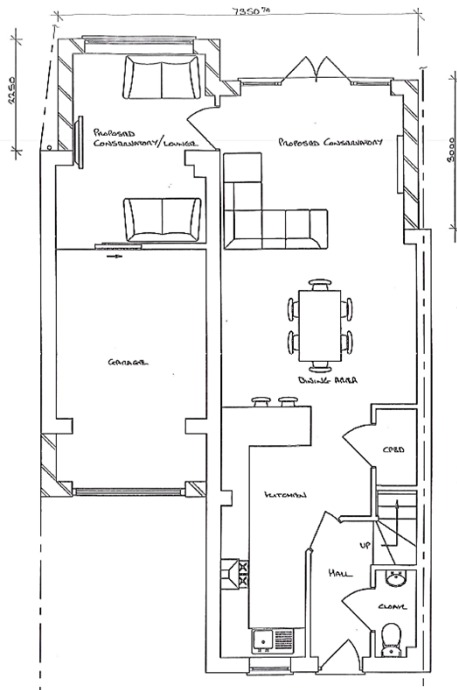
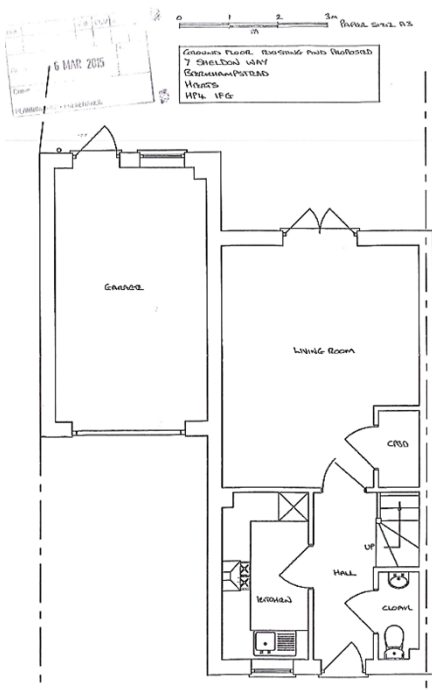


**4/00909/15/FHA - SINGLE STOREY REAR CONSERVATORY, SINGLE STOREY EXTENSION TO GARAGE AT FRONT/SIDE, CANOPY OVER FRONT ENTRANCE DOOR, WOODEN GARDEN SHED TO REAR GARDEN.
7 SHELDON WAY, BERKHAMSTED, HP4 1FG**



**4/00909/15/FHA - SINGLE STOREY REAR CONSERVATORY, SINGLE STOREY EXTENSION TO GARAGE AT FRONT/SIDE, CANOPY OVER FRONT ENTRANCE DOOR, WOODEN GARDEN SHED TO REAR GARDEN.
7 SHELDON WAY, BERKHAMSTED, HP4 1FG
APPLICANT: Ms C Legg**

[Case Officer - David Lane]

Summary

The application is recommended for approval.

The application site is located within the residential area of Berkhamsted where residential extensions are acceptable in principle. The scale, design and materials of the proposals are appropriate to the existing building and there would be no harm to residential amenity. Car parking within the site would be appropriate. The proposal is therefore acceptable in terms of policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and in terms of saved policy 58 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The site is located on the south-east side of Sheldon Way and comprises a two storey semi-detached dwelling. There is an integral garage to the side which is set back from the main frontage to allow parking for one car on the front drive in front of the garage.

The property sits within the Stag Lane development, towards the northern end of Berkhamsted.

Proposals

The application comprises a number of proposals:

- 1) Single storey conservatory to the rear which extends the full width of the property and is stepped in plan form such that it has a depth of 3m to one side and 2.25m to the other side.
- 2) Single storey front extension to the side garage which would bring forward the garage by 1.25m and introduce a small mono-pitch tiled roof. Consequently, part of the existing garage would be converted to living accommodation.
- 3) Mono-pitch canopy porch over the front door.
- 4) Timber shed to rear garden measuring 1.3m x 1.8m x 2m in height.

Referral to Committee

The application is referred to the Development Control Committee due to the

contrary views of Berkhamsted Town Council who objects to the application on the basis of impact on parking, reduction in garden area, reduction in privacy distances and setting a precedent.

Planning History

Informal enquires were made to the Council prior to the submission of the application.

There is no formal planning history relevant specifically to the application property, but it should be noted that the Stag Lane development was approved as part of a scheme for 150 dwellings under 4/02672/05/MFA. Permitted development rights were removed.

Policies

The site lies within the designated housing proposal Site H2 which has now been developed.

National Policy Guidance

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

Adopted Core Strategy

NP1, CS4, CS11, CS12

Saved Policies of the Dacorum Borough Local Plan

Policy 58 and Appendices 3, 5 and 7

Summary of Representations

Berkhamsted Town Council

Object.

The proposed front extension will leave inadequate space for designated off-road parking provision without encroaching on the pavement. The new extension to the rear of the building (other than the Conservatory) will leave a garden depth below the policy requirement of 11.5m.

This new extension will also leave a distance of less than the required 23m between 7 Sheldon Way and 11 Stag Lane.

Were this application to be approved, it would set an unwelcome precedent in this development, which was originally designed to very tight and minimum specifications in planning policy terms.

As yet no notice has been posted to inform residents of this application.

Contrary to Core Strategy Policy CS 12 and Saved Local Plan Policies Appendix 3 and Appendix 5.

Considerations

Policy and Principle

The principle of extending an existing residential property within Berkhamsted is acceptable in accordance with Policy CS4 of the Dacorum Core Strategy (September 2013).

Policies CS11, CS12 of the Core Strategy and Saved Appendix 7 of the Dacorum Borough Local Plan are also relevant as they set out the general and specific guidelines relating to design. In particular CS11 (b) seeks to preserve attractive streetscapes and CS12 refers to the quality of site design. Saved Appendix 7 includes specific requirements and guidance for extensions.

Impact on Appearance of the Building

The proposed conservatory at the rear of the property is not considered to be detrimental to the appearance of the property as a whole. Although it would extend the whole width of the dwelling, it is single storey and modest in depth. There is a significant amount of glazing proposed, including the material to be used for the roof, but this would not detract from the building.

At the front, the extension will be set back from the main frontage and will have a mono-pitch using matching tiles. The extension is limited in size and is set down and set back from the original dwelling and will not detract from it. Similarly, the canopy porch will use matching tiles and is a modest addition to the dwelling.

The shed in the rear garden is small and will have no impact on the appearance of the host dwelling.

The proposals are therefore acceptable for approval in light of Policy CS12.

Impact on the Streetscene

The rear conservatory extension and shed will not be visible in the streetscene.

The front extension to the garage and the canopy porch will be visible in the wider street scene, but are considered acceptable. Whilst the Stag Lane development is a densely developed area of new housing in the town, many of the dwellings vary in type, size and character. There is no specific uniformity within this part of the development and therefore the modest extensions, which are in keeping with the dwelling, will not be harmful in the streetscene. The garage extension is significantly set back from the main frontage and the canopy porch is minimal in scale and similar to one already in existence on the next door, adjoining property.

The proposal is therefore acceptable for approval in the context of Policy CS11.

Impact on Amenity of Neighbouring properties

No aspect of this proposal will be harmful to residential amenity in terms of loss of light, privacy or visual intrusion.

The conservatory sits close the boundary with the neighbour on either side, but will not have any windows in either side elevation. Each boundary is presently a close boarded fence approximately 1.5 – 1.8m in height. Whilst the proposed conservatory will be visible above the boundary fences, this does not amount to a visual intrusion. It is noted that the proposed conservatory will reduce the 23m privacy distance between the application site and the property to the rear at 11 Stag Lane. However, as the extension is single storey and a close boarded fence exists between the two properties, there will be no loss of amenity.

The front alterations are not close to any neighbouring windows, nor will they cause a visual intrusion.

The proposed garden shed is small scale and will not cause any harm to neighbour amenity.

Amenity Space

It is noted that the proposed conservatory will reduce the size of the garden below the 11.5m depth. However, there will still be a 9m deep garden at the shallowest point with lawn area remaining. This will not alter significantly the way in which the garden can be used and is not therefore considered to be significantly harmful such that planning permission should be refused.

Car Parking

Sufficient space (5m) will remain at the front of the extended garage such that a car can be parked off street. There will not be space for the opening of the garage door with a car parked, but this is not considered reason to refuse the application. Internal alterations within the property will allow sufficient space within the garage for a further car, thus two parking spaces will remain once the alterations have been completed.

Precedent

The Town Council has raised the issue of precedent. However, there is a lot of variation of property types and site specific circumstances within the Stag Lane development such that each application should be dealt with on its own merits.

RECOMMENDATION – That the planning application be **DELEGATED WITH A VIEW TO APPROVAL** subject to the expiry of the neighbour notification period 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 and to accord with Core Strategy Policy CS12.

- 3 **There shall be no side windows inserted within the conservatory hereby permitted.**

Reason: In order to protect the amenities of neighbouring properties and to accord with Policy CS12 of the Core Strategy.

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

1:1250 site location plan, 1:500 block plan, 27226/1, existing and proposed floorplans, technical specification of shed, photographs of shed

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

Article 31 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 2012.

6. APPEALS

A. LODGED

- 4/01368/15/ENA DOE
APPEAL AGAINST ENFORCEMENT NOTICE.
COCKS HEAD WOOD, SHENDISH, LONDON ROAD, HEMEL
HEMPSTEAD, HP3 0AB
- 4/01369/14/OUT Peplow
DEMOLITION OF SIDE EXTENSION TO NUMBER 20 AND
CONSTRUCTION OF DETACHED FAMILY DWELLING AND
PEDESTRIAN ACCESS - OUTLINE APPLICATION (INCLUDING
ACCESS, APPEARANCE, LAYOUT AND SCALE) WITH CAR PARKING
IN AREA OF DEMOLISHED GARAGE AND PEDESTRIAN PATH ONLY
TO DWELLING.
LAND TO REAR 18 & 20 MILLFIELD, BERKHAMSTED, HP4 2PB
- 4/01878/14/FHA MR & MRS BROWNE
CONSTRUCTION OF FRONT PORCH
STUART HOUSE, FERRERS HILL FARM, PIPERS LANE, MARKYATE,
ST. ALBANS, AL3 8QG
- 4/01879/14/LBC MR & MRS BROWNE
CONSTRUCTION OF FRONT PORCH
STUART HOUSE, FERRERS HILL FARM, PIPERS LANE, MARKYATE,
ST. ALBANS, AL3 8QG

B. ALLOWED

- 4/03457/14/FHA Mrs H Barnett
PROPOSED RAISING OF ROOF (IN COMBINATION WITH THE
PROPOSED AT NO 55) TO CREATE LOFT CONVERSION AND
SINGLE STOREY REAR EXTENSION TO KITCHEN/DINING AREA.
57 MISWELL LANE, TRING, HP234DD
- 4/03458/14/FHA Trew
RAISING OF ROOF TO CREATE SPACE FOR LOFT CONVERSION
55 MISWELL LANE, TRING, HP23 4DD

The proposal relates to an increase in the height of the roof and new dormer window extension in combination with a concurrent appeal proposal at No. 57. The main issue relates to the impact on the character and appearance of the area. The appeal property is an end of terrace Victorian property which adds to the character and qualities of the area. Whilst not in a Conservation Area or listed, the Inspector considered the traditional design, simple form and largely unaltered roofscape and fenestration of this terrace was sufficient to warrant consideration as a non-designated heritage asset.

The Inspector considered the increase in height would introduce a stepped profile to the roof of the terrace disrupting its consistent roofline. The introduction of decorate brickwork would further interrupt the rhythm and broad unity of the terrace resulting in a discordant element to an otherwise harmonious built frontage. In this way it would be materially

harmful to the visual character of the host building, terrace and adjacent semi-detached pair.

With regards to the proposed rear dormer the Inspector noted that this would be a sizeable addition, covering the major part of the roof. He considered that it would visually dominate the rear of the dwelling and the terrace to which it belongs, to the detriment of their visual character. In views from longfield Road it would appear as an overly large and incongruous addition, the visual effect of which would be accentuated by the timber weatherboarding, which would markedly contrast with the brick and slate construction of the host building and the terrace. A similar new rear dormer to No 57 in addition to that of No 55 would exacerbate this harmful visual impact.

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00647/14/RET

MR & MRS LUCAS
RETENTION OF ANCILLARY OUTBUILDING
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE,
TRING, HP23 5QE

To sum up, the cabin building is inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. There would be no harm to the AONB and, with a suitable condition, the harm to the living conditions of neighbouring occupiers would be mitigated. However even when taken together, the other considerations reviewed above do not clearly outweigh the principal objection. The very special circumstances required to justify the development do not exist and the development is contrary to Policy CS5 of the CS. Therefore for the reasons given I conclude that the appeal should fail.

4/03458/14/FHA

Trew
RAISING OF ROOF TO CREATE SPACE FOR LOFT
CONVERSION
55 MISWELL LANE, TRING, HP23 4DD

The proposal relates to an increase in the height of the roof and new dormer window extension in combination with a concurrent appeal proposal at No. 57. The main issue

relates to the impact on the character and appearance of the area. The appeal property is an end of terrace Victorian property which adds to the character and qualities of the area. Whilst not in a Conservation Area or listed, the Inspector considered the traditional design, simple form and largely unaltered roofscape and fenestration of this terrace was sufficient to warrant consideration as a non-designated heritage asset.

The Inspector considered the increase in height would introduce a stepped profile to the roof of the terrace disrupting its consistent roofline. The introduction of decorative brickwork would further interrupt the rhythm and broad unity of the terrace resulting in a discordant element to an otherwise harmonious built frontage. In this way it would be materially harmful to the visual character of the host building, terrace and adjacent semi-detached pair.

With regards to the proposed rear dormer the Inspector noted that this would be a sizeable addition, covering the major part of the roof. He considered that it would visually dominate the rear of the dwelling and the terrace to which it belongs, to the detriment of their visual character. In views from Longfield Road it would appear as an overly large and incongruous addition, the visual effect of which would be accentuated by the timber weatherboarding, which would markedly contrast with the brick and slate construction of the host building and the terrace. A similar new rear dormer to No 57 in addition to that of No 55 would exacerbate this harmful visual impact.

F. ALLOWED

4/02108/14/FUL CHIPPERFIELD LAND COMPANY LTD
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF
THREE DETACHED 4-BED DWELLINGS WITH ASSOCIATED
ACCESS (AMENDED SCHEME)
37 ASHLYNS ROAD, BERKHAMSTED, HP4 3BL

The site has a planning history, which includes a previous appeal where proposals for the demolition of No 37 Ashlyns Road and replacement with three houses and associated access was dismissed. The issues before the inspector in that instance related to character and appearance and the effect on the living conditions of neighbours.

The scheme has been refused by the Council solely on the basis of a lack of a S106 Unilateral Undertaking (UU) relating to contributions towards local infrastructure.

Taking the above background into account, the main issue is whether the particular contributions sought in respect of local infrastructure contributions are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Council considers that financial contributions are required towards the provision of local infrastructure. This would be in accordance with Policy 13 of the Dacorum Local Plan (LP) 1991- 2011 and Policy CS35 of the Dacorum Core Strategy.

Both parties refer to the changes to the Planning Practice Guidance (PPG). This is the result of a change to the Government's policy on planning obligations as expressed in the Written Ministerial Statement on 28 November 2014. The changes indicate that contributions for tariff style obligations should not be sought from developments of 10 units or less, and which have a combined maximum combined gross floorspace of no more than 1000sqm.

The Council accepts that its current approach to S106 and affordable housing would need

to be amended in the light of this. However, it also considers that its policy approach remains sound and its requirements for infrastructure contributions are in accordance with the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.

I have considered the need for a UU in respect of the requirements set out in paragraph 204 of the National Planning Policy Framework (the Framework) and regulation 122 of CIL Regulations. These set out that any contributions sought should be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

I understand that the calculations are based on the Council's methodology contained in the Planning Obligations Supplementary Planning Document (SPD) and Hertfordshire County Council's obligation toolkit. I note the appellant does not dispute this matter. However, very little information is provided by the Council in respect of where the contributions would be spent, either in the Council's officer report or appeal statement.

The Council's appeal statement simply provides a financial breakdown of the specific elements, including individual sums and a total amount. These elements include play and open space, libraries, education, childcare and youth facilities and sustainable transport measures. No further detail other than individual amounts is provided. It is therefore not clear whether the sums sought would be spent within the local area, nor is there any information demonstrating how these contributions relate specifically to the development.

The Council have referred to the Infrastructure Delivery Plan (IDP) 2014 as containing details of projects on which the contributions would be spent. I accept that the IDP is used by the Council to direct funds to appropriate projects and I note that it forms part of the evidence base for the Council's Core Strategy and CIL examinations. However, I have not been provided with a copy of this nor does the Council provide any indication of what the relevant elements of the delivery plan would be in relation to the appeal proposal.

In respect of the contribution requested by the Highway Authority, the Council's appeal statement does refer to a contribution towards a traffic calming and speed management scheme in relation to Kings Road, which is close to the appeal site. However, it is not clear from this what sum is being sought. I note that the Highway Authority do not specifically refer to scheme or concerns in respect of this road within their comments on the planning application.

Moreover, the appellant refers to correspondence from the County Council, relating to another planning application on the same site (4/02118/14/FUL). This correspondence confirms that the Highway Authority would no longer be seeking contributions in relation to this site. On this basis, I consider that no clear justification for the highways contribution has been put forward and the need for it has not been properly demonstrated.

In the light of the lack of adequate evidence on where the contributions would be spent or how they relate specifically to the development, I consider that the Council has not demonstrated that they are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development; in accordance with the Framework and the CIL Regulations 2010. As a consequence of the above reasoning, the updated advice of the PPG does not alter my final conclusions.

The Council does not object to the proposed scheme in respect of the effect on the character and appearance of the area and refer to the scheme now acknowledging the site constraints and topography. Based on the evidence before me, I see no reason to disagree with this view.

The Council also does not object to the proposed development in respect of the effect on

the living conditions of No 43 Ashlyns Road with regard to outlook. Based on my observations on my site visit including noting the separation of the appeal site from No 43 by an adjoining access road and taking account of the position of Plot C and the proposed design of the west elevation and roof, I agree with the Council that the scheme would not have an adverse impact in this respect.

I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the PPG. For the avoidance of doubt and in the interests of proper planning, a condition is necessary specifying the approved plans.

In order to protect the character and appearance of the area, conditions are necessary in relation to materials, hard and soft landscaping. For the sake of clarity, I have amended the condition relating to landscaping to refer to the title of the submitted ecological report. In the interests of highway safety, conditions relating to parking and visibility splays are necessary. In order to protect the living conditions of adjoining occupiers at No 36 Ashlyns Road and also in respect of protected species, a condition is necessary relating to exterior lighting on the dwellings.

For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set in the attached schedule, the appeal should be allowed.

COSTS AWARD

I consider that the Council have failed to provide substantive evidence that demonstrates that the contributions are justified and that they are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, I conclude that the Council has inadequately substantiated its reason for refusal. The applicant incurred unnecessary expense in defending this matter.

I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.