

<b>4/01264/19/FHA</b>	<b>PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION</b>
<b>Site Address</b>	<b>11 ST MARGARETS CLOSE, BERKHAMSTED, HP4 2LH</b>
<b>Applicant</b>	<b>Mr Jackson, 11 St Margarets Close</b>
<b>Case Officer</b>	<b>Robert Freeman</b>
<b>Referral to Committee</b>	<b>The proposals have been referred to committee in view of the objections from Berkhamsted Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed extensions are considered to be acceptable in terms of their design, bulk, scale, height and use of materials. They would not detract significantly from the character and appearance of the property or the area in which it is located. There would be no significant impact on the residential amenities of neighbouring properties. Adequate parking would be required for a dwelling of this size. As such, the proposals are considered to be in accordance with Policies CS8, CS11 and CS12 of the Core Strategy and Saved Appendices 5 and 7 of the Dacorum Borough Local Plan 1991-2011.

## **3. Site Description**

3.1 The site is located on the northern side of St Margarets Close and comprises a two bedroom semi-detached dwelling. A detached garage building is located to the rear of the property extending beyond the site boundary and providing parking for both the application property and its neighbour.

3.2 A number of properties within the locality have constructed two storey side extensions including those to Nos. 6, 16, 20, 24, 26 and 29 St Margarets Close substantially eroding the spacing between properties and the semi-detached character of properties within the street.

## **4. Proposal**

4.1 The application proposes the demolition of the existing garage and conservatory and the construction of a two storey side extension and single storey rear extension. This would provide an integral garage at ground level and an additional bedroom at first floor level. Two parking spaces would be created within the front garden to the property.

## **5. Relevant Planning History**

5.1 There is no relevant planning history associated with this property.

## **6. Policies**

6.1 National Policy Guidance

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

## 6.2 Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 13 - Use of Planning Conditions and Obligations.  
Policy 51 - Development and Transport Impacts  
Policy 54 - Highway Design  
Policy 58 - Private Parking Provision  
Appendix 5 - Parking Provision  
Appendix 7 - Small Scale House Extensions

## 6.4 Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)

## **7. Constraints**

7.1 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**

### Policy and Principle

9.1 The site is located within a residential area of Berkhamsted where in accordance with Policies CS1 and CS4 of the Core Strategy there would be no objection in principle to the extension of residential units. The main considerations in this case are those relating to the design and impact of works on the character and appearance of the area and the implications of the development for neighbouring properties.

## Design

9.2 The proposed extensions are considered to be appropriate in terms of its design, bulk, scale, site coverage and use of materials and as such is not considered to detract from the overall appearance of the property in accordance with Policies CS12 and CS13 of the Core Strategy.

9.3 The rear extension would replace an existing rear conservatory with a more contemporary, flat roofed design with two rooflights and wide bi-fold doors maximising daylight and sunlight to the kitchen and dining area. This would project some 4.2m to the rear of the property and would be a maximum of 3.5m in height reflecting the lower ground floor area of the proposed rear extension and change in topography to the rear garden to the site.

9.4 A two storey side extension would be constructed onto the common boundary of the site and to the full depth of the original dwelling. This would facilitate the construction of a new bedroom and en-suite at first floor level and a garage space. A number of other properties within St.Margarets Close have undertaken similar extensions such that the proposed development cannot be considered to be unduly harmful to the character and appearance of St. Margarets Close; the spacious character of which has already been eroded.

## Impact on Neighbouring Properties

9.5 The impact of the proposed works on the neighbouring property can clearly be assessed from drawing EB11SMC-04D.

9.6 The proposed rear extension, although significant in height, would not project significantly beyond the existing extension or that of the adjoining property (No.12) and as such it is concluded that the proposed extension would not result in significant harm to this property either as a result of visual intrusion or as a result of losses in either daylight, sunlight or privacy. The proposed development is therefore considered to be in accordance with Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011.

9.7 The proposed extension to the side of the property would be located opposite a glazed entrance door and first floor window to No.10. However, the extension is also unlikely to result in significant harm to the amenities of this property in view of the juxtaposition of units and internal layout of the property. The openings to the flank elevation of the property are not the primary source of light to the main habitable areas within the property. As such, the proposals would not adversely impact on No.10.

## Impact on Highway Safety

9.8 A total of two parking spaces would be provided as a result of the development. This would be a modest shortfall of 0.25 spaces against the maximum parking standards in Saved Appendix 5 of the Local Plan 1991-2011. The arrangements are not considered either detrimental to the appearance of the area (under Policy CS12) nor matters of highways safety (under CS8 and CS12 of the Core Strategy)

## Other Material Planning Considerations

9.9 The proposals are not considered to raise any other significant planning issues.

#### Response to Neighbour comments

9.8 An objection to the proposals has been received from the adjoining property at 12 St Margarets Close. The impact of development upon the amenities of this property are considered above. A number of issues are raised in relation to procedural matters under the Party Wall Act. These are Building Control issues and subject to their own regulatory framework. It is not for the planning process to intervene in this process and as such we would make no comments thereon.

### **10. Conclusions**

10.1 This application is considered to comply with the relevant Development Plan policies and as such it is recommended that planning permission be granted.

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

#### Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <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.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>EB11SMC-01 (Location and Block Plan) EB11SMC-04D (Proposed Floor Plan) EB11SMC-05A (Proposed Floor Plan) EB11SMC-06 (Proposed Elevations)</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

### **Appendix A**

#### **Consultation responses**

#### **Berkhamsted Town Council**

Berkhamsted Town Council would object to the proposals. Although in principle, the Committee had no issue with the proposed rear extension we would like some clarity

on the impact the proposed side extension may have on the adjacent property. The application drawings do not make clear the extent of this impact. As such we consider that the proposals would be contrary to Policy CS12 of the Core Strategy.

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **Objections**

##### 12 St Margarets Close

The owner of number 11 has introduced himself to us as 'Rory' to date and therefore we shall refer to him as such throughout this response.

Prior to receipt of your letter, we had not been in contact with Rory regarding his plans for extending his property. We were out of the country at the time the letter was delivered and read it on our return, which was Saturday 8 June 2019.

On Sunday 9 June 2019, Rory was undertaking some work in the garden to the rear of his property and Mrs Gayle took the opportunity to discuss the proposed rear extension with him. During that discussion, Rory confirmed that the proposed extension to number 11 would not protrude past the existing building line at the rear of our property and would be aligned with our existing rear extension. This appears to conflict with documents EB/ I I SMC-01 and EB/I I SMC-06 which clearly show that the proposed works extend past the current building line. Despite the verbal assurances provided from Rory, we are concerned that, as they stand on paper, the proposed works will affect our "right to light" and seriously overshadow our dining room window, which is part of our rear extension constructed in 1982. Therefore, we request that the plans are modified to show that the rear extension will align with our existing extension if this is the case.

These documents also appear to show a shared boundary line. Rory also explained that there would need to be some excavation into the foundations at the rear of his property, including at the boundary, which is within 3 or 6 metres of our property. Mrs Gayle therefore suggested that a Party Wall Agreement may need to be provided. On 15th June 2019, Rory notified Mrs Gayle that he was in the process of preparing a Party Wall Agreement. However, at the time of writing, we have not yet received said agreement.

Our understanding is that a Party Wall Agreement is required for the following:

- work on an existing wall or structure shared with another property (section 2 of the Act);
- building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property (section 1 of the Act); or
- excavating near a neighbouring building (section 6 of the Act).

And, that depending on the nature of the works required, this notice should be provided between one and two months of commencement date.