

<b>4/01643/19/FHA</b>	<b>TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION</b>
<b>Site Address</b>	<b>13 LOMBARDY DRIVE, BERKHAMSTED, HP4 2LG</b>
<b>Applicant</b>	<b>Mr DAVID PERRYMAN, 10 MILLFIELD</b>
<b>Case Officer</b>	<b>Heather Edey</b>
<b>Referral to Committee</b>	<b>Contrary views of Berkhamsted Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposed works are acceptable in principle, given that the application site falls within a designated residential area of Berkhamsted, whereby appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy (2013). The proposal would not be considered to detract from the character and appearance of the existing dwelling or wider streetscene or to significantly adversely affect the residential amenity of neighbouring properties, by virtue of its sympathetic design. Sufficient parking provision would also be retained for current and future occupiers, with the dwelling providing three off-street parking spaces in line with the maximum parking spaces. Given the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS4, CS8, CS11 and CS12 of the Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

## **3. Site Description**

3.1 The application site comprises a two storey link-detached dwellinghouse, situated on Lombardy Drive, within a designated residential area of Berkhamsted, on ground levels that steeply rise towards Hillside Gardens.

3.2 The site falls within the BCA2: Swing Gate Character Appraisal Area, which notes that at Lombardy Drive, the design of houses, typical of the 1960's is repeated. This uniform design consists of staggered building lines and gable fronted roofs, with properties being externally finished in either hanging tiles or wood cladding. Though it is noted that properties along Lombardy Drive typically comprise a uniform design, many properties have been extended, many comprising two storey side and two storey rear extensions similar to that proposed under the current application.

## **4. Proposal**

4.1 The application seeks planning permission for the construction of a two storey side extension and a part two storey and part single storey rear extension.

## **5. Relevant Planning History**

No relevant planning history.

## **6. Policies**

## 6.1 National Policy Guidance

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

## 6.2 Adopted Core Strategy

- CS4, CS8, CS11, CS12, CS35

## 6.3 Saved Policies of the Dacorum Borough Local Plan

- Policies 58, 119, and Appendices 3, 5 and 7

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

- Area Based Policies (May 2004) - Residential Character Area Appraisal BCA2: Swing Gate
- Accessibility Zones for the Application of Car Parking Standards (July 2002)

## **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**

9.1 The main issues to consider are:

- Policy and Principle
- Impact on the Existing Building and Streetscene
- Impact on Residential Amenity
- Impact on Parking

### Policy and Principle

9.2 The site is situated within the residential area of Berkhamsted. In accordance with Policy CS4 of the Core Strategy (2013), appropriate residential development is encouraged within towns and large villages.

### Impact on Existing Building and Streetscene

9.3 The NPPF (2019) and Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials. Furthermore, Saved Appendix 7 of the Dacorum Borough Local Plan (2004) promotes good design practice for house extensions, stating that extensions should harmonise with the existing house and the surrounding area.

9.4 The Character Appraisal Area BCA2: Swing Gate notes that at Lombardy Drive, the design of houses, typical of the 1960's is repeated. It also provides specific guidance for new development, stating that new extensions should be subordinate in scale and height to the parent building.

9.5 The application seeks planning permission for the construction of a two storey side extension and part two storey, part single storey rear extension. The proposed two storey side extension would be positioned above the existing garage, measuring approximately 3.5m wide and 4m deep and partially infilling the gap between the existing garage, kitchen and toilet room. It would adjoin the proposed rear extensions, which measure approximately 4m deep and 8m wide at ground floor level, and approximately 2.2m deep and 4.8m wide at first floor level, to form a wrap around extension, providing a larger kitchen, new utility room and an additional bedroom.

9.6 The Parish Council have raised objection to the proposed works, raising concerns relating to the proposals' scale, bulk and mass.

9.7 The proposal has been sympathetically designed to appear a subordinate addition to the existing dwelling, with all elements of the proposal being finished in materials to match the existing dwelling, including matching facing brickwork, interlocking concrete tiles and uPVC windows/doors, and both two storey projections comprising gable ended roofs, set down from the roof of the parent dwelling. Following comments raised by the Parish Council, the agent has also further reduced the bulk of the single storey rear projection closest to the boundary with no. 15 Lombardy Drive, with the proposed mono-pitched roof being altered to comprise a flat crown roof.

9.8 Given the above, it is not considered that the proposal would dominate the existing dwelling in terms of scale, bulk or mass, by virtue of its sympathetic design.

9.9 The proposed two storey side extension is the only element of the proposal that would be visible in the streetscene. It has however been designed to integrate with neighbouring properties and retain the character of the streetscene, given that it would be positioned over the existing garage and set back from the front elevation of the existing dwelling by approximately 3.3m, retaining the gable front of the existing dwelling, which currently forms a prominent feature within the streetscene.

9.10 Taking this into account, and considering that there are numerous examples of similar style two storey extensions within the immediate area, (i.e. at property no. 5 Lombardy Drive), the proposal would not be considered to detract from the character and appearance of the streetscene by being excessive in scale, bulk or mass.

9.11 Given the above, the proposal complies with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004), Character Appraisal Area BCA2: Swing Gate, and the relevant sections of the NPPF (2019).

## Impact on Residential Amenity

9.12 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.13 The Parish Council have raised objection to the proposed works, raising concerns that the proposal would adversely affect the residential amenity of neighbouring properties.

9.14 The proposal has been significantly amended to reduce its impact on the residential amenity of neighbouring properties and to accord with technical planning guidance, (in particular, lighting guidance set out under the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight').

9.15 The existing dwelling shares a rear boundary with 10 Greene Walk, and side boundaries with properties 11 and 15 Lombardy Drive.

9.16 Given that a distance of approximately 26m would be retained between the proposed development and the rear boundary of 10 Greene Walk, it is considered that there would not be any significant adverse affects to the amenity of this neighbouring property in terms of loss of light, privacy or visual intrusion.

9.17 The proposed two storey and single storey rear projections have been sympathetically designed to clear a 45 degree line from no. 15 Lombardy Drive's nearest habitable window. Taking this into account, it is not considered that the proposal would significantly affect sunlight or daylight levels to this property. Though the existing dwelling is sited on higher ground to no. 15, the proposal would not be considered to appear visually overbearing, given that it would be set away from the shared boundary by 1m, and would have a modest depth at two storey level, only projecting 2.3m deeper than the rear elevation of this property.

9.18 Given that no windows have been proposed to the side elevation of the proposed development overlooking neighbouring property no. 15, the proposal would not be considered to result in a significant loss of privacy to this property. Though considered acceptable in its current form, it is noted that the existing dwelling retains permitted development rights, allowing the applicant to insert a ground floor window on the side elevation overlooking no. 15, outside of the control of the Local Planning Authority. Taking into account the difference in ground levels between the two properties, this amendment to the proposal could give rise to overlooking concerns. To overcome this, the applicant has agreed to a condition being attached to the formal planning consent, removing permitted development rights to insert a ground floor window on the side elevation overlooking no. 15.

9.19 Given that the proposal would clear a 45 degree line from the nearest habitable window of no. 11 Lombardy Drive, and a 25 degree line from the side kitchen window of this property, the proposal would not be considered to adversely affect daylight or sunlight levels to this property. Given that no first floor windows are proposed to the side elevation facing this property, it is not considered that the proposal would facilitate

any additional overlooking.

9.20 The proposal would extend 2.2m deep at two storey level along the shared boundary with neighbouring property no. 11 Lombardy Drive. Given the lowered eaves and separation distance between the kitchen window and flank wall of the extension, visual relief would be provided and as such, the proposal would not be considered to be visually intrusive.

9.21 Given all of the above, the proposal complies with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the relevant sections of the NPPF (2019).

### Other Material Planning Considerations

#### Impact on Parking

9.22 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.23 The proposed works would alter the existing property from a three to four bed dwelling. The maximum parking standards state that a four bed dwelling in this area requires a maximum of three off-street parking spaces.

9.24 Given that the proposal would provide three off-street parking spaces, sufficient parking provision would be retained for current and future occupiers. As such, the proposal complies with the NPPF (2019), Policies CS8 and CS12 of the Core Strategy (2013), Saved Appendix 5 and Saved Policy 58 of the Local Plan (2004).

#### Response to Neighbour Comments

9.25 All of the material planning considerations raised by neighbours have been considered earlier in the report.

#### Community Infrastructure Levy (CIL)

9.26 Policy CS35 of the Core Strategy (2013) 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 1<sup>st</sup> July 2015. The application is not CIL liable as it would result in less than 100 sqm of additional residential floorspace.

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

#### Conditions

No	Condition
1	The development hereby permitted shall be begun before the expiration of

	<p>three years from the date of this permission.</p> <p><u>Reason:</u> 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 application form.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy (2013).</p>
3	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no ground floor windows or other openings shall be constructed on the side elevation of the proposed single storey rear extension facing neighbouring property 15 Lombardy Drive without the prior written approval of the local planning authority.</p> <p><u>Reason:</u> In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).</p>
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>DRG 01 DRG 02 DRG 03 DRG 19/DP/001 Rev D</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning, in accordance with Policy CS12 of the Core Strategy (2013).</p> <p><u>Article 35</u></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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>

## Appendix A

### Consultation responses

BERKHAMSTED PARISH COUNCIL	Objection
<p>It was agreed that the plans were difficult to view and do not fully represent the impact on the neighbouring dwellings. Fresh drawings were requested in order for the</p>	

Committee to consider the application. The objections of both neighbouring properties should be taken into account. The scale, bulk and mass of the proposed application and its potential impact on the neighbours' amenity is contrary to CS12. The Committee also seeks clarification from the Planning Officer as to whether the 45° line is maintained for the ground and first floor rear extension for both adjacent properties.

CS12, Appendix 3 (iv), Appendix 7 (v)

**Response following amendments to the scheme**

The Committee agreed that the impact on 11 Lombardy Drive should be taken into account. The Committee objected to the scale, bulk and mass of the proposed application. The proposed scale of the extension at the rear would negatively impact on the amenity of the neighbour at 15 Lombardy Drive which by virtue of the slope is set at a lower level.

CS12, Appendix 3 (iv), Appendix 7

**Appendix B**

**Neighbour notification/Site notice responses**

**Objections**

<b>Address</b>	<b>Comments</b>
Neighbour 1	<p>Further to your site visit on Thursday 25 July, we wish to object to the above planning application on the following grounds:</p> <p>The proposed double storey extension to the rear will result in considerable overshadowing and loss of the only source of light to downstairs rooms at the side of our property.</p> <p>The proposed extension at double storey height will be visually overbearing.</p> <p>The proposed plans do not take into account the existing layout of our property.</p> <p>We have no objection to a single storey rear extension.</p> <p>Thank you for your attention and consideration in this matter.</p>

Address	Comments
Neighbour 2	<p data-bbox="900 248 1501 365">Following our discussions regarding the above proposed extension , I detail below my case for objecting to this work.</p> <p data-bbox="900 389 1497 622">I am the owner of No 15 Lombardy Drive ie the adjacent property (downhill) to the applicant. I have seen the proposals for the development work at No. 13 &amp; would like to raise my objections to the submitted plans on the following grounds.</p> <p data-bbox="900 707 1506 940">1) The size &amp; scale of the proposal which extends some 6.3 mtr from the nearest rear wall of my property, is, I feel, so close &amp; overpowering, that I have an issue with the bulk/mass &amp; overshadowing effect this building would create.</p> <p data-bbox="900 1025 1501 1220">2) In addition, the resulting loss of natural light, which we have enjoyed for 32 years, would be seriously affected, both in the rear rooms ie kitchen &amp; bedroom , and also the patio area</p> <p data-bbox="900 1305 1501 1581">3) All the houses down Lombardy Drive are in alignment, with the exception of three, ie my property No 15 (also no's 17 &amp; 19) &amp; these are set back approx 2.3mtr , meaning that in my case, the proposed extension would extend some 6.3 mtr , at it's nearest point.</p> <p data-bbox="900 1666 1485 1942">4) As Lombardy Drive is on a hill, each house drops lower than the adjacent property, &amp; again in my case, ie some 1.1mtr below No 13. The effect of this is that the proposed extension would tower above us at the rear , overpowering our property by a very considerable height .</p> <p data-bbox="900 2027 1493 2063">5) I feel that both points 3 &amp; 4 exacerbate</p>



	<p>the problem of overshadowing &amp; light restriction.</p> <p>Would you kindly process these objections into the Planning process for this development.</p>
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