

**4/01171/15/FHA - SINGLE-STOREY FRONT EXTENSION, PART SINGLE-STOREY, PART TWO-STOREY REAR EXTENSION AND ASSOCIATED ALTERATIONS.
122 NEW PARK DRIVE, HEMEL HEMPSTEAD, HP2 4QW.
APPLICANT: MR AND MRS J PILLAY.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The original scheme conflicted with the 45° rule set out in saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011 (DBLP) regarding loss of light. However, the submission of amended plans has relieved this issue and the application is now considered acceptable in accordance with saved Appendix 7 of the DBLP.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policy 58, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The application site is located on the north-eastern side of New Park Drive, within the Hemel Hempstead Character Area of Adeyfield South (HCA22). The surrounding area is designated for residential use and generally comprises terraced and semi-detached dwellings. The Maylands employment area is located approximately 250 metres to the east. The dwelling in question is an end-of-terrace property, characterised by light brick and white uPVC window frames.

Proposal

The application seeks planning permission for a single-storey front extension, slightly enlarging an existing porch and utility room. The application also comprises a part-single-storey, part two-storey rear extension. The single-storey element extends 4m from the rear elevation and stretches the full width of curtilage. The upper-floor would extend out 3m from the rear elevation but has been set back from the south-eastern boundary by 2m and 1.65m from the north-west boundary. The proposed rear extension would match the existing ridge height. The application includes a new lean-to roof on an existing single-storey side projection, incorporating three new roof lights, and a new roof light on the existing rear roof slope.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Adshead for the reasons listed below:

- Overbearing
- Loss of light

Planning History

None.

Relevant Policy

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Summary of Representations

Local Residents

118 New Park Drive, Hemel Hempstead, HP2 4QW

As a resident at this address for 39 years I am objecting to this development for the following reasons:

1. It will substantially alter the appearance of the terrace, blocking neighbours light and creating a claustrophobic effect to the front access for No.124.
2. The garage extension will also further substantially affect the frontal outlook we enjoyed and appreciated, until fencing was erected, for all the years of our residence.
3. The outward protrusion and height of the rear extension will again cause light disruption and the impression of being closed in and dominated/overwhelmed by the building.
4. The anticipated extra noise, traffic, dust, stored materials/equipment during the building phase is another cause of concern in a narrow residential road.
5. The whole character and ambiance of the terrace will be permanently altered.

120 New Park Drive, Hemel Hempstead, HP2 4QW

We wish to object to the planning application reference number 4/01171/15/FHA. We object to the planning options for 122 New Park Drive on the grounds of loss of light with the two-storey extension planned. I already lose light with the fence that is up already. If the extension goes ahead I would not only lose lighting into living room but also to my bathroom. My husband is partially sighted and registered disabled.

Further comments (amended plans)

We strongly object to the planning application 4/01171/15 FHA. On the grounds that we would have no privacy in our back garden. The building would be overbearing. This is totally inappropriate. This plan would also have severely affect light coming into my property. The single-storey with garage planned will be totally out of character with the adjoining terraced houses in the street. We have examined the plans and find it would have a negative effect on all the neighbouring properties.

Further comments (amended plans v2)

I wish to object to this planning application 4/01171/15/FHA again. I'm objecting on the grounds that the rear extension will bring loss of light and overshadow my property. It will overlook my property and loss of privacy which with cameras up already I will have no privacy at all if this extension goes ahead. This extension will look out of place in this street which has a good community of elderly and retired people and the noise will disrupt them and disturb traffic coming and going. Also this extension will also look out of place for an ex-council house.

124 New Park Drive, Hemel Hempstead, HP2 4QW

Having reviewed the plans supplied by the applicant, we would like to place an objection against the application. The reasons for objection are as follows:

Loss of Light, Overshadowing, Loss of View and Safety

As the current proposal stands I would lose a great deal of the light coming in to the side windows of my property, which was one of the reasons for our purchase. The front elevation, especially with the pitch roof, would essentially mean me having to walk through an dark alleyway to get to my front door and that would mean that from my lounge window I would only be able to see their extension and have my visual intrusion and loss of light and overshadowing comes into play. To me this is not acceptable. No other property has any large side extensions like this or a garage on the front of there house making this stand out from the rest of the street.

The proposed rear extension would reach half the length of our back garden. Having a double elevation would be too imposing as it would block most of our natural light and would be the main view from the kitchen and back bedroom windows. The positioning of my property is already set forwards from the rear of the property in question and projecting further back, would in my view, be too much and would be to my knowledge, setting a precedent for the street.

Further comments (amended plans)

My husband and I have received and have further objections to the plans submitted

under the ref above for 122 New Park Drive.

We do not feel that the plans have been altered enough.

The new plans submitted for the rear have been altered on the side further from my property, meaning that considerable loss of light to my property is no different to the original plan, which we had objections to.

Our property is situated forwards towards the street, meaning that their property already sits further back to the rear than ours anyhow. The plans submitted mean further encroachment increasing the shadowing over our property, blocking light to our kitchen, dining room, and rear bedroom.

The re submission regarding the front of the property has been altered slightly but will still cause huge overshadowing of the side and front of our property. The proposed elevation to the front will only be a few short feet further away from our boundary than the original plan. This will still result in very little to no natural light through the side window into my living room. The dual aspect of this room was one of the main reasons for our purchase.

The walk from my car to my front door is already like a tunnel due to the fence they have erected and the front elevation proposed would make this worse. I work at the local prison, and it is very important for me to feel as though I can enter my property with full view of the street without fear of someone waiting for me. Installing a light would not be sufficient, I need to feel as though my neighbours are able to see my front door.

Our second objection to the front proposal is the fitting into the surrounding area. No other property on the street has a garage protruding out at the front in such a manner. It would not fit in with the area and would set an unwelcome precedent.

Further comments (amended plans v2)

I am writing again in response to the new planning submission from our neighbours at 122 New Park Drive. Although the plans now do not include an extension to the front of the property, the plans to the rear remain unchanged.

I further submit that the intended changes to the rear will be at a great cost to my property. The two storey extension planned will still result in great loss of light and overshadowing as it will encroach halfway down our back garden, blocking the light to that part of it.

The fact that the property next door would be this far down our garden will also result in a loss of privacy in our garden. It will feel as though the rear windows will be practically hanging over our garden and there would be nowhere we would not feel overlooked from a very short distance.

There are no other properties in the immediate area that have such modifications to the rear and we feel that such changes would take this house out of the bracket that the area is suitable for small families and those downsizing as they get older.

Hertfordshire Police

Thanks for consulting me regarding this. Due to time constraints I have been unable to pay a site visit and so my comments are based on the information supplied.

Comments

No. 124 front door and access: I note that the front door is at the side of the dwelling down an existing alleyway arrangement and that the fence between 124 and 122 appears to step down in size towards the front public pavement. My normal generic advice regarding front doors down the side of the dwelling is to try and design them so front doors are only fitted to the front elevation.

There are disadvantages to front doors down the side of a dwelling which are:

- It can make the front elevation of the dwelling to the street appear inactive as the front door is not on the front elevation, even though there are active room windows facing the road.
- The side rear gates which give access to the rear garden are down an alleyway with no natural surveillance down them, which would aid offenders wishing to climb over this side gate / fence into the rear garden which is from where most domestic burglaries take place.
- This arrangement can isolate the occupant opening the door to a stranger, as there is little natural surveillance over the front door from the street. Thus a fear of crime is created as well as increasing the opportunity for crime.
- Because the front door is at the side it also means householders have to walk down the side alleyway, which on a dark evening especially in winter may create a fear of crime. Also if someone were to wait down this alleyway for an occupier to come home the occupier would not be able to see down this alleyway until they actually started to walk down it which would give them no prior warning. Also unfortunately with partnership breaks ups being more common and the consequent threat of domestic violence, this provides an opportunity for a threatening situation to more easily arise.
- Secured By Design states that front doors should not be recessed more than 600mm as this provides hiding areas. By creating a front door half way down the side of the property this has greatly increased the potential hiding area and thus the front door should be by the front elevation.
- Streets overlooked by building fronts (accommodating the entrances) improve community interaction and natural surveillance, creating a safe feel for residents and passers-by. Building with an obvious relationship to a public front and private back, fundamentally have improved security through their design.

As can be seen the occupier at 124 is at a disadvantage, and I can see why they feel a fear of crime potential, with the proposed new development (even without taking into consideration their occupation).

Proposed extension to 122: I note that the roof line over the ground floor new proposed development, over the new garage reach at its apex almost up to the 1st

floor bedroom window sill. This means that even though the roof line is sloping back and away from 124, and the garage will be set 1m away from the boundary, the roof line will still be very visible above the front boundary fence separating 124 and 122.

Fence separating 122 and 124 front gardens: I have looked at the two properties from ground level on Google Earth, and at the time the picture was taken there was no fence separating 122 and 124 to the front garden area. This meant that the front door access to 124, was very open and people walking along the street or accessing the terrace of dwellings at the side (124, 126 and 128) had good natural surveillance over the access path to the front door of 124. This means that the occupant of 122, would have felt safe accessing and regressing their front door as well as answering it to strangers. Also the new fence prevents occupants in the front active room of 122 looking out of their side window across the gardens of 124, 126 and 128, the public footpath and roadway.

Conclusion: I therefore agree with the comments from the neighbour at 124, even though the problem is not caused by either occupant, but is from the original design of when the houses were originally built, and the fence that has been installed between the two properties separating the front garden.

Further comments (amended plans)

Looking at the amended plan, as regards to designing out crime, I am content with the application proposed.

Considerations

The main issues of relevance to the consideration of this application relate to the impact of the works upon the character and appearance of the dwelling in accordance with Policies CS12 and CS13 of Dacorum's Core Strategy. Other issues of relevance relate to the impact of the proposal on the character and appearance of the street scene, the impact on neighbouring properties and the impact on car parking.

Effect on Appearance of Building and Street Scene

An assessment of the impact of the proposed works has considered the impact on the appearance of the building and street scene. The proposal would not have an adverse impact on the visual amenity of the property or the wider street scene. The majority of the works are situated to the rear of the property and would not be visible from the public realm. The works to the rear would therefore not appear incongruous to the existing dwelling or street scene in accordance with Policy CS12 of the Core Strategy.

At present, the terrace comprising 116, 118, 120 and 122 New Park Drive generally have open front gardens, positively contributing to the aesthetics and open feel of the street. The original scheme proposed a large front extension (garage), which would have developed the front of the plot and reduced the feeling of openness. This element was removed from the scheme and the remaining front extension is extremely marginal in comparison. Therefore, it is felt that the proposed single-storey front extension would not detract further from the street scene in accordance with Policy CS11 of the Core Strategy.

The proposal would be constructed with materials that would match the existing dwelling and would therefore harmonise with the parent building in accordance with Policy CS12 of the Core Strategy. In conclusion, it is felt that the proposal would not significantly detract from the appearance of the building or character of the street scene in accordance with Policies CS11 and CS12 of the Core Strategy.

Effect on Amenity of Neighbours

Consideration has been given to the impact that the proposed extension would have on the adjoining neighbours. 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 application site currently has two directly adjoining neighbours, 120 and 124 New Park Drive. Both of these neighbours have objected to the scheme. The grounds of their objections are listed below, as well as the ways that the amended scheme has addressed their concerns. The amended scheme will also be discussed and how it has helped to mitigate the negative impacts on these neighbouring properties.

- Overlooking and loss of privacy

The proposal would not reduce privacy to the neighbours when compared with the existing first-floor windows. There are no new windows proposed on the flank walls.

- Visually overbearing

Although the rear extension is fairly substantial, the amended scheme has centralised the first-floor element, bringing it in from the boundary of No. 120 by 2m and No. 124 by approximately 1.65m. This has been done to avoid visual intrusion and ensure that the proposal is not overbearing in accordance with Policy CS12. It should be noted that a two-storey rear extension (3m in depth) can be constructed as permitted development as long as it is set back from the flank boundaries by 2m, set no higher than the existing dwelling and set away from the rear boundary by 7m.

- Loss of light

Both neighbours strongly objected with regards to loss of light. However, using the assessment criteria set out in saved Appendix 7 of the DBLP, the amended scheme would not intrude into a 45° line from the midpoint of any neighbouring windows. The original scheme failed the light assessment and it was found that there would be a reduction of light to the neighbour at No. 120. The amended scheme addressed this issue by bringing the first-floor part of the extension away from this neighbour by two metres. The objector at No. 120 was concerned with the reduction of light to their ground floor lounge and upstairs bathroom. It should be noted that the bathroom window is constructed with obscure glazing and the primary window for the downstairs lounge sits at the front of the property, which would not feel any negative impact with regards to light.

The other neighbour at No. 124 objected with regards to loss of light to the side windows of their lounge. Again, it should be noted that this window is not considered as the primary window for this room. There is a much larger window on the principle

elevation that would be considered as the primary window. However, to mitigate any issues with regard to light to this window, the agent has removed the garage. This neighbour also commented with regards to loss of light to the rear of their property. Due to the location of the objectors property (being set in front by approx. 3.8m), loss of light to these windows is a pre-existing issue and would not be accentuated by the rear extension. The architect has included 45° degree lines and sun dials on the plan (0572/01D) to prove that the proposal meets our requirements in terms of sunlight/daylight. The eaves of the proposed rear extension are set down two metres from the existing pitched roof and using the guidelines set out in saved Appendix 7, it is apparent that the issue of reduced light would be extremely minimal.

It should be noted that measurements were taken during the site visit to ensure the accuracy of the sunlight/daylight assessment.

It should also be noted that due to the orientation of the dwellings and the pathway of the sun, the sunrise and early morning hours of sunlight are obscured by existing urban development and vegetation. As the sun moves through the sky, it makes its way over the top of the properties, allowing more light into the gardens. By the afternoon, the sun has moved to the front of these properties.

- Safety

The neighbour at No. 124 raised further concerns on the plans by stating that the garage to the front of the property would create a "dark alleyway" for the walk from her car to the front door. She works for a local prison and is concerned that her neighbours would not be able to see her entering her property. To ensure that the proposal would not cause any safety implications, Hertfordshire Police were consulted for comments. They responded with the following:

"I agree with the comments from the neighbour at 124, even though the problem is not caused by either occupant, but is from the original design of when the houses were originally built, and the fence that has been installed between the two properties separating the front garden."

Although Herts Police commented negatively on the application, they were mainly concerned with an existing fence, which had been erected under permitted development rights. However, Michael Clare, Crime Prevention Design Advisor, said that the proposed garage would worsen the existing issue with regards to safety/crime. The garage element was removed from the application and further comments from Hertfordshire Constabulary stated *"looking at the amended plan, as regards to designing out crime, I am content with the application proposed"*.

In conclusion, as a result of the amendments, there would be no significant harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed extension would not impact the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

Access and Car Parking

The need for and ability to provide additional off-street parking should be taken into account when considering proposals for extra bedroom accommodation (saved

Appendix 5 of the DBLP). The proposal would involve the creation of two additional bedrooms, transforming the existing two-bedroom dwelling to a dwelling with four bedrooms. A dwelling of this size would generate a maximum requirement of three on site car parking spaces; 1.5 above the existing requirement for the existing two-bedroom dwelling on the application site.

Three off-street parking spaces would be retained as a result of this proposal. Furthermore, the site is located proximate (walking distance) to local centres within Hemel Hempstead. It follows that the parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Additional Information

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. Due to the small-scale nature of this application, it is not CIL Liable.

RECOMMENDATION - That planning permission be **GRANTED** 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 in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

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

0572/01D

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

Article 31 Statement

Planning permission 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.