

**4/01158/15/FHA - TWO-STOREY SIDE EXTENSION.
THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA.
APPLICANT: Mr & Mrs Campbell.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval.

Site Description

The application site is located within the residential area of Berkhamsted and comprises a large two storey dwelling. The site is located within the Berkhamsted Conservation Area and the Grey House has been described as a non-designated heritage assets. The original grounds of the Grey House has recently been developed with four new dwellings.

Proposal

The application seeks planning permission for a two storey side extension.

Referral to Committee

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

Planning History

4/03699/14/FH REAR ENTRANCE PORCH

A

Granted
30/03/2015

4/01006/14/N NON MATERIAL AMENDMENT (PLOT 5 RELOCATION OF
MA WINDOWS) TO PLANNING PERMISSION 4/01044/12/FUL
(ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED
SCHEME).

Granted
27/01/2015

4/01210/14/N NON MATERIAL AMENDMENT (PLOT 3 SOLAR PANELS) TO
MA PLANNING PERMISSION 4/01044/12/FUL (ALTERATIONS AND
EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF
FOUR NEW DWELLINGS (AMENDED SCHEME).

Delegated

4/01211/14/N NON MATERIAL AMENDMENT (PLOT 3 DORMERS) TO
MA PLANNING PERMISSION 4/01044/12/FUL (ALTERATIONS AND
EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF
FOUR NEW DWELLINGS (AMENDED SCHEME).

Granted

27/01/2015

4/00870/14/TP WORKS TO TREES
O

Granted
31/07/2014

4/02339/13/DR ADDITIONAL/ ALTERNATIVE DETAILS OF MATERIALS AND
C HARD LANDSCAPING (ROOF TILE AND PAVING ONLY) AS
REQUIRED BY CONDITION 3 AND 4 OF PLANNING
PERMISSION 4/01044/12/FUL (ALTERATIONS AND EXTENSION
TO EXISTING HOUSE AND CONSTRUCTION OF FOUR NEW
DWELLINGS (AMENDED SCHEME))

Granted
15/05/2014

4/02255/13/N ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
MA CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED
SCHEME) - NON-MATERIAL AMENDMENT TO PLANNING
PERMISSION 4/01044/12/FUL

Granted
17/12/2013

4/01005/13/N ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
MA CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED
SCHEME) - NON-MATERIAL AMENDMENT TO PLANNING
PERMISSION 4/01044/12/FUL

Granted
16/10/2013

4/00843/13/DR DETAILS OF MATERIALS, HARD AND SOFT LANDSCAPING
C WORKS, WINDOWS, RENEWABLE ENERGY, CONSERVATION
MEASURES, SUSTAINABLE DRAINAGE AND WATER
CONSERVATION, CONTAMINATION, SLAB, FINISHED FLOOR
AND RIDGE LEVELS AS REQUIRED BY CONDITIONS 3, 4,
10,11,12 13 OF PLANNING PERMISSION 4/01044/12/FUL
(ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED
SCHEME))

Granted
17/10/2013

4/01044/12/FU ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
L CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED
SCHEME)

Granted
20/08/2012

4/02008/11/FU ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
L CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED
SCHEME)

Refused

18/01/2012

4/01151/10/FU ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
L CONSTRUCTION OF SIX NEW DWELLINGS
Refused
17/11/2010

Policies

National Policy Guidance

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

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 99,120
Appendices 5 and 7

Summary of Representations

Berkhamsted Town

It was **RESOLVED** to suspend Standing Orders to allow Mr Campbell, the applicant to speak for the application.

Mr Campbell explained that the amended application sought to address previous concerns regarding the extension.

This application had removed the balcony and spiral staircase so that there was only ground floor access to what would be a garden room. The loss of garage space meant the room would be used for storage of garden furniture and would remove the need for a storage shed to be constructed in the garden

The proposed extension has been reduced in size by 20%, and had been set back so as to be subordinate, proportionate to and complement the main building. The extension would be in materials appropriate to the Conservation Area and the restoration of the Grey House.

The reduced-size extension retained the gap between buildings, maintained the long view over the valley and would not adversely impact on neighbours.

Other houses in the neighbourhood have had similar sized extensions approved and built.

The meeting was reconvened.

Object.

The changes in this amended application are noted and appreciated.

However, a considerable amount of time and effort was expended on the development of this site which included the restoration of the Grey House, to ensure that an appropriate balance be maintained between the built environment and the spatial, green landscaped setting within the site, and that the architectural integrity and the setting of the Grey House be maintained. This included very careful consideration of the spacing between buildings.

The proposed extension detracts from both the intended spatial integrity of the site and the architectural integrity and design of the Grey House. As such, if approved, it would cause considerable harm to a heritage asset.

Contrary to Core Strategy Policies CS 11, CS 12 and CS 27, Saved Local Plan Policy 120 and contrary to the recommendations of Ian Radcliffe, the Planning Inspector who dismissed an Appeal for the development of this site in 2011 (APP/A1910/A/11/2145295 - attached).

Berkhamsted Citizens Association

The Berkhamsted Citizens Association wishes to object to this application on the following grounds:

- 1 The side extension is not a suitable addition to what is an extremely elegant house in the Conservation Area.
- 2 The extension with balcony does not relate well to the house.
- 3 The balcony may cause overlooking of adjacent gardens.
- 4 The proposal is not an enhancement of the Conservation Area.

Claremont House

We would like to object to this planning application because it would:

1. Dramatically reduce the distance between our house and the Grey house
2. Spoil our view of Berkhamsted and the valley
3. Allow the balcony to overlook our garden at the cost of our privacy
4. Plant trees on our boundary which would deprive us of sunlight and cast a large shadow over our garden
5. Ruin the look of the Grey House and alter the feel of the surrounding area.

In summary we see the proposed development as unacceptable on the following

grounds derived from both previously rejected applications and conflict with Dacorum Adopted Core Strategy:

- Maintenance of the gap between Grey House & (new) Claremont House (plot 3)
- Establishment of a gap between Kennet House (plot 2) and Ashton House (plot 5) -

Both these to ensure proportionate development and to avoid overdevelopment of the site

-Removal of Permitted development rights for any future development, specifically 'to avoid overdevelopment rights for side extensions for example "

The objective was to avoid over extension of the house, particularly at the side - exactly what is now being proposed. The

Conservation and Design

The Grey House is a charming Victorian detached villa that has recently been developed along with its surrounding curtilage.

The application is for a two storey side extension with balcony.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 131: In determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that heritage assets can make to sustainable communities including their economic vitality
- The desirability of new developments making a positive contribution to local character and distinctiveness

DBLP 120 Development in Conservation Areas; new development or alterations or extensions to existing buildings in the conservation area will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, In particular infilling proposals will be carefully controlled; use materials and adopt design details which are traditional to the area and complement its character; be of a scale and proportion which is sympathetic to the scale, height and overall character of the building to be extended; and in the case of alterations and extensions be complementary and sympathetic to the established character of the building to be altered or extended.

I would comment that the building has only recently been developed and extended, and at this stage I am uncertain whether Permitted Development was removed. I do

have serious concerns regarding the overdevelopment of this site given that the Grey House is a substantial property without this further extension.

I would also draw to your attention that in 2012 (4/01044/12/FUL) the Planning Inspectorate stated that any further development would unduly urbanise the site and that the spacious garden landscape setting would be eroded to an unacceptable degree. He continued, failure to maintain the balance between the built development to the site would be harmful to the setting of the conservation area.

I concur with these comments and would therefore recommend this application for refusal.

Trees and Woodlands

I have no objection to the proposed construction of a two-storey side extension at The Grey House but would require the submission of further information regarding landscape proposals.

The extension is planned on the western side of the dwelling, towards an area of garden containing two small trees, a Birch and Holly. I believe that these trees form part of approved landscaping for application 4/00843/13/DRC. Two other trees are present on site, a Yew and a Pear. Both are protected by Area TPO 496, served in 2010.

It is proposed to remove the two smaller trees to create additional open space around the extension. The removed trees are to be replaced with three new ones along the western boundary.

The two larger TPO trees are to be retained. Tree protection measures have been proposed on the submitted 'Arboricultural Impact Plan and Tree Protection Plan' DS05011501.03 and are acceptable.

I have been unable to ascertain what species or planting size is proposed for these new trees and what planting specification. Such detail should be submitted for assessment.

The location of the new trees is shown on 'Site Layout Plan' 1951 / 02B.

Comments from Agent

From our conversation last week I understand that objections have been made by neighbours on our revised proposal but these do not appear on Dacorum's website.

My client has requested that you forward the latest objection letters so that we can respond to them. I note that the comments of Conservation Team that we fully responded to have been removed from the website and that the Conservation Team has made comments on our amended proposal, which are also absent from the website. I would be grateful if you would also forward these. I must say that I find it highly unsatisfactory that having fully responded to the Conservation Team's comments it has now seemingly made different comments.

The 2011 dismissed appeal related to a proposal for "alterations and extension to the Grey House and 6 new dwellings". Although subsequently a number of non-material

amendments were made to that proposal, the proposal that was implemented was for “alterations and extension to existing house and construction of four new dwellings” granted under planning application reference 4/01044/12/FUL. The extension to the Grey House took the form of a shortened and widened rear wing incorporating a double garage, replacing a detached garage that was previously located to the rear of the property.

As identified in the 2011 appeal decision the main issue is “whether the proposed development would preserve or enhance the character or appearance of the Conservation Area”. As you will be aware case law has established that preservation in this context means the absence of harm NOT the absence of change.

Paragraph 7 of the appeal decision states that:

“The Grey House' is a large dwelling with substantial gardens surrounding it. The gardens provide a suitable setting for the house with both complementing each other. As a consequence, the house and its gardens make a positive contribution to the character and appearance of the Conservation Area. The tall boundary wall and mature landscaping around the edge of the site screens views into the appeal site from surrounding land. Nevertheless, the largely undeveloped nature of the plot provides a green backdrop to surrounding development. Furthermore, in long distance views from the raised ground on the northern side of the town, the appeal site forms part of the contrast of spacious plots and more densely developed housing which adds to the variety of the townscape.”

Paragraph 10 states:

The scheme would involve the renovation and alteration of 'The Grey House' and the construction of 4 new buildings; a detached dwelling; a semi-detached pair of houses; and a terrace of 3. houses with a detached garage. Although the appeal site slopes uphill, with the garden to the back of 'The Grey House' on higher land than the front garden, the proposed houses to the rear would be cut into the slope. As a result, all the houses on the site would be subservient in height to 'The Grey House'. However, the terrace and the semi-detached pair of houses would be substantial buildings in terms of their width and footprint. The 30m gap separating 'The Grey House' from its western side boundary is occupied by a number of trees protected by a Tree Preservation Order which make a contribution to the open verdant character of the site. The terrace and the semi-detached pair of houses, along with the associated hard standing, would take up the majority of this open space and result in the loss of most of these trees. The resulting quantum of development would unduly urbanise the site. As a consequence, whilst there would be scope for soft landscaping and planting around the perimeter of the site to soften the impact of the new development, the spacious garden landscaped setting of the house would be eroded to an unacceptable degree.

The current proposal for a side extension to Grey House must be judged against the current circumstance of the site and not against what existed at the time of the appeal application, which was significantly different. The Inspector was clearly concerned with the quantum and scale of development that was proposed at the time, which differs from what has now been constructed. Also, he was not considering a two-storey side extension which is effectively single storey in scale as it is cut into the slope of the site. In the context of the proposal before you I firstly reiterate my early comments that:

“The proposal maintains a 5.1 m gap between the extension and the side boundary and a gap of 9.2 m between the side elevation of Claremont House and our proposed extension, which is quite significant. As demonstrated by the Site Location Plan, the site of The Grey House is larger than that of the site of No 36 on the opposite side of Kitsbury Road, which is an equally substantial property, and the gap between it and the adjacent terrace is less than is proposed between the proposed extension to The Grey House and Claremont House”. In the context of the immediate surroundings the proposal will maintain the spaciousness of the area, as a substantial gap will exist between the Grey House and its neighbour commensurate with the gaps between other properties on spacious plots in the area. When viewed from the new access road serving the recent development of four houses, the proposed extension is only single storey and is set at a lower level than the road, preserving a greater sense of openness between the Grey House and Claremont. I observe that the proposal will be largely screened by the existing boundary wall (see attached View of Grey House from access road).

I have now had the opportunity to consider the effect of the proposal on views across the valley, an issue with which the appeal Inspector concerned himself, and attach photographs of the site before and after the residential development on its former plot was constructed. From these photographs it can be seen that a single storey extension will not be or will only be barely visible in views across the valley due to screening by buildings and trees lower down the hill. The effect of the proposal on these views will be insignificant and will certainly not amount to harm to the Conservation Area as a designated heritage asset and the presence of the new housing development does not impact on this assessment. Please note that all the photographs are taken with a telephoto lens and that with the naked eye the effect of the constructed housing development and the current proposal is further reduced.

Considerations

Policy and Principle

The Grey House is located within the residential area of Berkhamsted wherein the principle of household extensions is acceptable subject to compliance with all other policies of the plan. Policy CS12 requires all development to a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space.

Policy CS27 of the Core Strategy states that development will positively conserve and enhance the appearance and character of the conservation areas.

Effects on appearance of building

The scheme has been amended so that the proposal now only includes a side extension without any roof terraces. The simple form of the extension appears subservient to the parent property and due to the levels, would appear as a single

storey extension to the side. No objection is raised in design terms.

Impact on the Conservation Area

Particular emphasis has been placed by neighbours and the conservation officer on the dismissed appeal from the inspectorate when considering the refusal planning permission for 5 new dwellings within the curtilage of the Grey House in 2011 however the context of this appeal decision was in relation to redevelopment of the whole curtilage of the site with 5 new dwellings. In context of this application for a side extension to the parent property, it is not considered that it would harm the character of the conservation area and would appear subservient to the parent house. Furthermore, from longer views to the site, due to the limited height and size of the proposal, the extension would not appear prominent within the site. It is considered that the side extension would not erode a 30m gap between the Grey House and the nearest property (recent building) and as such the setting of the grey house in the Conservation Area would be retained.

Impact on Trees and Landscaping

The Trees and Woodlands Officer has considered the application and has raised no objection. It is proposed to remove two smaller trees to create additional open space around the extension. The removed trees are to be replaced with three new ones along the western boundary. The tree officer has requested that the planting specifications of the proposed trees are submitted and approved by condition.

Impact on Highway Safety

The extension would not result in harm to Highway safety and no objection is raised in parking terms. The extension would not introduce additional bedrooms and as such, increase in parking spaces is not warranted.

Impact on Neighbours

The next door neighbour, has raised concern that the proposed extension would result in a loss of light, ruin their view and reduce the gap between the Grey House and their property. A space of approximately 10m is retained between the neighbours property and the proposal, as such, light would not be significantly reduced and sufficient space is retained to ensure that privacy. There are no side windows on the flank elevation of Claremonth and as such it is considered that the extension would not appear overbearing or allow overlooking. Loss of view would not be a material consideration to warrant a refusal. No objection is raised on neighbouring amenity.

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 in accordance with policy CS12 of the adopted Core Strategy.

- 3 **No development shall take place until full details of the replacement trees shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the Conservation Area in accordance with policy CS12 and CS27 of the Core Strategy and policy 120 of the adopted Local Plan.

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

Site Location Plan]
Existing Survey
1951/04b
1951/03b
1951/02b

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