

4/01744/18/ROC	VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/02079/17/FHA (NEW DETACHED DOUBLE GARAGE, GARAGE CONVERSION AND ALTERATIONS TO DWELLING)
Site Address	57 KINGS ROAD, BERKHAMSTED, HP4 3BP
Applicant	Mr H & Mrs F Nijkamp, 57 Kings Road
Case Officer	Sally Robbins
Referral to Committee	Contrary view of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The principle of residential development in this location is considered acceptable. The variation of Condition 2 (approved plans of planning permission ref. 4/02079/17/FHA) is considered to consist of minor amendments that do not have a significant visual impact or detrimental impact on the residential amenity of surrounding properties. The minor material amendments remain in accordance with the National Planning Policy Framework (2018), Policies CS1, CS4, CS11 and CS12 of the Core Strategy (2013) and Saved Appendices 3 and 7 of the Local Plan (2004).

3. Site Description

3.1 The application site is located on the northwest side of Kings Road in Berkhamsted. The site comprises a two storey detached dwellinghouse with a detached single storey garage. The surrounding area is predominantly characterised by large detached dwellings in a range of architectural styles. Properties are generally set well back from the road and there is heavy boundary treatment comprising trees, bushes and hedges.

4. Proposal

4.1 The application seeks to vary Condition 2 (Approved Plans) of planning permission ref. 4/02079/17/FHA. The amendments comprise the addition of two roof lights, one ground floor window, an internal mezzanine level and a shallow raft foundation. All other aspects of the approved scheme remain unchanged from the previously approved detached garage.

5. Relevant Planning History

5.1 Planning permission was granted on 10 October 2017 for a detached garage at 57 Kings Road, which has been implemented and is near completion. The current application seeks an amendment to the approved plans through Section 73 of the Town and Country Planning Act. The amendments have been implemented and this application seeks to retrospectively regularise the amendments to the approved scheme.

4/02079/17/FHA NEW DETACHED DOUBLE GARAGE, GARAGE CONVERSION AND ALTERATIONS TO DWELLING
Granted

10/10/2017

4/00557/13/FHA	TWO STOREY FRONT EXTENSION AND TWO ROOFLIGHTS Granted 14/05/2013
4/02912/04/FHA	SINGLE STOREY FRONT AND TWO STOREY REAR EXTENSION (AMENDED SCHEME) Granted 10/02/2005
4/01524/04/FHA	SINGLE STOREY FRONT AND TWO STOREY REAR EXTENSION Granted 17/08/2004
4/00006/04/FHA	TWO STOREY FRONT EXTENSION AND CONSERVATORY Withdrawn 24/02/2004

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

CS1, CS4, CS11 and CS12

6.3 Saved Policies of the Dacorum Borough Local Plan

Saved Appendices 3 and 7

7. Constraints

- None

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene
- Impact on Residential Amenity
- Other

Policy and Principle

9.2 The application site is located in a residential area of Berkhamsted. Core Strategy (2013) Policy CS4 states that appropriate residential development is encouraged in towns and large villages. The main issues to the consideration of this application relate to the impact of the amendments upon the character and appearance of the street scene, residential amenity of neighbouring properties and impact on trees.

Impact on Street Scene

9.3 Core Strategy (2013) Policies CS11 and CS12 state that development within settlements should integrate with the streetscape character and respect surrounding properties. Saved Appendix 3 of the Dacorum Local Plan (2004) states that the design of individual buildings should respect the overall street scene, and the finishing materials should be in keeping with those of the surrounding area. Furthermore, Chapter 12 of the National Planning Policy Framework (NPPF) (2018) emphasises the importance of good design in context and, in particular, Paragraph 127 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.4 The additional roof lights, ground floor window and internal mezzanine are not visible from the highway and therefore have minimal impact upon the street scene. The amendments are considered to be minor and as such do not have a detrimental impact upon the character and appearance of the parent or surrounding dwellings.

9.5 The changes to fenestration are not considered to be visually intrusive or harmful to the character and appearance of the dwelling or immediate street scene. The proposal therefore coheres with the NPPF (2018) and is in accordance with Policies CS11 and CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Dacorum Local Plan (2004).

Impact on Residential Amenity

9.6 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 and Policy CS12 of the Core Strategy, 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 or privacy.

9.7 An objection has been raised by the 59 Kings Road with regards to overlooking, loss of privacy and light spill from the roof lights. The separation distance between the front elevation of 59 Kings Road and the side elevation of the garage is approximately 30m. Additionally, due to the decrease in levels towards the highway, the garage is situated at a lower level than 59 Kings Road. As such, it is not considered that there is a significant detrimental impact in terms of overlooking, loss of privacy or light spill.

9.8 Though visible from surrounding units, the additional roof lights and ground floor window do not have a significant impact upon the residential amenity of surrounding units. As a result, the proposal is acceptable in terms of the NPPF (2018), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

9.9 The approved plans showed that three trees would be removed in the southeast corner of the plot and that the garage would be built on piled foundations to prevent damage to other existing trees. The Tree Officer stated that, whilst there are a number of trees on the site that are worthy of retention, none of the trees on the site merit a Tree Preservation Order particularly because of their position within falling distance of the fast and busy Kings Road. The garage was ultimately constructed on a shallow raft foundation, not a piled foundation, also in order to prevent damage to the retained trees. There is no objection to this amendment, noting that none of the trees on the site merit a Tree Preservation Order. The Tree Officer has not commented on the current application.

Response to Neighbour comments

9.10 These points have been addressed above.

CIL

9.11 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 as there would be no additional residential floor space.

10. Conclusions

10.1 The addition of two roof lights, one ground floor window, an internal mezzanine level and a shallow raft foundation are considered to be minor material amendments to the approved plans that do not have a significant visual impact nor do they detrimentally impact upon residential amenity. The amended development therefore continues to accord with the National Planning Policy Framework (2018), Policies CS1, CS4, CS11 and CS12 of the Core Strategy (2013) and Saved Appendices 3 and 7 of the Local Plan (2004).

11. RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions/for the following reasons:

Conditions/Reasons for Refusal

No	Condition
1	The development hereby permitted shall not be retained other than in accordance with the following approved plans: NEB 02 C

NEB 08 D
Reason: For the avoidance of doubt and in the interests of proper planning.
Article 35 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appendix A

Consultation responses

1. Pollution and Environmental Protection:

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01744/18/ROC for the Variation of Condition 2 (Approved Plans) attached to planning application 4/02079/17/FHA and I will like to advise that we have no comment nor objection on the issue of Noise, Air Quality and Contaminated Land in relation to the variation of the approved plans.

2. Conservation:

The application site lies outside the Berkhamsted Conservation Area - the amendments proposed via this ROC application are fairly minor, the overall scale and design of the garage seems to be as previously approved. No objection.

3. Berkhamsted Town Council:

Objection

The proposed windows would result in loss of privacy to neighbours. The Committee understands that this work is almost complete and hopes that a pile driving option was adopted when installing foundations so that adjacent trees would be protected.

CS11; CS12; Appendix 3 (i)

Appendix B

Neighbour notification/site notice responses

Objections

59 Kings Road:

The garage is built inc. add-ons shown in new application - (1) two large rooflights (780 x 1180 each) & window (1200 x 1200) all facing our house, (2) staircase in workshop. Work began on 16/4/2018 and the Architect gave us final plans. We noted 3 windows

added on side facing us, plus staircase. We objected to windows; he agreed to try to get them moved to other side of garage & confirmed in writing, not done. We are overlooked by 2 large rooflights and window and we can see people inside so they can see us. We are suffering loss of privacy and strongly object to being overlooked. If these 3 windows were moved to the other side of building, they would not overlook anybody.

We query purpose of Upstairs Room. The plans we have show: 6 dble power sockets (down), 4 dble power sockets (up), 3 elec rads (1 up), BT Broadband, 1½ sink with h&c water. Excessive for garage/workshop?

Block Plan states piled foundations to prevent damage to existing trees - NOT true, changed to Raft due to cost.

Further comments:

Please see below our comments/objections to this variation of the Planning Permission granted last Autumn. The garage has been built already and contains considerable variations to the original plans. We are not happy at being overlooked and losing privacy. We are concerned about the damage which may have been caused to trees on Kings Road. We are sending this to you because of the limited space on the Dacorum Planning website (1000 characters).

We live at 59 Kings Road, Berkhamsted. Our neighbours at No. 57 have submitted this new Variation of the Planning Application which is very different from the original Planning Application Ref. 4/02079/17/FHA. The garage has already been built and includes the differences between the original and current application which are (1) two large rooflights (780 x 1180 each) and a window (1200w x 1200h) all facing our property, and (2) the inclusion of a staircase in the "workshop" area to the upper area which is referred to as "mezzanine". When work began on building the garage on 16th April 2018, the Architect gave us his final plans for the project and we noted that the three extra windows had been added to the garage on the side facing us, together with a staircase. We stated our objection to these windows and he agreed to try and get them moved to the other side of the building and then confirmed this conversation in writing but presumably did not succeed. We are now overlooked by two large rooflights and a window and we can see people inside the building so presumably they can see us. We are therefore suffering loss of privacy and strongly object to being overlooked. If these three windows were moved to the other side of the building, they would not overlook anybody.

We would question the purpose of the Mezzanine/Room. According to the detailed plans we were given, the garage is scheduled to have:

6 double power sockets (downstairs), 4 double power sockets (upstairs), 3 electric radiators (1 upstairs), BT datapoint for Broadband, 1½ stainless steel sink with hot and cold water. This would seem excessive for a garage and workshop.

On the Proposed Block Plan submitted with the amended application, it states that "New garage built on piled foundations to prevent damage to other existing trees" - this is not true, it was changed to a Raft foundation because of the cost. Also the Ash tree shown is in fact a False Acacia as agreed by the Woodlands Officer.

The new garage was supposed to be built of bricks to match the house. It is not built of Old London Yellow Stock bricks but modern yellow bricks.

In addition to the facts provided we would like the Committee to consider how it can be that a professionally qualified local architect and his client have used a Planning Permission for one project as the basis for building one that is materially different from the one they had permission for. We know from our contact with the architect that he oversaw the work of the builder and indeed produced revised sets of drawings for the builder which he did not present to the Planning Committee for their agreement.

We can only imagine that you will conclude that this was a deliberate act to bypass the planners' jurisdiction. As such it shows disrespect to the Planning Committee and should not to be allowed to act as a precedent for future planning applications in this area.

Despite their original acknowledgement that bored piles would provide a safer solution for the preservation of the adjacent trees, the supervised project was allowed to go ahead with a raft. Although this will probably cause the life of the trees to be shortened, rectifying this after the event would be expensive and the Committee may not wish to call for such action. However a compromise consideration would be to call for the rooflights and window to be positioned on the other side of the garage. This would still allow the expected (although never mentioned) revised usage to go ahead but would not interfere with our privacy and outlook.

Further comments:

We wish to inform you that we are suffering considerable light pollution from the two large rooflights which have been installed in the roof of this new garage. They are several times larger than the rooflights which were installed in the original garage attached to the house. In the garage and room above they have very bright lights, either florescent or LED striplights, which shine directly on to the front of our house. They do not have blinds on either the rooflights or the ground floor window on our side. Additionally they have two external lights on the garage floodlighting the outside of the garage which also affect us. The lights in and outside the building were all on until gone midnight last night.

The street lights in Kings Road do not cause us any problems at all but now that the Nijkamp's are starting to use this building we should not be subjected to all this light at night. It is totally wrong that they should be allowed to instal these rooflights and side window which were not in the original plans and cause us so much obnoxious light at night.