

4/02599/15/FHA - SINGLE STOREY REAR EXTENSION AND BASEMENT EXTENSION.

38 MEADOW ROAD, BERKHAMSTED, HP4 1EB.

APPLICANT: MR GARY COOPER.

[Case Officer - Jennifer Seaman]

Summary

The application is recommended for approval. The proposals would accord with the relevant policies of the development plan and would cause no significant harm to either the character and appearance of the dwelling or the amenity of the neighbouring properties.

Site Description

The property is a two storey semi-detached house, located on a hillside in a suburban area of Berkhamsted characterised by similar dwellings. There is a raised area of decking at the rear of the house and the garden slopes downhill with a small shed at the end.

Proposal

It is proposed to erect a single storey rear extension and a new basement.

The single storey rear extension projects approximately 1.8m from the rear of the house for nearly the whole width of the house and has a pitched roof which continues the roof of the existing single storey part of the original house.

The proposed basement would project 6m from the rear of the house and, due to the slope of the land part of the extension will be partially visible (it would be approximately 200mm above the existing fenceline for a distance of approximately 1.2m). Where the proposed basement building projects beyond the existing decked areas, it would be flat roofed, with a 1.5m terrace and the remainder with planted sedum. The plans show a glass balustrade around the whole terrace area, hence there will be no access onto the sedum roof and also a new fence level (approximately 1m higher) to prevent overlooking from the terrace.

A brick retaining wall is shown directly to the rear of the proposed basement.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

4/02572/15/LDP - Lawful development certificate for loft conversion (hip to gable) and rear dormer extension. Pending

4/02576/15/LDP - Erection of an outbuilding in the rear garden. Granted

4/02762/15/FHA - Two storey side extension. Granted 16/09/15

4/02577/15/HPA – Householder Prior Approval for a single storey rear extension of 6 metres in length. Granted (10/08/15).

Constraints

Area of Archaeological Importance
Market Town (Berkhamsted)

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Summary of Representations

Berkhamsted Town Council

Objects to the planning application for the following reasons:

- The extension will result in a lack provision for car parking and a loss of light and privacy for the neighbouring properties. It was suggested that the upper level terrace may need screening. No reference had been made to the 45 degree line.
- A major concern was the building control issue arising from the creation of a basement and it was suggested that this be checked for safety reasons.
- Concern was also expressed about the impact of the excavation on the neighbouring properties which may cause subsidence and noted that there was currently no basement.
- There was a lack of clarity on the extent of the extension which is contrary to CS 29.
- The Committee had strong concerns about the impact of the extension as it increased density CS 11 and that it was out of character for the neighbouring properties CS 12 and noted that insufficient information had been submitted.

Historic Environment Adviser

In this instance, there is unlikely to be an impact on heritage assets of significant archaeological interest. I therefore have no comment to make on the application.

Response to Neighbour Notification

7 Objections received on the following grounds (summarised):-

- Such a large extension is out of keeping with other houses in the road.
- Currently there is no basement to extend and to our knowledge no other properties in Meadow road have a basement under the main house.
- A considerable amount of excavation would be required under the existing building which would have considerable impact on and affect the structure of adjacent houses.
- Considerable threat to the adjacent property no. 40 to which it is attached by a party wall
- Advice from surveyors to neighbours that adjoining houses would need to be underpinned if the basement project goes ahead.
- Basement excavations have been banned by Kensington and Chelsea Borough and Westminster Borough due to damage to adjoining properties.
- No investigation of stability of land and there have been issues of subsidence in Meadow Road in the past
- As a minimum the LPA should consider a Construction Methods statement
- Number 40 will suffer from overlooking, loss of light and overshadowing
- Raised terrace intrusive to privacy
- Concerned that the new lower level lounge is completely covering the sewage pipe
- Drainage will be disrupted by excavation works
- Needs to be provision for dispersal of rainwater
- Concerns about flooding
- Significant over-development of the house and garden because Mr Cooper has submitted other applications, for loft conversion/extension and home office in back garden
- The current on site parking for one car is insufficient

Considerations

Policy and Principle

The proposal is acceptable in principle subject to no detriment to the appearance of the original house or the character and appearance of the area and subject to no detrimental impacts on neighbouring properties.

Effects on appearance of building

The single storey rear extension is designed to be in keeping with the original house and does not have a detrimental impact on the character and appearance of the original house. The proposed basement, whilst flat roofed, is on a lower level than the original house and therefore a subordinate feature that does not have a detrimental impact on the original house.

Impact on the character and appearance of the area

All works are to the rear of the house and there are only limited views of the house from Dellfield Road. Planting at the rear of the property shields views of the site from

properties which back onto the application property and are lower down the hill. The single storey rear extension will be visible from the directly adjoining properties, but views of the basement construction are more limited as it is only marginally higher than fence lines (although it would be visible from windows of adjoining houses). As all the work is proposed to the rear of the house and a combination of height levels and planting limit public views, it is not considered there would be a detrimental impact on the character and appearance of the area.

While neighbours consider that the proposal constitutes overdevelopment, it should be noted that planning permission had already been granted for a 6m deep single storey rear extension and the basement construction is no bigger. Other proposals at the property have consisted of development proposals that do not require planning permission (such as the home office).

Impact on Highway Safety

The proposal is an extension to an existing house. The proposal does not increase the number of bedrooms and does not involve subdivision of the property. The proposal does not involve the loss of any parking spaces for the property and it is not considered likely to increase the number of cars that would park at the property. Therefore it is not considered that there would be a detrimental impact on highway safety.

Impact on Neighbours from construction of the basement

Concerns with respect to the construction of the basement have been raised and it is not surprising that neighbours have such concerns.

However, it should be noted that the planning system has limited powers to control the construction process and its impacts. Government Legislation advises that non planning issues such as loss of property value, party wall and land and boundary disputes or issues controlled by other legislation and regimes such as Building Control cannot be considered as part of a planning application.

Building Control enforces minimum standards and issues associated with engineering design and structural stability and ensuring that construction work undertaken is professional and competent. The Party Wall act is in place to control development on each side of a party wall and maintain its integrity and function and the Act can be used by neighbours to address issues where damage occurs.

It is important then to be clear that the possible structural impacts of building a basement would not be grounds for refusing the planning application. Conditions can however be included to try and minimise impacts.

There have been comments about Westminster Council and Kensington and Chelsea Council banning the construction of basements. This is not correct as the two councils concerned have guidelines and seek information on construction methodology, but they have not banned basement construction. Guidelines are stricter where for instance it is a basement beneath a Listed Building, or where it is in a known area for flooding.

Additional information provided by the applicant with respect to construction of the basement

The applicant has been advised of the concerns raised by neighbours and has provided additional information. Some of the points made were:-

- There will be no structural impact from this scheme and whilst I can understand neighbours trepidation there is no factual cause for concern. All works will be completed by a highly experienced team of temporary works engineer, structural engineer and a contracting team who have over 40 years experience in this type of construction.
- A full temporary works and structural scheme will be completed prior to any commencement.
- The present footings of my property are at a depth of 2.7m below the ground floor in two separate locations where trial holes have been dug. This means that the lower ground floor slab can be designed to fit inside the foundations of the party wall.
- Whilst I recognise that any building works can cause disruption the works in this scheme will be confined to my property. The right to a private life and its interaction with the planning laws in the UK are well documented and if granted any works would be undertaken in a lawful manner. Whilst I have considered Article 8 during the consultation stage of this scheme I do not believe that there is any infringement. During any lawfully granted building work I and my contracting staff will act in a considerate manner. Again being a highly experienced team with experience of this type of construction in all sectors of the industry we are well versed in considerate contracting.
- Investigation has revealed quite a substantial void under the existing ground floor, In reality the excavation under the rear portion of the house will only likely result in muck removal in the region of five skips. It is of note that the total area of excavation under the existing building is less than 23m². This could not be classed as considerable.
- To make an accurate statement in regards the requirement for underpinning you would have to know the level of the footings and then only if the full width of the building was required. Having carried out investigations in this regard we do not anticipate any underpinning to No. 40 Meadow Road. There are no signs of subsidence on my property. There are many causes of subsidence, for example a leaking drain which can cause subsidence in isolated areas – this is more than likely the explanation although the matter referred to was apparently 20 years ago and in a different street where the make up of the soil and a vast array of conditions could be different.
- Whilst I do not believe there is a requirement in the planning procedure for submission of a construction method statement, I am more than happy to work with

my neighbours and other interested parties to reassure them and as such a temporary works scheme and construction method statement will be issued – all this would normally be submitted for the building regulations/control.

(The applicant has already prepared and sent a construction method statement and draft construction programme)

Other impacts on neighbours (overbearing, overlooking, loss of privacy and light

The single storey rear extension is quite small in size and is not considered to be overbearing or result in overlooking, loss of privacy or loss of light.

The basement extension, being at a lower level and mainly below fence height is also not considered to be overbearing or result in overlooking, loss of privacy or loss of light. It should also be noted that the approved 6m single storey rear extension would have been higher and more prominent.

The proposed terrace would be screened by a higher fence line. But it should be noted that if standing on the existing terrace it is possible to look over the fence at neighbouring properties; and clearly when properties are on a hill there is a degree of overlooking that occurs.

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 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 in compliance with the NPPF and Policy CS12 of the Core Strategy.

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

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Construction Method Statement

Reason: For the avoidance of doubt and in the interests of proper planning in compliance with the NPPF and Policy CS12 of the Core Strategy.

Informatives

1. You are reminded that the proposal is likely to need agreement under the Party Wall Act