

**ITEM NUMBER: 5c**

<b>20/01839/FHA</b>	<b>Rear dormer with roof lights on front slope</b>	
<b>Site Address:</b>	<b>1 Birtchnell Close Berkhamsted Hertfordshire HP4 1FE</b>	
<b>Applicant/Agent:</b>	<b>Jack Dundas</b>	<b>Mr George Kain</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**

That planning permission be **GRANTED** with conditions.

**2. SUMMARY**

2.1 The site is located within the town of Berkhamsted wherein residential extensions are acceptable in accordance with Policy CS4. The application site comprises a two storey property located within the recently built development of Stag Lane. Permitted development rights were removed of the original permission. Birtchnell Close and the surrounding streets are modern in their character with many properties having been extended and altered. Several surrounding properties including Nash Close which is situated in close proximity to the application site have undertaken similar works involving front and rear facing dormers, most notably to Nos. 8, 10 (Nash Close) and 2 Birtchnell Close which is almost immediately opposite to application site. The proposed rear dormer is considered to successfully integrate into the surrounding area and would not adversely affect the residential amenities of adjacent properties or highway safety.

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) and the NPPF (2019).

**3. SITE DESCRIPTION**

3.1. The site is occupied by a two storey mid-terraced dwelling located on the north-west side of Birtchnell Close in Berkhamsted. The site is situated within an area of archaeological significance and the surrounding area is predominately residential in character.

**4. PROPOSAL**

4.1 The proposal seeks full householder permission for the construction of a rear dormer with the insertion of two roof lights to the front elevation.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/00625/09/RET - Satellite dish  
GRA - 12th June 2009

Appeals (If Any):

**6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 3

Area of Archaeological Significance: 21  
EA BankTop EPlanning Tool: Banktop 20m Buffer  
Canal Buffer Zone: Major  
CIL Zone: CIL1  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
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)

## **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.

### Background History

9.2 The application site forms part of the development of 150 dwellings on the Stag Lane housing site approved in 2007 under LPA ref: 4/02672/05/MFA wherein Permitted Development Rights were removed under Condition 27 (Part 1 Classes A, B, C, D, E, F and H and Part 2 Classes A, B and C) and retention of garages for parking imposed under Condition 26.

9.3 Normally planning permission would not be required for this form of development. However, due to the aforementioned condition there is a need to obtain planning permission for the proposed development.

### Principle of Development

9.4 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

9.5 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).

9.6 The proposed flat roof dormer would be sited to the rear elevation of the existing roof slope and would measure a total volume of approximately 21.5 cubic metres. The proposed dormer would be set down from the original roof ridge by approximately 0.3 metres and would be sited approximately 0.5 metres from the original eaves of the existing roof. The rear dormer would be set in approximately 150 millimetres from the edges of the existing roof slope. Two roof lights are proposed to be inserted within the existing roof to the front elevation.

9.7 The proposal would have cladding and felt to be in keeping with the existing dwelling and surrounding area. The proposed rear dormer would feature a Juliette balcony and a window facing the rear boundary and is considered to be in keeping with the existing fenestration and the surrounding area. Furthermore, there are properties within the street scene (Birtchnell Close) that benefit from Juliette balcony's facing the public realm.

9.8 The proposed rear dormer would not be visible from the public realm and therefore it is not considered to have a detrimental impact on the character and appearance of the existing dwelling or the surrounding area.

9.9 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

9.10 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.

9.11 It is noted that formal objections have been received from neighbouring property at No.22 (Sheldon Way). The neighbouring property at No.22 has objected on the grounds of the proposed rear dormer causing overlooking towards their rear gardens.

9.12 Due to the orientation, layout and separation distance of approximately 22 metres between the neighbouring property at No.22 (Sheldon Way) and the subject property, the proposed rear dormer would not harm the residential amenities of adjacent or surrounding properties with regards to light, privacy or visual intrusion.

9.13 Given the scale of the proposed works and its positioning, It is considered that the proposal would be acceptable with respect to the impact on the residential amenity of neighbouring properties at Nos. 3 and 16. Whilst views of Nos.3, 16 and 22 (Sheldon Way) rear gardens would be possible, these views are similar to the existing views from the existing dwelling's windows at first floor level. Therefore there are no concerns in terms of overlooking.

9.14 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

9.15 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.

9.16 The existing dwelling comprises two bedrooms, the maximum parking requirement for which is one off-street parking space, according to Saved Appendix 5. As a result of the proposed development there would be three bedrooms. However, the proposed development will not affect the local parking capacity as this three bedroomed dwelling has a substantial area of hardstanding that can accommodate at least one off-street parking space which would be retained. Furthermore, there are a number of parking bays within the locality. In addition, there are local public transport routes situated in close proximity to the application site.

9.17 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

9.18 Berkhamsted Town Council has objected on the grounds of the scale, mass and bulk of the proposed rear dormer and the inappropriateness of a full-width dormer.

9.19 The proposed rear dormer introduces mass and bulk at roof level only, and does not involve any further rear or front projection. The roof additions align with the existing rear build lines of the existing dwelling and the neighbouring properties at Nos. 3 and No. 16 as such would not appear visually intrusive or overbearing. The dormer is set back within the roof so would permit views similar to the existing first floor rear facing windows. Furthermore, there are surrounding properties at Nash

Close that are within close proximity of the application site that have been granted planning permission for a full width rear dormer.

### Response to Neighbour Comments

9.20 The neighbouring property at No. 22 (Sheldon Way) has objected on the grounds of the proposed development causing potential overlooking impacts towards their rear gardens. These points have been addressed in the impact on residential amenity assessment.

### Community Infrastructure Levy (CIL)

9.21 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 **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:**

- A01 REV 1
- A02 REV 1
- A03 REV 1
- A04 REV 1
- A05 REV 1
- A06 REV 1
- A07 REV 1
- A08 REV 1

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 Committee objected to the scale, mass and bulk of the proposed rear dormer and the inappropriateness of a full-width dormer.</p> <p>CS12, Appendix 7</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

**Neighbour Responses**

Address	Comments
22 Sheldon Way Berkhamsted Hertfordshire HP4 1FH	The windows and French doors will look directly into our garden leading to loss of privacy. There are no other windows at this height except for high dormer windows. It is slightly unclear where the proposed roof lights will go but if they are at the back, they will shine directly into our upper windows causing light pollution.