

<b>4/00097/18/FHA</b>	<b>DEMOLITION OF EXISTING GARAGE, CONSERVATORY, REAR WING AND BAY. CONSTRUCTION OF SECOND STOREY EXTENSION AND GARAGE. REMODELING OF INTERIOR AND ADJUSTMENTS TO WINDOWS.</b>
<b>Site Address</b>	<b>HIGHLANDS, KINGS ROAD, BERKHAMSTED, HP4 3BP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Wilton, 20 The Old Registry Office</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Contrary views of Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4. Whilst modern and striking in their design, Kings Road is characterised by variety, and as such the extensions and alterations proposed will not appear incongruous. Given the secluded position of the application site, the overall character and appearance of this part of Kings Road will not change. Given the separation distance, design of the proposals, and existing circumstances including existing high levels of mutual overlooking, there would be no significant adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. The proposal would comply with Policy CS12 in these regards.

## **3. Site Description**

3.1 The application site is located towards the southern end of Kings Road, close to the junction with Shootersway and currently comprises a detached single storey bungalow; Highlands. The bungalow is reached via a steep driveway leading off Kings Road, which is shared by three properties. Highlands occupies a secluded position behind No.s 67 and 67a Kings Road, and is not visible from the main road. To the northwest are No.s 11 and 12 Oxfield Close, both of which are large, detached dwellings which are set at an angle. To the south-east are Treetops and The Orchard, also both two storey detached properties.

## **4. Proposal**

4.1 Planning Permission is sought for the demolition of the existing rear projection, conservatory and garage. The existing hipped roof would be removed and a second floor extension would be constructed. The extensions would be modern in their appearance with angled and flat roofs. The walls would be brick and render.

## **5. Relevant Planning History**

4/00957/03/FHA CONSERVATORY  
Granted  
10/06/2003

## **6. Policies**

### **6.1 National Policy Guidance**

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

## 6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS11 and CS12.

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 51, etc.

## 6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA 12
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## 7. **Constraints**

- HALTON DOTTED BLACK
- 10.7M AIR DIR LIMIT
- Former Land Use
- TREE PRESERVATION ORDER
- CIL1

## 8. **Representations**

### Consultation responses

8.1 Berkhamsted Town Council - Objection.

The bulk and mass of the proposals would lead to overlooking of neighbouring properties and resultant loss of amenity. Contrary to CS11, CS12.

### Neighbour notification/site notice responses

8.2 - Four representations were received, all objecting to the proposals.

These are reproduced in full at Appendix 1

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on site / street scene
- Impact on Neighbouring Properties
- Impact on Highway Safety
- Other

### Policy and Principle

9.2 The site is situated in the town of Berkhamsted within a designated residential area, wherein residential development is acceptable in principle in accordance with Policy CS4 of the

## Core Strategy.

The main considerations in the determination of the application are the impact of the development on the character and appearance of the site and street scene; the impact upon neighbouring properties; parking and highway safety

### Design, Scale, and Impact on street scene.

9.3 The proposed extensions and alterations would result in the dwelling appearing substantially different from those surrounding it, in that it is of an innovative, contemporary design which would contrast with its neighbours. It would however provide a distinctive property which given its secluded position would not alter the overall character or appearance of this part of Kings Road. The design is considered acceptable.

Whilst an additional floor would be introduced, given the modern flat roof design, the mass and bulk introduced is considered acceptable. Additional plans comparing the existing dwelling to the proposed have been submitted and demonstrate that the total height has increased by only 2m. The resulting building remains lower than adjacent properties (treetops and The Orchard) which occupy a similar position in relation to properties of both Oxfield Close and Kings Road. The resulting building is considered of a compatible scale and would not therefore appear dominant or at odds with the prevailing street pattern.

All existing trees and hedging along the front and rear boundaries would be maintained which would help screen the property within the site. The materials proposed are considered acceptable.

The proposals would integrate with the street scape character and respect adjacent properties in terms of layout, site coverage, scale, height, bulk, and materials. It thus complies with Policy CS12 of the Core Strategy.

### Impact on Neighbouring Properties.

9.4 There would be no significant adverse impacts. Given its position at the top of the hill and the increased height associated with the first floor being introduced, the resulting building will have an impact on the residential amenities of adjacent properties, however, not to such a degree as to warrant a refusal.

It is appreciated that the application site sits within a relatively constrained location, within close proximity to neighbouring properties both within Kings Road and Oxfield Close. Taking the relationship of the application site and that of neighbouring residents into consideration it is not thought that the additional 2m height, or the additional mass or bulk associated with the design change would result in significant loss of outlook or daylight serving the habitable windows, conservatory or garden areas of neighbouring properties. A sectional plan has been submitted to demonstrate the relative land levels and separation distances between the application site and the Kings Road properties. No significant loss of daylight or sunlight to neighbouring residents on Kings Road would result from the proposed roof extensions due the north-west orientation of the application site in relation to these properties and the 25m separation.

Given the topography of the area, Highlands occupies an elevated position above the Kings Road properties. As such, the additional height, and the fact the existing hipped roofs (which slope away from neighbouring sites) are to be replaced by a flat, higher facade, the extensions would be clearly visible from habitable windows and the rear garden areas of adjoining

properties. However, given the separation distance, the extensions would not appear unduly prominent or oppressive. Highlands is sited over 25m from all surrounding dwellings. In addition as part of the proposal, the footprint of the dwelling would be reduced; the existing rear wing and conservatory would be demolished. This would mean the mass, bulk and sprawl of the existing building would be lesser in some areas and therefore improve aspect in these areas. For example, when viewed from Oxfield Close to the rear, the overall width of the building would be reduced by 7m. This reduced sprawl is considered to off-set the additional 2m height. The separation distances are comparable to those of surrounding buildings.

There would be no significant increase in overlooking of neighbouring sites or a loss of privacy. This part of Kings Road is heavily developed and as such there is already a high degree of mutual overlooking between sites. It is acknowledged that Highlands is presently a bungalow which is entirely surrounded by hedging and trees and as such, itself does not currently permit any views of adjacent properties. However, other surrounding properties boast similar views to those that would be created. The rear elevations of No.s 67 and 67a are already overlooked from the front facing habitable rooms of Treetops and The Orchard, albeit from a slightly greater distance and oblique angle. As previously noted the separation distance exceeds 25m which is considered sufficient to ensure an acceptable degree of privacy. Moreover all windows to the side / rear elevations would be either obscure glazed (and a condition to this effect will be imposed), or have been angled to restrict views (bedroom 3) to the south east ie. down the driveway. The front facing windows would be sited in closer proximity to Treetops and The Orchard, than the existing but again given the existing mutual overlooking, despite appearing nearer the additional habitable rooms being introduced would not significantly reduce privacy. A refusal based on loss of privacy could not be sustained.

#### Impact on Highway Safety

9.6 The application site falls within Zone 4 of the Accessibility Zone in Berkhamsted. Appendix 5 of the DBLP states 4 or more bedrooms dwellings within Zone 4 require a maximum car parking standard of 3 spaces. The site is well served by off-street car parking with a large front driveway and a double garage forms part of the proposal. It is therefore considered the proposed number of parking spaces would be in accordance with Appendix 5 of the DBLP.

#### Community Infrastructure Levy

9.7 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.

### **10. Conclusions**

10.1 The proposed extensions through position, layout and design would not adversely impact upon the immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 Policies 57 and 58 of the Dacorum Local Plan (2004), Policies CS6, CS8, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

**11. 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.
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	<p>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.</p>
2	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and documents.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy Cs12 of the Core Strategy.</p>
3	<p>The window(s) at first floor level in the north-west elevation of the extensions hereby permitted shall be non-opening and shall be permanently fitted with obscured glass.</p> <p>The first floor window to the right hand side of the South-East elevation (annotated as 'en-suite' to bedroom 2 on drawing no. 17 514 PL04A) of the extensions hereby permitted shall be non-opening and shall be permanently fitted with obscured glass.</p> <p>Reason: In the interests of the amenity of adjoining residents.</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A, B, and C.</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>17 514 PL02 - proposed and existing site layout  17 514 PL04A - New House Proposed plans and Elevations  17 514 PL05 - New House site context  17 514 PL06 - proposed elevations with existing outline  17 514 PL07A - Views from proposed development</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</p> <p>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.</p>

## Neighbour notification/site notice responses

### Objections

#### Comments:

Address	Comments
67 Kings Road	<p>The amended designs do not respond appropriately to our concerns raised - the window elevation will still impact our privacy and there is nothing in planning policy to say that privacy distance can be reduced if there is a hedge screen.</p> <p>There are minimal design changes, still no windows on the north elevation; we reiterate all our previous concerns - overshadowing, loss of privacy and concerns about current and future overdevelopment.</p> <p>We wholly oppose the revised proposal.</p> <p>Our primary objection is loss of privacy from being overlooked due to the added 1st floor accommodation: Proposed windows on the new 1st floor en-suite are less than 22m from our rear bedroom windows To resolve this all windows facing our property should be removed.</p> <ul style="list-style-type: none"><li>- Another major concern is being overlooked &amp; overshadowed, due to the relative height of the property which is already 1 storey higher than our property. The bulk of the proposed 1st floor addition should therefore be reduced, within a pitched roof.</li><li>- It seems the proposed garage will not be accessible for parking, as it is orientated away from the access road &amp; blocked by 2 external parking spaces.</li><li>- The north elevation, facing the rear garden, has no windows providing good views to the garden. It seems this may be designed with a future 'backland' development of the rear garden. If this is the case we would wholly oppose a proposal due to loss of privacy, loss of residential garden space, noise &amp; disturbance.</li></ul> <p>Our objection remains unchanged from previously lodged. The revised plans do not address our concerns. Restating our previous objection:</p>
67a Kings Road	<p>We have two concerns.</p> <p>Firstly, being overlooked/loss of privacy. Due to the landscape the second storey extension will look down into the rooms on the rear of our property, in particular the bedrooms on the first floor, as Highlands is elevated relative to our property.</p> <p>We are also concerned by the loss of light. We currently have a hedge separating our property from Highlands, which is almost 3m high at the rear of our property to provide privacy from a one storey dwelling. With the addition of the second</p>

<p><b>2 Newbury Grove</b></p>	<p>storey this is likely to further impact the light we receive in our back garden and ground floor rooms at the rear of our house.</p> <p>We are concerned that the proposed house may be very high in elevation compared to surrounding houses, thus overlooking them and appearing unduly prominent from all adjoining perspectives.</p> <p>We are also very concerned that the design (position of garage and windows) may suggest an intent to build later a second house in the garden to the north of the current house. This would severely impinge on our garden as it would inevitably be very close to the boundary. This concern has been exacerbated by the recent clearing of two very large trees.</p>
<p><b>10 Oxfield Close</b></p>	<p>Highlands is immediately next door to my house where i have lived since before the single storey bungalow at Highlands was built some 35 years ago in an orchard next to my property. My property is probably the most affected by this proposal.</p> <p>Constructing a second storey extension on the bungalow would adversely impact on my property, overshadowing it and causing loss of light. I do not consider it an appropriate development.</p> <p>The design is out of character with the other properties in the area which are typically brick built with sloping tiles roofs.</p> <p>Instead of facing a low level tiled roof sloping away from my property, i would be faced with a large impising flat, two storey, rendered slat wall very close to my boundary with a flat roof not sloping away.</p> <p>The wall would have a large upstairs window looking directly at my conservatory with loss of privacy. This is not acceptable. The window could have been positioned in the rear face of the new extensions facing north-east where it would not be overlooking another property.</p> <p>Further to my email of 15 mail regarding the windows in the proposed development at Highlands overlooking my property in Oxfield Close, I have studied the revised plans again, but can find no reference to the window in the ensuite bathroom to bedroom 1 being required to be non-opening as you said would be required to adequately maintain my privacy.</p> <p>I would ,therefore,still appreciate confirmation on this point.</p>

