

**4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY  
CONSISTING OF GYM AREA AND DETACHED GARAGE.  
17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY.  
APPLICANT: Mr M Akram.**

---

[Case Officer - Amy Harman]

### **Summary**

The application is recommended for approval

### **Site Description**

The site is located on Highclere drive, a residential area in Longdean Park, Hemel Hempstead. There is a verdant aspect with significant trees bordering the rear of the property. Properties in this area are situated on large plots set back a significant distance from the road. Plots on this side of Highclere Drive occupy elevated positions in relation to the highway and have dense and mature screening to the front boundary. Dwellings are generally large and detached but there is little consistency in terms of design or architectural styles.

The application site relates to a large two storey six bedroom dwelling.

### **Proposal**

The proposal is for an outbuilding for a gym and a separate garage to the front.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Nash Mill Parish Council

### **Planning History**

4/00601/17/FHA CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY  
CONSISTING OF TWO CAR GARAGE AND GYM AREA  
Granted

4/00090/16/LDP CONSTRUCTION OF GYM AND GARAGE.  
Granted  
29/02/2016

4/00092/16/RO VARIATION OF CONDITION 5 (APPROVED PLANS) ATTACHED TO  
C PLANNING PERMISSION 4/01620/13/FUL (DEMOLITION OF EXISTING  
HOUSE AND REPLACEMENT WITH TWO-STOREY FOUR BEDROOM  
HOUSE).  
Granted  
24/02/2016

4/01372/14/FUL DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF TWO-  
STOREY, SIX-BEDROOM HOUSE.  
Granted  
10/12/2014

4/01620/13/FUL DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH TWO STOREY FOUR BEDROOM HOUSE.  
Granted  
13/12/2013

4/01218/95/4 SINGLE STOREY REAR EXTENSION FIRST FLOOR SIDE EXTENSION  
Granted  
26/10/1995

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS25 - Landscape Character

### Saved Policies of the Dacorum Borough Local Plan

Appendices 5& 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area Longdean Park (HCA25)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Nash Mills Parish Council

The proposed building in the back garden is still larger than the average family house by almost 50%. This is the equivalent of having a 3 bed bungalow in the back garden & therefore inappropriate. A detached double garage in the front garden, with the foremost part of the building 13m in front of the house would be out of keeping with all other houses on the Estate & would be well in front of the building line. The D of E's addendum to Planning Policy Statement 7 Residential Extensions & Alterations says at para A12:

"Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted. "This is particularly so in a building which is going to be 8m wide & 6.6 m deep and is in an elevated location as this would be. The garage

would be in close proximity to the amenity space & would impact all Estate residents.

### Hertfordshire Highways

No objections

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

*17 and 19 Highclere Drive & 35 Longdean Park- Object*

35 Longdean Park

I am sorry to email you rather than raise further objections to the development proposed at 17 Highclere Drive via the website but I am unable to open the page which allows me to make comments - the Dacorum website says there is a server error.

I am extremely unhappy about the new proposals. The proposed gym and storage area in the back garden is still larger than the average family house by almost 50%. This is still the equivalent of having a 3 bed bungalow in the back garden with the possibility of adding a storey later on. I still therefore believe that is inappropriate.

I understand the new proposal is also to build a double garage in the front garden, (again one which is considerably bigger than the average double garage), detached from the house and indeed some 5 metres in front of the front elevation of the house. This would mean that the foremost part of the building is 13 metres in front of the house. This is completely out of keeping with all the other houses on the Estate - none of which have detached garages in the front garden. In addition I believe it would mean that the garage would be well in front of the building line, with the associated legal implications.

I note that the Department of Environment's Planning and Environmental Policy Group has issued an Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in which it says at para A12:

"Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted". This is particularly pertinent in a building which is going to be 8 metres wide and 6.6 metres deep and is in an elevated location as this would be.

The proposed garage would be in close proximity to the amenity space in the middle of the Estate. This proximity and its elevated position would detract from that amenity space and would therefore have an impact on all residents and not just its immediate neighbours.

The building work has now been going on for the best part of 3.5 years, with all the associated noise pollution and works traffic. Although it may not be a planning issue, the prospect of further months and months of building work is very upsetting.

19 Highclere Drive

I would like to raise a concern regarding the location of the outbuilding and whether this will have an impact on the roots of the existing trees in this area. The trees currently provide a degree of privacy that we would not want to lose. Therefore, as long as the building work is not within 2 meters of the boarder, so as to effect the trees, we would have no objection.

On a similar note we would like to confirm that there will be no windows overlooking our

property.

17 Highclere Drive

I live next door to 17 Highclere Drive. I lodged an objection to their planning application for a 2 car garage and gym yesterday and the more I think about it the more I am concerned. The building is going to have a footprint of 1700 square feet with a roof that is tall enough to add a second storey at a later date by having the "loft" converted. Since the footprint alone is roughly double the size of the average UK house (which are presumably normally 2 storey and therefore the footprint would be a quarter the size), this is effectively building a second house in the back garden.

I understand that an original application for 2 houses on the plot was rejected (quite rightly since the estate has a covenant that only one house can be built on each plot) but I worry that this new building is likely to be used as living accommodation - particularly in view of the fact that accessing the garage door as shown on the submitted plan is likely to be pretty difficult if not totally impossible. 5 metres is unlikely to allow even the smallest of cars to be turned into the garage - even a fiat 500 is 3.55m long and a Porsche cayenne which is one of the cars I have seen visiting the property is 4.855m long.

The "gym" area is the same size as an area which houses 13 people and all their paperwork and photocopiers in my London office!

I really hope that you are not going to approve this enormous building in a garden - unfortunately if you allow it to be built I am not clear how it can subsequently be prevented from being used as housing which would mean that the original refusal to allow the building of 2 houses has somehow been by-passed.

### **Considerations**

The main issues of relevance to the consideration of this application relate to the impact of the proposed extensions on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on car parking.

### Policy and Principle

The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

### Effects on appearance of building and street scene

Saved Appendix 7 of the Dacorum Local Plan (1991), 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.

After objections relating to the size of the outbuilding, the scale of the building was reduced to create a separate garage area to the front of the property. This was considered to be preferable not to only make the outbuilding to the rear of the house smaller and less visually intrusive but to omit the noise and disturbance issues a rear garage might have on the neighbouring property. A conventional location for a garage being either to the side or the front of the house.

Therefore the proposal for the gym and store area extends to a maximum of 14.6 metres in depth and 8 metres in width. The height to the eaves is 2.95metres with an additional height of 2.05 metres to the ridge.

The outbuilding would not constitute permitted development due to the height of the proposed building. A reduction of the height was suggested however the applicant was keen to retain the ridge height due to the use as a gym area.

The proposed materials are brickwork and roof tiles to match existing property.

The separate garage which would be located to the front of the property measures a maximum of 6.6 metres in depth and 8 metres in width and a maximum of 4.11 metres in height. Again the materials proposed are brickwork and roof tiles to match existing.

The houses in this location are large and feature the addition of varying extensions and outbuildings. The proposed outbuildings/garage are not considered significantly out of context with surrounding and adjacent properties and is not seen to be damaging to the street scene. As previously mentioned, there is significant variety in the character and design of dwellings in the estate and properties with unique qualities are not uncommon.

Further HCA 25 Longdean Character Appraisal states that curtilage buildings *may be acceptable forward of the front wall of the dwelling fronting the highway where the character and appearance of the street scene is not harmed.*

The outbuildings and garage are considered to be visually subservient to the existing dwelling and therefore not considered visually intrusive or harmful to the character and appearance of the dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013) and HCA25.

In accordance with the submitted application the proposals would be of traditional design comprising facing brick walls to match existing. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with Policy CS12 of the Core Strategy (2013).

#### Impact on Trees and Landscaping

The trees and woodlands team have raised no concerns with regard to the proposals

#### Impact on Highway Safety

Highways comments;

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions / informatives.

#### Impact on Neighbours

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 (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The outbuilding would be set to the rear of the garden, the height of the outbuilding (5 metres

maximum) is not considered excessive. The height to the eaves is 2.95 metres with the roof pitch sweeping away from the boundary with number 19 next door. Therefore it is not considered that the outbuilding would be visually intrusive.

The outbuilding would not impact on the 25 degree line taken from the windows of the adjacent property and therefore there would be no loss of light to number 19 Highclere Drive.

There are high trees along the boundary and although it cannot guarantee that they would stay in perpetuity they do currently provide a visual screen between the two properties.

Additionally, Saved Appendix 3 of the Local Plan states that properties should have a rear garden depth of 11.5m. In this case this would be retained meeting the Saved guidance.

Thus, the proposed outbuilding would not impact upon the residential amenity and privacy of neighbouring residents. As a result the rear out building in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

The garage to the front of the property is set well away from the adjacent property and would have no effect.

#### Other Material Planning Considerations

The objections relate to the potential for the outbuilding to be used as a separate dwelling house. However this change would require planning permission. In addition the applicant has submitted a plan showing how the gym would be used, separated into gym / yoga / sauna / w/c and storage area. This plan will be part of the approved plans associated with the application. Notwithstanding this, it is considered pertinent to add a condition to ensure that the outbuilding can only be used as ancillary to the main dwelling.

#### 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. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

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 outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Highclere Drive.**

Reason: To safeguard and maintain the strategic policies of the local planning

authority as expressed in the interests of residential amenity in accordance with Adopted Core Strategy CS12 and for the avoidance of doubt.

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

HDHH-202 P2  
HDHH-203A P1  
HDHH-2-3 P2  
HDHH-203 P2

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

**Article 35 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 2015.