

**4/02637/17/FHA - RAISED PATIO AREA AND SIDE ACCESS RAMP.  
35 ROCKLIFFE AVENUE, KINGS LANGLEY, WD4 8DS.  
APPLICANT: MR PEREZ.**

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[Case Officer - James Gardner]

### **Summary**

The application is recommended for APPROVAL. The raised patio and access ramp ensure a safe and satisfactory means of access for all users, including those with disabilities or pushchairs; and, subject to the erection of a fence of 2.25 metres in height, would not have an adverse impact on the residential amenity of no. 37 Rockcliffe Avenue. The application therefore complies with Policy CS12 of Dacorum Core Strategy (2013).

### **Site Description**

The application site is located on the north-eastern side of Rockcliffe Avenue, Kings Langley. The area is characterised by a mixture of detached and semi-detached bungalows. The bungalows on the north-eastern side of the road are all relatively uniform, comprising hipped roofs to the core area of the buildings, with prominent gables of approximately 3.6 metres in length which project toward the street. These front facing gables are predominantly finished in un-painted pebble-dash render and are framed by plain brick pillars.

### **Proposal**

Retrospective planning consent is sought for the retention of a raised patio a side access ramp, and to increase the height of the existing fence by 0.75 metres. The patio is approximately 3 metres deep and extends across the width of the bungalow. Levels fall across the site and therefore the height of the patio varies between 0.5 metres and 0.70 metres above the natural ground level. The height of the patio on the boundary with no. 37 Rockcliffe Avenue is 0.70 metres.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

### **Planning History**

4/00276/17/FHA  
Single storey front, side, rear extension and internal alterations  
Granted

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Adopted Core Strategy

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

#### Saved Policies of the Dacorum Borough Local Plan

Appendices 3 and 5

## **Summary of Representations**

### Kings Langley Parish Council

The Council OBJECTS to this application as the development has raised the ground level by at least three feet, which was not demonstrated in the original application plans, and, especially, as it introduces a material overlooking issue right into the rear private living rooms and gardens of the neighbouring property at 37 Rockliffe Avenue.

### Contaminated Land Officer

I refer to the above planning application received on 25 October 2017.

The application seeks permission to raise the patio area to keep height level with the new extension and install a side access ramp to enable wheelchair and pram access to the property over existing works. Our records do not indicate any potentially contaminative uses of the application site; as such I have no comments to make in respect of contamination.

However, if material is to be imported to site to make up levels, I request that this be validated to ensure it is chemically "clean" and suitable for use, in line with Dacorum Borough Council guidance (attached).

Should any visual and/or olfactory evidence of contamination be encountered during the works, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Please do not hesitate to contact me if you have any questions.

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

No comments received.

## **Considerations**

### Policy and Principle

The application site is located within a residential area wherein, in accordance with Policy CS4 of the Dacorum Core Strategy (2013), residential development is acceptable subject to compliance with the relevant local and national planning policies. The main issues to the consideration of this application relate to the impact on the residential amenity of neighbouring properties.

### Background Information

Planning permission 4/00276/17/FHA was granted on 03/04/17 in respect of a single storey, front, side and rear extension. Unfortunately, however, the plans provided by the architect did not accurately show the ground level to the side and rear of the dwelling and thus, following completion of the extension, it was necessary to construct a raised patio and ramp in order to obtain access to the garden from the extension.

### Impact on Neighbours

Policy CS12 of the Dacorum Core Strategy states, inter alia, that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

This application is being considered by the committee due to the contrary views of Kings Langley Parish Council, who have concerns over the material increase in overlooking which has occurred as a result of the development.

It has been acknowledged that the raised patio and ramp have increased overlooking to the rear garden of no. 37 Rockliffe Avenue. Mitigating measures are therefore proposed to address this. In particular, the fence on the eastern boundary would be raised by 0.75 metres to compensate for the increase in height of the patio. This would be achieved by the use of two 300mm concrete gravel boards and one 150mm timber fence panel, with in-fill timber posts being used between the panels. These measures would ensure that the level of overlooking is no greater than that which existed prior to the development.

Consideration also needs to be given as to whether a fence of an increased height would be overbearing or result in a loss of daylight to the neighbouring property. The elevations provided in support of the application indicate that the existing fence is 1.50 metres high, and it is proposed to increase this to 2.25 metres. A bedroom window is located proximate to the boundary with the application site; however, given the orientation and existing bulk and mass of the original bungalow, it is not considered that the fence would be overbearing or result in a significant loss of daylight. While the existing fence is considerably lower than is common in a residential setting, it is worth noting that a fence of up to 2 metres in height could be erected without the requirement for planning permission and is, therefore, a material consideration.

Should permission be granted, it is recommended that conditions are imposed requiring the applicant to, within a period of 3 months, erect a fence which complies with the specification provided as part of this planning application, and to maintain it at height of 2.25 metres thereafter in perpetuity.

Paragraph 203 of the National Planning Policy Framework states that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions". Paragraph 206 of the National Planning Policy Framework states that "Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;
6. Reasonable in all other respects

Having had regard to the guidance found in the National Planning Policy Framework, the case officer is of the view that the aforementioned conditions meet the 6 tests and are thus justified.

### **Other Considerations**

#### Contaminated Land

The Council's contaminated land officer has commented on this application and indicated that the application site is not located within an area where there is a likelihood of contamination. To address her point regarding the importation of soil, the applicant has confirmed that the soil used was that which resulted from excavation works for the extension. There is therefore no further requirements for decontamination measures.

### **Conclusions**

Subject to the mitigation measures mentioned above, which themselves would not be harmful

to the residential amenity of the neighbouring property, the application is considered to be acceptable and comply with Policy CS12 of the Dacorum Core Strategy (2013).

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 carried out within three months of the date of approval and in accordance with the following approved plans/documents:**

**Drw. No 4      Proposed Elevations      Rev. G      Date 06/10/17**

Reason: In the interests of the residential amenity of the occupier(s) of no. 37 Rockliffe Avenue, in accordance with Policy CS12 of the Core Strategy.

- 2 **The fence on the eastern boundary with no. 37 Rockliffe Avenue, shown on "Drawing no. 4 Rev. G", shall be retained in perpetuity at a height of not less than 2.25 metres unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenity of the occupier(s) of no. 37 Rockliffe Avenue, 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.