

**ITEM NUMBER: 5f**

<b>20/02549/FHA</b>	<b>Two storey side/rear extension with a single storey rear extension and front porch (amended scheme)</b>	
<b>Site Address:</b>	<b>24 Finch Road Berkhamsted Hertfordshire HP4 3LH</b>	
<b>Applicant/Agent:</b>	<b>Anneke Laux</b>	<b>Chris Hlaing</b>
<b>Case Officer:</b>	<b>Natasha Vernal</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted West</b>
<b>Referral to Committee:</b>	<b>Contrary view of Berkhamsted Town Council</b>	

**1. RECOMMENDATION**

1.1 That planning permission be granted with conditions.

**2. SUMMARY**

2.1 The principle of residential development in this location is acceptable. The proposed two storey side extension with a single storey rear extension and a single storey front extension will integrate with the existing dwelling and surrounding area by virtue of its sympathetic design and scale. Whilst visible from the surrounding area, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it impact upon local parking provision.

2.2 The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2019) and the Durrants (BCA16) Residential Character Appraisal Supplementary Planning Guidance (2004).

**3. SITE DESCRIPTION**

3.1 The site is occupied by a two storey detached dwelling located on the south side of Finch Road in Berkhamsted. The site is predominately residential in character. Finch Road is characterised by detached dwellings but hosts a variety of styles, designs and finishes such that there are no common design features or uniformity to the street scene.

**4. PROPOSAL**

4.1 The proposal seeks full householder planning permission for the construction of a two storey side extension with a single storey rear extension and a single storey front extension.

4.2. It should be noted that this planning application is an amended scheme from the previous scheme under LPA ref: 20/00758/FHA.

**5. PLANNING HISTORY**

Planning Applications (If Any):

20/00758/FHA - Two storey side and single storey rear extensions  
*REF - 17th July 2020*

Appeals (If Any):

20/00047/REFU - Two storey side and single storey rear extensions  
*VALID -*

## **6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4  
CIL Zone: CIL1  
Parish: Berkhamsted CP  
RAF Halton and Chenies Zone: Green (15.2m)  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Red (10.7m)  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
Residential Character Area: BCA16  
EA Source Protection Zone: 3  
EA Source Protection Zone: 2  
Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

Durrants (BCA16) Residential Character Appraisal (2004)  
Accessibility Zones for the Application of Car Parking Standards (2002)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

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 the towns and large villages.

### Quality of Design / Impact on Visual Amenity

9.3 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004). In addition, the Durrants (BCA16) Residential Character Appraisal (2004) states that extensions should normally be subordinate in terms of scale and height to the parent building and the use of architectural features be simple, with a general lack of detailing on buildings to provide a strong design pattern characterised by red brickwork and hipped roofs.

9.4 The Durrants (BCA16) Residential Character Appraisal states that spacing within the medium range (2 m to 5 m) should be maintained. The proposed two storey side extension would be sited approximately 1.4 metres from the north-west boundary and the neighbouring property at No.22 would be sited approximately 0.6 metres from the common boundary resulting in a 2 metres separation distance between the two properties. It is considered that there would be adequate separation between the subject property and the neighbouring property at No.22 to avoid a terraced effect in the street scene. There is also adequate space on the eastern side of the existing dwelling and the neighbouring property at No.26 to avoid it appearing cramped within the street scene. Therefore the proposed two storey side extension complies with the Durrants (BCA16) Residential Character Appraisal (2004)

9.5 The surrounding area is characterised by detached dwellings but hosts a variety of styles and designs, many of which show evidence of extension / alteration.

9.6 The existing garage would be demolished. The proposal seeks the erection of a two storey side extension and a single storey rear extension with a single storey front porch extension. The proposal would comprise a pitched roof to the two storey side extension and a flat roof to the rear extension and front porch. It is noted that properties within the street scene such as Nos. 17, 19, 21, 26 and 35 benefit from two storey side extensions.

9.7 The proposed ground floor development would measure approximately 3.8 metres from the rear elevation, 2.7 metres from the side elevation and 1.2 metres from the front elevation. The ground floor development would have a maximum height of approximately 2.7 metres. One roof light would be inserted within the proposed flat roof ground floor rear extension.

9.8 The proposed first floor development would extend approximately 2.1 metres from the rear elevation, 2.8 metres from the side elevation and 0.3 metres from the front elevation. The proposed

two storey development would have a maximum height of approximately 7.5 metres and the proposed first floor rear extension would have a maximum height of approximately 3.6 metres.

9.9 Alterations to fenestration is proposed to the existing dwelling with external works to the front elevation involving the infilling of the existing front door and window with brickwork to match the existing dwelling and the insertion of a window to the ground floor front elevation. The proposed fenestration would be in keeping within the surrounding area.

9.10 The proposed front and west flank elevation would be rendered at first floor to match the existing dwelling. The proposed single storey rear extension and front porch would feature timber cladding in black. A parapet wall is proposed on the ground floor west flank elevation and would have facing brickwork to match the existing dwelling and the surrounding environment.

9.11 It is noted that the proposal introduces contemporary materials at the front and rear elevation, however these materials would not have a detrimental impact on the character and appearance of the existing dwelling or the surrounding area.

9.12 Although some elements of the proposed development would be visible from the public realm, the proposal would be set back from the public highway by approximately 7 metres and therefore the proposal would be less prominent when viewed along Finch Road. Furthermore, the proposal is considered to harmonise with the existing dwelling and the surrounding street scene as the proposed two storey side extension and front porch allows visual reading of the original front elevation and therefore it is not considered to result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area.

9.13 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

#### Impact on Residential Amenity

9.14 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.

9.15 The neighbouring property at No.26 benefit from a two storey side and single storey front extension and pitched roof over existing rear extension granted under LPA ref. 4/00331/11/FHA.

9.16 The proposed front extension would extend beyond the neighbouring property at No.26's principal elevation by approximately 1.2 metres. However the proposed extension would be on the opposite side of the existing dwelling and would be sited approximately 7.5 metres from the east boundary. The proposed two storey side extension and single storey rear extension would not project beyond No.26's rear elevation. The proposed first floor extension would be sited approximately 5.8 metres from the east boundary and the proposed single storey rear extension would be sited approximately 0.7 metres from the east boundary. Due to the position of No.26, the orientation is favourable and therefore this neighbour would experience no loss of sunlight. Furthermore, due to the orientation being favourable to No.26 and the absence of side fenestration towards No.26 there are no concerns in terms of overlooking, loss of light or overshadowing.

9.17 It is noted that formal objections have been received from neighbouring property at No.22. The neighbouring property at No.22 has objected on the grounds of the proposed development causing

potential overshadowing, loss of light and not in keeping with the surrounding area. However the plans indicate the proposed first floor development would not breach the 45 degree rule.

9.18 Although the proposed front extension would project beyond the neighbouring property at No.22's principal elevation, the proposed extension would be on the ground floor and would be sited approximately 1.7 metres from the north-west boundary. The proposed two storey side extension and single storey rear extension would extend beyond the neighbouring property at No.22's rear elevation by approximately 3.8 metres at ground floor level and 1.3 metres at first floor level. The proposed development would not breach the 45 degree rule and would be sited approximately 1.4 metres from the north-west boundary, it is not considered therefore that the proposed extension would result in loss of light to No. 22 to warrant refusing the application. Furthermore, the scheme has been reduced in scale in comparison to the previous scheme under LPA ref 20/00758/FHA in order to address some of the neighbour's concerns. Overall the proposed extensions would not therefore affect sunlight to No. 22 due to the separation distance and absence of side fenestration from the first floor development there are no concerns in respect of visual intrusion or loss of privacy.

9.19 The neighbouring property at No.15 (Finch Road) raised an objection on the grounds of the proposed front porch would be out of keeping within the surrounding area and could potentially result to loss of sunlight/daylight to the adjoining neighbouring properties.

9.20 The proposed front porch would be sited approximately 38 metres from No.15 and is considered to be visually less prominent when viewed from No.15. Furthermore no fenestration from the proposed porch is proposed to face towards Nos. 22 and 26. Therefore there are no concerns in terms of loss of sunlight/daylight, overshadowing or overlooking.

9.21 The proposed first floor extension may result in overlooking towards the rear elevations of neighbouring property at Nos 14 and 16 (Orchards Close). However the proposed first floor rear extension would be sited approximately 23 metres from Nos. 14 and 16 and therefore there are no concerns regarding overlooking.

9.22 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2019).

#### Impact on Highway Safety and Parking

9.23 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2019) states that when setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.24 The existing dwelling comprises three bedrooms, the maximum parking requirement for which is two off-street parking spaces, according to Saved Appendix 5. As a result of the proposed development there would be four bedrooms. The existing garage would be demolished and therefore the proposal would result in the loss of one internal parking space. However, the loss of the parking space will not affect the local parking capacity as this four bedroomed detached dwelling has a substantial area of hardstanding located to the frontage of the subject property that can accommodate at least two vehicles. In addition, there are local public transport routes situated in close proximity to the application site.

9.25 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Berkhamsted Town Council Objection

9.26 Berkhamsted Town Council has objected on the grounds of the scale, mass and bulk of the first-floor extension being overbearing and would adversely impact the amenity of the neighbour at number 22.

9.27 The proposed first floor rear extension is considered to be modest in scale. The width of the first floor allows visual reading of the original rear elevation and therefore it is not considered to result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area. In regards to impacts on neighbour amenity, the first floor rear extension demonstrates subservience by setting back the rear walls to 2.1 metres. Furthermore, the proposed first floor rear extension would not breach the 45 degree rule and therefore it is not considered that the proposal would read as a visually intrusive form of development when viewed from the neighbouring property at No.22's rear elevation.

#### Response to Neighbour Comments

9.28 The neighbouring property at Nos. 15 and 22 has objected on the grounds of the proposed development causing potential overshadowing, loss of light and not in keeping with the surrounding area. These points have been addressed in the impact on residential amenity assessment.

#### Community Infrastructure Levy (CIL)

9.29 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. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

### **10. CONCLUSION**

10.1 The proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

### **11. RECOMMENDATION**

11.1 That planning permission be **GRANTED** subject to the following conditions:

#### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin 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 development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- 3068.02.04
- 3068.03.00
- 3068.04.05
- 3068.05.03
- Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

**Informatives:**

1. 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) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Parish/Town Council	<p>Objection</p> <p>The scale, mass and bulk of the proposed rear extension would lead to a material loss of amenity to the adjoining neighbour.</p> <p>CS12, Appendix 3</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	2	0	2	0

**Neighbour Responses**

Address	Comments
<p>22 Finch Road Berkhamsted Hertfordshire HP4 3LH</p>	<p>I write in regards to the amended plans for 24 Finch Road dated 2 September 2020 which do not address our concerns and would continue to result in an overbearing development which would cause a loss of amenity to our property, as per the previous decision for planning application 20/00758/FHA.</p> <p>I wish to OBJECT strongly to the amended plans regarding the proposed two storey rear extension and the porch as indicated on View F, G, H in '20_02549_FHA-EXISTING_AND_PROPOSED_ELEVATIONS-1107932.pdf'.</p> <p>I wish to OBJECT strongly to the two storey rear extension as indicated on the plans, for the below reasons.</p> <p>Loss of light and overshadowing</p> <p>A double storey rear extension would lead to an unacceptable loss of light and overshadowing for 22 Finch Road. The particular concern is that the neighbouring property, 22 Finch Road, does not have an extension all the way along the back of the house (see 'F Proposed Block Plan' on '20_02549_FHA-EXISTING_AND_PROPOSED_PLANS-1107934.pdf'). Notably, there is a pond and small patio in the area that will be over-shadowed and double doors to the dining room which is the main source of natural light for the room. The light has been uninterrupted in this way for 36 years, I understand a right to light is acquired when there has been an uninterrupted period of 20 years</p> <p>Specifically comparing the amended plans (20/02549/FHA) to the previous plans (20/00758/FHA):</p> <ul style="list-style-type: none"> <li>o The 'Design and Access Statement' refers to similar precedents on the road, where there has been a two storey side extension projected rear of the existing building. This is not accurate having looked at those planning applications and viewed the houses myself. A two storey side extension has never been allowed to extend beyond the back wall of the original blueprint of a house where the houses are so close like ours.</li> <li>o For number 30 Finch Road (outlined in paragraph 2.2 p3 of 'Design and Access Statement'), the two storey side extension did not go beyond the line of the original ground floor plan of the house (see page 4 of 'Design and Access Statement', bottom right). Also the distance between number 28 and number 30 Finch Road is nearly 3m. There is 2m between 22 and 24 Finch Road.</li> <li>o For number 32 Finch Road (outlined in paragraph 2.3 p3 of 'Design and Access Statement'), these documents are not available to view online, however looking from the road and on Google earth, we know that the two storey element of the side extension did not go beyond the original ground floor plan of the house also.</li> <li>o The orientation of both 22 and 24 Finch Road mean that the rear of each plot is South West facing, so the two storey rear extension would significantly impact natural light when the sun rises. Note that the 'Design and Access Statement' makes a comparison to 30 Finch Road (paragraph 2.2 p3 of 'Design and Access Statement'), however the impact on natural light is not comparable, as there were already trees in between 30 &amp; 28 Finch Road which can be seen on p4 of the design and access statement (on the right hand side) and also by looking on</li> </ul>

	<p>Google earth.</p> <ul style="list-style-type: none"> <li>o Whilst the second storey part of the extension has been amended to be moved back by 0.79m from the back of the house, we do not believe that this has gone far enough to address our concerns. We would like to point out that:</li> <li>o the single storey rear extension in the amended plans has been extended to 3.8m compared to application 20/00758/FHA. See Pic 2 line 'B'.</li> <li>o also the dotted line representing the rear of 22 Finch Road in view <span style="float: right;">F</span> in <span style="float: right;">in</span> '20_02549_FHA-EXISTING_AND_PROPOSED_ELEVATIONS-11079 32.pdf' has been extended too far in the diagram. See Pic 1 line 'A' showing more accurate line of the rear of 22 Finch Road.</li> </ul> <p>These two items, taken together, mean that the amended plans seem to show that the size and bulk of the proposed second storey extension has been reduced further than it actually has. We would appreciate the planning officer bearing this in mind when assessing the amended proposal.</p> <p>Whilst we appreciate that the site at 24 Finch Road is in need of refurbishment, we feel that the amended plans still do not go far enough to address our concerns and that the development takes an unacceptable amount of light from our property, 22 Finch Road. We would be fine with the proposal if a simple adjustment was made so that the height of the rear extensions was reduced so that it is single storey all the way along the back of the house (in line with other houses on the road). We would also be comfortable with the proposal if the second storey part of the extension does not extend beyond the rear of 22 Finch Road, reducing the impact of the overshadowing.</p> <p>I wish to OBJECT strongly to the front porch as indicated on the plan (View <span style="float: right;">F</span> in <span style="float: right;">in</span> "AMENDED_EXISTING_AND_PROPOSED_FLOORPLANS-108001 8.pdf"), for the below reasons.</p> <p>Loss of light and overshadowing</p> <p>We believe that the proposed front porch single storey extension would lead to an unacceptable loss of light and overshadowing for 22 Finch Road. In particular, the front bay window impacted at 22 Finch Road is the main source of natural light for the living room.</p> <p>We would also like to highlight a discrepancy, as paragraph 3.3 in the 'Design and Access Statement' states that the proposed side extension will not project further than the line of the existing bay windows to the front elevation. However, the single storey element of the side extension will extend beyond the existing bay windows at the front of the house which is the element of the proposal that we are objecting to. See Pic 3 line 'C'. We would be comfortable with the proposal if the side extension, front porch, will not project further than the line of the existing bay windows to the front elevation as stated in the 'Design and Access Statement' and as shown by line 'C' on Pic 3.</p> <p>Yours faithfully,</p>
<p>15 Finch Road Berkhamsted Hertfordshire HP4 3LH</p>	<p>Front porch appears to extend out further than needed. Potentially obstructing light from neighbouring bay window. Not in line with front line of houses down hill along Finch Road.</p>

