

**ITEM NUMBER: 5k**

<b>21/01337/FHA</b>	<b>A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights (amended scheme).</b>	
<b>Site Address:</b>	<b>36 Victoria Road Berkhamsted Hertfordshire HP4 2JT</b>	
<b>Applicant/Agent:</b>	<b>Mike and Amy Smith</b>	<b>Paul Thomas</b>
<b>Case Officer:</b>	<b>Elspeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted East</b>
<b>Referral to Committee:</b>	<b>Due to the Contrary View of the Town Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

- 2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The Conservation Officer is satisfied that the proposed single storey side return and rear extension and two roof lights have been designed to be in character with the Berkhamsted Conservation Area and is therefore considered to be acceptable in design/visual amenity terms as well as in terms of its impact on designated heritage assets. It is not considered that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy. Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

**3. SITE DESCRIPTION**

- 3.1 The application site comprises 36 Victoria Road a 19<sup>th</sup> century property of buff brick construction with red brick dressings. The site sits within a short terrace of 3 similarly designed properties on the western side of Victoria Road within a designated residential area of Berkhamsted.
- 3.2 The site is within an Area of Archaeological Significance and falls within the Berkhamsted Conservation Area.

**4. PROPOSAL**

- 4.1 A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights.

**5. PLANNING HISTORY**

Planning Applications (If Any):

20/03839/FHA - A single storey side return and rear extension to the existing house, including interior reconfiguration

WDN - 2nd February 2021

4/00730/07/FHA - Conversion of rear store to form garden room and alterations  
GRA - 14th May 2007

Appeals (If Any):

## **6. CONSTRAINTS**

Area of Archaeological Significance: 21

CIL Zone: CIL1

Berkhamsted Conservation Area

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Yellow (45.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Parking Standards: New Zone 3

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

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

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.

### Principle of Development

- 9.2 The site is situated in close proximity to the High Street, in the Town of Berkhamsted, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 guides new development to towns and large villages, encouraging new development within these areas. Furthermore, Policy CS4 encourages a mix of uses in town and local centres, encouraging residential uses.
- 9.3 Taking the above policies into account, the proposal for a single storey side return and rear extension is acceptable in principle.

### Quality of Design / Impact on Visual Amenity and Designated Heritage Asset

- 9.4 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, 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.
- 9.5 With regards to designated heritage assets, the NPPF (2019), Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets.
- 9.6 The existing additions and outbuildings to the rear of the dwellings along this part of Victoria Road vary in form and levels and create a diverse roof scape at ground floor.
- 9.7 The proposed extension has an asymmetric roof form and a contemporary design. To reduce massing the roof is pitched down towards both party walls but creates a simple form to respond to the existing dwelling.
- 9.8 The proposed used of facing bricks to boundary walls, the cladding of the rear wall of the extension in a textured stone tile to respond to the context but also gently distinguish itself from the original historic building and slate tiles to roofs ensures that the materials are in character with the existing building and the surrounding area. Powder coated aluminium frames are proposed for the sliding doors at ground floor level, while new roof lights to the existing roof of the main house will match the existing.

- 9.9 The extension will be partly visible from Three Close Lane and Rectory Lane Cemetery located to the rear of the site but due to its scale and siting close to the dwelling it is not considered that there will be a negative impact on this street scene.
- 9.10 In principle there is no objection in Conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation.
- 9.11 The Conservation Officer has no objections to the proposal subject to the inclusion of three conditions related to materials.
- 9.12 The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27. The proposal will not be visible from Victoria Road and will not project to the rear in a way that dominates in the Three Close Lane street scene to the rear of the site. The proposal is considered therefore to comply with CS12 in terms of streetscape character.

#### Impact on Residential Amenity

- 9.13 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.
- 9.14 The proposed single storey rear extension projects to the rear by 1.25 metres beyond the existing single storey rear extension of No. 38 Victoria Road and No. 34 Victoria Road.
- 9.15 The proposed side extension will be 7.6 metres long with an eaves height of 2.2 metres and a ridge height of 3.2 metres from the garden level of No. 36.
- 9.16 The subject site is on land approx. 32.5 cm higher than No. 34 Victoria Road.
- 9.17 Currently a wooden fence runs along the boundary between No. 34 and the subject site. This fence is open at the top (trellis) but could be made into a fully boarded 2 metre high fence by the applicants under their permitted development rights.
- 9.18 The eaves height of the proposed extension adjacent to No. 34 will be 2.5 metres from the natural ground level of No. 34 Victoria Road.

#### *Visual Intrusion*

- 9.19 Given the scale, height and positioning of the proposed extension, it is not considered that the proposal would appear visually intrusive to neighbouring buildings – the eaves height will be 50 cm higher than a fence built under permitted development.
- 9.20 Whilst the new single storey side extension would extend along the shared boundary with no. 34 Victoria Road, it is not considered that it would appear visually overbearing in this context, given that it would comprise a single storey pitched roof structure.

#### *Loss of Light*

- 9.21 A 45 degree assessment of the Sunlight and Daylight for this proposal shows that the amount of sunlight and daylight reaching the ground floor window in the rear elevation serving the kitchen of 34 Victoria Road will not be significantly affected by the proposed development.

- 9.22 However the impact on the south facing window of No. 34 also serving their kitchen was uncertain.
- 9.23 A Daylight and Sunlight Impact Assessment report was prepared by “eight associates” and supports this application.
- 9.24 The conclusions of this report were summarised by the agent:-
- 9.25 The assessments have been carried out in line with the BRE guidance “Site layout planning for daylight and sunlight – A guide to good practice” (second edition).
- 9.26 In summary, when assessing internal rooms, daylight levels can be critical. In this regard, the Vertical Sky Component (VSC): all existing windows meet the BRE recommendation for VSC and for the No-Sky Line (NSL) assessments, all existing rooms meet the BRE recommendation for NSL. This is explained in more detail in the submitted report and subsequent revision that explains this more clearly. The aspect that required further clarification is in relation to a kitchen window.
- 9.27 The house at no. 34 orientates west towards the garden. There is one window that faces south and is attached to the kitchen. This is the window that looks directly into the kitchen at no. 36. This window orientates directly south and as such has formed part of the overall assessment. The important aspect to understand is that this window currently looks out to an existing 5 and a half metre high brick wall just 2.8 metres away and as such receives only 6.7% Annual Probable Sunlight Hours (APSH) - the average of total number of hours during a year in which direct sunlight reaches the centre of a window. As a result of the existing situation the small 1.9% loss of sunlight hours is negligible and would be entirely unnoticeable.
- 9.28 In conclusion the impact is negligible and demonstrated to be entirely in line with BRE guidelines.

#### *Loss of Privacy*

- 9.29 There are no new first floor windows proposed in the side elevations of the dwelling so there will be no loss of privacy for neighbours as a result of the proposal.
- 9.30 A terrace is proposed to the rear of the extension approx. 2 metres deep. The decking will be 300 mm lower than the existing decking with a 2.2 metre fence to ensure that there will be no loss of privacy for neighbours.
- 9.31 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

#### Impact on Highway Safety and Parking

- 9.32 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.33 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.
- 9.34 No changes have been proposed to the existing site access.

## Other Material Planning Considerations

### *Archaeology*

- 9.35 The site is situated within an Area of Archaeological Significance. The County Archaeologist was consulted in relation to the scheme and has raised no objections, considering the development to be unlikely to have a significant impact on heritage assets of archaeological interest.

### *Contamination*

- 9.36 The DBC Scientific Officer has reviewed the proposal and raised no objection to the proposal on the grounds of land contamination.

### *Impact on Trees and Landscaping*

- 9.37 No significant trees will be affected by the proposed scheme.

## Response to Neighbour and Town Council Comments

- 9.38 Neighbour comments have been addressed above.
- 9.39 The reason this scheme has been brought to the Development Management Committee is due to the Town Council's concerns over conservation matters and overdevelopment. The Conservation Officer has no objection to the proposal and states that the proposed single storey rear extension to 36 Victoria Road is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27. The issue of overdevelopment has been addressed above and a Sunlight and Daylight Assessment provided to ensure that the structure does not result in a loss of amenity for No. 34 Victoria Road.

## Community Infrastructure Levy (CIL)

- 9.40 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 1st July 2015. The application is not CIL liable.

## **10. CONCLUSION**

- 10.1 It is recommended that the application be granted planning permission.
- 10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed single storey side return and rear extension and two roof lights is considered to have been designed to be in character with the Berkhamsted Conservation Area and is therefore considered to be acceptable in design/visual amenity terms as well as in terms of its impact on designated heritage assets. It is not considered that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy. Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress required to render the scheme unacceptable. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved

Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 11. RECOMMENDATION

11.1 That planning permission be granted.

### 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. **No development (excluding demolition/ground investigations) shall take place until details of the proposed cladding for the gable end of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted except for those materials covered in condition 2 (especially brick and slates) shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the street scape character and the character of the Berkhamsted Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **The new and replacement roof lights hereby approved shall be conservation style roof lights and be retained in perpetuity.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the street scape character and the character of the Berkhamsted Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

**Site Location Plan P292\_LP\_01**

**Proposed Ground Floor Plan P292\_GA\_01-REV 2**

**Proposed Floor Plans P292\_GA\_02-REV 2**

**Proposed Front and Rear Elevations P292\_GA\_03-REV 2**

**Existing and Proposed Side Elevations P292\_GA\_04-REV 2**

## Proposed side and rear elevations with additional level information P292 GA 06

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

### Informatives:

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

### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p><u>Received 23.6.21</u></p> <p>36 Victoria Road is a 19<sup>th</sup> century property of buff brick construction with red brick dressings, it sits within a short terrace of 3 similarly designed properties and is considered to make a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. The rear elevation is part visible from Three Close Lane and can be glimpsed from Rectory Lane cemetery so am mindful that the rear extension may be publicly visible within the street scene / from the cemetery.</p> <p>In principle there is no objection in conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation, these reflect the palette of local building material. Conservation have some reservations regarding the stone cladding to the gable end (indicative details provided within the Design and Access statement). It is not clear how its use responds to the local context as stone is not a local building material and the use of brick would have been preferred (as previously recommended). However, from the examples given within the Design and Access statement the stone cladding looks muted in appearance so I do not consider it will be sufficiently visually harmful (particularly as the extension is single storey) to recommend refusal on this basis, nonetheless a condition requiring submission of details of the cladding material is recommended.</p> <p>The proposed single storey rear extension to 36 Victoria Road is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved it is recommended a condition requiring bricks / slates to match existing is applied.</p> <p>Details of the proposed cladding for the gable end of the extension to be submitted as a condition of consent.</p>

	<p>A condition requiring all new / replacement roof lights to be conservation style roof lights is recommended.</p> <p><u>Received 22.4.21</u></p> <p>36 Victoria Road is a 19th century property of buff brick construction with red brick dressings, it sits within a short terrace of 3 similarly designed properties and is considered to make a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. I have not visited the site but it seems as if the rear elevation is part visible from Three Close Lane and certainly could be glimpsed from Rectory Lane cemetery so am mindful that the rear extension may be publicly visible within the street scene / from the cemetery.</p> <p>In principle there is no objection in conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation. I have some reservations regarding the stone cladding to the gable end and am not sure how it responds to the local context (stone is not a local building material) and the use of brick would have been preferred (as previously recommended). However, from the examples given within the Design and Access statement the stone cladding looks muted in appearance so I do not consider it will be visually harmful (particularly as the extension is single storey).</p> <p>The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved it is recommended a condition requiring bricks / slates to match existing is applied.</p> <p>A condition requiring all new / replacement roof lights to be conservation style roof lights is recommended.</p>
Archaeology Unit (HCC)	<p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Parish/Town Council	<p><u>Received 23.6.21</u></p> <p>Objection</p> <p>The Committee's reasons for objection remain as previous and are that this proposed wide structure fills the plot width with a solid and taller brick wall than the current fence and screen. The Conservation Officer</p>

	<p>suggests a lighter structure would be preferable. In its current format, the Committee agreed that the proposed extension is an overdevelopment.</p> <p>CS12 (g)</p> <p><u>Received 18.5.21</u></p> <p>Objection</p> <p>This proposed wide structure fills the plot width with a solid and taller brick wall than the current fence and screen. The Conservation Officer suggests a lighter structure would be preferable. In its current format, the Committee agreed that the proposed extension is an overdevelopment.</p> <p>CS12 (g)</p>
Environmental And Community Protection (DBC)	No objection

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

### Neighbour Responses

Address	Comments
34 Victoria Road Berkhamsted Hertfordshire HP4 2JT	<p>I am the owner and occupier of 34 Victoria Road HP4 2JT and I wish to lodge my objections to the proposed boundary alteration to the aforementioned property (36 Victoria Road HP4 2JT Ref 21/01337/FHA) .....on the grounds of overshadowing, loss of light to my property and creating a sense of enclosure to my property due to the close proximity of the proposed new boundary wall to that of my property and windows of my living areas.</p> <p>34 and 36 Victoria Road Victoria Road is a relatively steep sloping road, with the lower numbered properties being at a lower elevation.</p> <p>Properties number 34 and 36 Victoria Road have a front aspect of a South Easterly position. The sun therefore rises to the right side of the front of the properties, traveling around the left side of the properties to the rear. By early afternoon the sun will be directly to the left side of my property. As my property is attached to that of number 36 on the left</p>

side of my house....ie. attached on the side of the proposed new side extension, direct sunlight therefore comes across the garden of number 36 before reaching my garden. The amount of light and direct sunshine that enters my house and garden is therefore affected by the boundaries of number 36.

My property mirrors number 36 in size and room layout.

The room at the end of my side return (which may be regarded as the middle room) is my living room. This is where I and my partner spend the vast majority of our social and relaxing time. This room has only one window which looks down the length of my side return towards my garden.

Immediately to the left of this window is the boundary to number 36 and the site of the proposed new extension wall.

This room currently benefits from a good amount of ambient light particularly from morning light that flows along the side return from the sun rising at the front of the house and from late afternoon where both ambient light and direct sunlight is enjoyed from the sun setting in a Westerly position towards the end of the garden, thereby travelling along the side return towards the back of my house.

The side return to my house is narrow, approximately 1400mm wide and 6500mm long.

My garden is approximately 4.267meters wide (14feet) and approximately 9 meters long (30feet) from the rear of the kitchen, so small in proportions.

Like number 36 my kitchen is at the rear of the house, coming off from my living room. The end wall of my kitchen currently sits in a level position with the end of the current kitchen of number 36, with our existing two side returns between them.

As I enter my kitchen I have a sash window on the left wall. This looks into my side return towards number 36.

Between our two properties there is currently a wooden fence of 2000mm in height, with an open frame of 250mm above the enclosed fence panels. The frame above the panels is very open and does not hinder ambient light or sunshine entering into my living room or kitchen windows as it lets light and sunshine through.

The kitchen window currently has a sufficient supply of ambient light and in the afternoon direct sunlight into the first part of my kitchen and as there is no door between the kitchen and the living room the light flows directly into the living room.

The garden end of my kitchen is my dining area. Here I have tri-folding doors onto the garden, which again allows both ambient light and direct sunlight into the far end of my kitchen.

**The Plans Submitted**

The plans submitted by number 36 Victoria Road indicate that they wish to extend the rear of their property further into their rear garden and across their side return to the boundary of their property and mine and whilst doing so they wish to improve and maximise daylight into the

property.

From the plans I have been unable to see exactly the length that they wish to extend into the garden. I have been advised by Mr and Mrs Smith that this will be 1500cm, however I cannot see this documented on any of the plans submitted.

I am also unable to find on the plans the proposed height of the new side wall between 36 and myself.

The plans show the new wall at being 3/4 bricks higher than what is indicated to be the existing fence line. I estimate this (3/4 bricks with pointing) to be approximately 250/300mm (10/12inches)

However, please may draw to your attention that the plans show the existing fence height between our two properties at a height which includes the open frame section at the top. I would submit that the existing fence line that currently inhibits light and direct sunshine into my windows is 250mm (10inches) lower than indicated on the plans, the difference being the open frame section.

Taking this into account it would appear that the new extension wall would be approximately 500/550mm (20/22inches) higher than the existing fence height.

With my property being at a lower elevation to that of number 36, which I estimate from the plans to be approximately 300-400mm, the increase in wall height will have a significant impact on the sense of enclosure and to the light entering into my property

The plans also suggest a possible encroachment over my property boundary.

The ground floor plans and rear extension show the assumed boundary between our properties offset from the centreline between the original kitchen extensions to a noticeable benefit to number 36. As the 3 houses in the row, 34, 36 and 38 were built as 3 identical properties this offset would seem unreasonable and unlikely.

The ground floor plans also show an offset of the assumed boundary at the rear of the property from that at the front. The face of the new extension wall is aligned in such a way as to place half of this wall on my property.

There is also an implicit assumption on the proposed ground floor plan that the internal dividing wall between our 2 properties is a 9" wall (rather than 4½") which may be unjustified and further aggravate the apparent encroachment of the extension over the boundary.

#### Day and Sunlight Impact Assessment

Attached to this most recent application from Mr and Mrs Smith is a Day and Sunlight Impact Assessment.

I have interpreted the information in the report to the best that I am able and wish to note the following:

Page 5 Annual Probable Sunlight Hours (APSH) gives in Summary that 1 out of the 2 analysed South facing windows meet the recommendations for the ASPH (the second Fails).

However, window W1.c the window that it is suggested does meet the APSH recommendations does not exist in my property (and has not since prior to my ownership and occupancy) therefore there is no opportunity to receive light into my property from this source.

The second window that was analysed W1.d (the window into my kitchen directly as you enter from the living room) indicates that the light will be reduced by 28.4% and therefore FAILS on what is considered to be an acceptable reduction in light in BRE guidance.

Therefore my only South facing window FAILS within the APSH acceptable recommendations as the reduction in light is too great.

The report does not give a measurement in relation to APSH for window W2 (living room) as this falls marginally outside of facing 90' South, having a more Westerly aspect. However, this window does receive ambient light throughout the day as well as direct sunlight in the late afternoon. I have no doubt that there would be a reduction in ambient light to this room and direct sunlight greatly reduced in line with window W1.d to an unacceptable level this being the only window in my living room. .

Appendix A of the report indicates direct sunlight into my garden. It suggests that the area of the patio nearest to the house currently receives less than 1-2 hours a day of direct sunlight. This is inaccurate. This area of my patio receives direct sunlight from approximately 13.00hrs when the sun is directly to the left side of my garden moving Westward, until the sun goes down at around 18.30hours, being around 5 1/2 hours of direct sunlight. Additionally during this time the sunlight comes directly into my kitchen via the rear patio doors.

Please may I draw to your attention that it appears that this assessment was carried out by an expert working from plans provided to them rather than from their own survey. The author has stated that they do not know the dimensions or the use of the rooms in my property.

Working from plans provided would suggest that the expert is assuming that the existing garden fence is at the height shown on the plans submitted to you (ie. 250mm higher than it actually is). This I would suggest would make their assessment of the light that currently enters my property less than it actually is.

The report shows that should the planned extension go ahead there will be a reduction of ambient light in every room to the rear of my property. However, I would suggest that if the expert had worked from plans showing the correct height of the existing garden fence then the calculation of loss of light to each of my windows would be greater than indicated.

The report states that the failure of one window on the APSH guidelines would be considered negligible. However I would strongly argue that the failure of one window, being the only window assessed for APSH values, will have a significant impact on light entering my property should the proposed extension go ahead. This is in addition to the loss

of light through every other window to the rear of my property.

The impact of the proposed extension to number 36 on 34 Victoria Road.

All of the proposed alterations to the existing boundaries of 36 Victoria Road, extending the rear and to the side, will result in increased shadowing to my property, develop a sense of enclosure of such a long wall so close to the windows of my living rooms and will cause a substantial loss of ambient light and direct sunlight entering my property; into my living room via the only window at the house end of my side return, my kitchen from the side window again towards the house end of my side return (this window has failed the APSH recommendations) and into the end of my kitchen through the patio doors.

Any extension particularly in the length of the rear boundary wall to number 36, combined with extending sideways across to my boundary will definitely create additional shadowing to my garden patio area, which is sited directly to the right outside of my rear kitchen doors. This area currently enjoys increasing amounts of direct sunshine from approximately 11.30am when the sun rises over number 36 moving to the left side of my garden to through to sunset.

As my garden is only 4.267 meters wide (14foot) which means that already a good proportion of the left side of my garden is predominately in shade from the boundary fence between myself and number 36. Hence, this means that my patio area to the right side of my garden is already very small. Additional shadowing that will no doubt be the result from extending the rear of number 36 particularly in length will considerably increase the shadowing to across the width of my garden across my patio and reduce the sunlight in this area which we currently use for meals, entertaining and relaxation.

Victorian terraced houses can be dark by the nature of their original design. The plans for the extension to number 36 address this when they say that they wish to improve light into their property.

The proposed extensions to number 36 will only make the living areas of my house darker by the loss of light and the sense of enclosure. This along with loss of sunshine onto the patio area will no doubt have a significant negative effect on mine and my partner's quality of life.

I do believe that Victoria Road is within the Berkhamsted Conservation Area and as far as I am aware no other period properties in Victoria Road have been permitted to extend beyond the original footprint of the rear boundary of their property walls.

I do feel that there is important information missing from the application ....i.e. the length of the proposed new rear extension and the height of the proposed new side wall.

I would respectfully ask that this application not be considered without this information being provided and considered during your process.

I personally strongly object to number 36 extending the rear footprint of their property any further beyond its current position, particularly in

conjunction with extending sideways to the boundaries of our properties, as this will cause significant loss of ambient and direct sunlight into my property and garden patio area and give an unacceptable sense of enclosure from my living room.

Should you be considering approving the extensions as requested by number 36, I would respectfully ask that you consider placing a restriction on length of the new extension and to the height of the new wall keeping these to a minimum as possible, taking into account the lower level of my property, so that the loss of light to my living rooms and garden and the feeling of enclosure created by the height and length of the new walls is kept to a minimum.

I would be grateful if you would consider my concerns when reviewing this application.

I am available for further discussion should you wish to do so and have photographs should you wish to view them. Of course you may visit my property should you feel this would be of benefit to you.