the proposed rear patio replacement and front porch extension would detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013) and Crabtree SPG Area Character Appraisal (2004).

#### Impact on the Living Conditions of Future Occupants and Surrounding Residential Units

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The proposed front porch would not impact upon the outlook or daylight of neighbouring properties due to marginal depth of 2.13 metres (adjacent to neighbouring properties) in conjunction with the existing front porch of similar depth to No.33 Marriotts Way and further front build line of 22a Lamsey Road.

Further, the raised patio above the existing garage would be a replacement of the existing structure (increasing height by 0.5 metres) above existing garden level. As such this would exceed what would be Permitted Development under Class E of the GDPO by only 0.2 metres. As such, this marginal increase in the raised patio decking would not result in significantly further loss of outlook to neighbouring residents at Cedar Walk. A 1.8 metre high close boarded wooden fence and 2.5 metre high garden shed has been proposed on top of this raised decking. Although the combined height of the shed and fence would be significantly higher than the properties on Cedar Walk it

would have no further impact than the sheds to the rear of adjacent properties on Marriotts Way due to raised garden levels. The garage store room under the patio remains unchanged.

Thus, the proposed in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Consultation Response:

Several concerns were received as a result of the application. The main concerns are addressed below:

*Loss of light/overshadowing:* Due to north-east orientation of the application site in relation to properties on Cedar Walk the proposal would not result in loss of light or overshadowing to the gardens or properties at Cedar Walk.

*Loss of outlook/privacy:* It is not considered that the 0.5 metre height increase of the raised patio would result in a significantly further loss of privacy or outlook to neighbouring residents than the existing structure. Further the fencing and shed would reflect site circumstance and relationship of other properties on Marriotts Way and Cedar Walk.

*Noise and disturbance resulting from use:* The use of the rear patio would remain the same, the existing structure is being replaced and therefore no change of use which would which would generate further noise and disturbance would occur.

*Design and appearance:* This has been addressed within the Quality of the Design section above.

*Ground instability:* This is matter dealt with and mitigated at Building Control stage.

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 development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Proposed Elevation End of Garden  
Proposed Plan  
Proposed Front Elevation**

**Proposed Side Elevation**  
**Proposed Side Elevation/front porch**

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

- 3 **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, in accordance with Policy CS12 of the Core Strategy (2013).

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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 2015.