

**ITEM NUMBER:**

<b>21/01338/FHA</b>	<b>Single storey rear extension and internal alterations.</b>	
<b>Site Address:</b>	<b>2 Sherwood Mews Park Street Berkhamsted Hertfordshire HP4 1HX</b>	
<b>Applicant/Agent:</b>	<b>Mr J Stabb</b>	<b>Mr Jolyon Mitchell</b>
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted West</b>
<b>Referral to Committee:</b>	<b>Contrary Views of Town Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The application site is located within the town of Berkhamsted wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the extension is acceptable, relates well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area/Conservation Area. Despite the existing small stagger in the rear build line, and whilst it will be visible, at 2.925m in depth, the rear extension is not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress

2.4 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 is located to the north-western side of Sherwood Mews in Berkhamsted and comprises the middle property in a terrace of three identical units. The site backs onto the Catholic Church and its grounds/car park and is in close proximity to the Berkhamsted Conservation Area.

3.2 Permitted development rights were removed from the dwelling under application 4/01275/07/FUL in the interests of residential and visual amenity.

**4. PROPOSAL**

4.1 Householder Planning Permission is sought for the construction of a single storey rear extension. Measuring 2.925m in depth and extending the full width of the dwelling/plot the extension would comprise a pitched roof 4m in total height with a velux roof light to either side.

**5. PLANNING HISTORY**

Planning Applications (If Any): None of relevance

Appeals (If Any): None

## **6. CONSTRAINTS**

Area of Archaeological Significance: 21

Canal Buffer Zone: Major

CIL Zone: CIL1

Berkhamsted Conservation Area

Parish: Berkhamsted CP

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)

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

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 – Historic Environment

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 and the setting of Conservation area;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

## Principle of Development

9.2 The site is situated in a residential area, 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 rear extension is acceptable in principle.

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

9.4 The overall size, scale and height of the proposed development/extension is considered acceptable and appropriate for the dwelling and site without appearing cramped or over developed. The depth has been amended during the course of the application from 3.15m to 2.925m. Permitted development rights were removed when the properties were approved not to prevent future extensions, but to ensure the LPA had control in the interests of residential (see later section) and visual amenity. The proposed extension is 2.925m deep, and 4m high with 2.5m high eaves so within the PD limit were these rights to have been intact. The size and scale is considered appropriate to the site and context to comply with Policies Cs11 and CS12.

9.5 Turning to its design and appearance, the site is located outside but in close proximity to the Berkhamsted Conservation Area such that the setting of the Conservation must be considered. Policy CS27 of the Core Strategy (2013) requires all development to favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and un-designated assets will be protected, conserved and if appropriate enhanced.

9.6 The proposal is simple in its design with a pitched roof incorporating a roof light to either side, and is considered to relate well to the parent property and remainder of the terrace. The materials are to match so will harmonise well. There would be no visual harm to the property or the terrace.

9.7 The extension will be visible from the church grounds and car park located to the rear of the site and but due to its scale and siting it is not considered that there will be a negative impact on the area. The extension would be viewed against the backdrop of the two storey terrace.

9.8 The Conservation Officer raises concerns with the form of the extension, suggesting a light structure would sit more comfortably however the conservation area boundary includes the residential properties opposite and those further to the south along Park Street such that the rear extension proposed would NOT be visible from the conservation area and as such would have a negligible impact on its setting. Park Street is within the Conservation Area and varied in their character and appearance many of the buildings having been extended and altered over the years such that again a refusal could not be sustained.

9.9 The proposal is considered to preserve the setting, character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27. The proposal will not be visible from the main street scene of Park Road/Sherwood Mews and will not project to the rear in a way that dominates in the area/context to the rear of the site. The proposal is considered therefore to comply with CS12 in terms of streetscape character.

#### Impact on Residential Amenity

9.10 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.

9.11 The proposed single storey rear extension now projects to the rear by 2.95 metres (amended plans reduced the depth) and despite the existing stagger in the rear elevations would not project an excessive distance beyond the existing rear elevations of No.1 and 3 Sherwood Mews, both of which feature a rear facing window and double doors which serve a lounge/diner.

9.12 Currently a 1.8m high close boarded wooden fence runs along both common boundaries but this could be made into a 2 metre high fence by the applicants under their permitted development rights without the need for consent.

9.13 The eaves height of the proposed extension adjacent to No.s 1 and 3 is 2.5 metres from the natural ground level and the total height of the extension 4m.

9.14 Given the scale, height and positioning of the proposed extension, whilst the extension will clearly be visible, it is not considered to appear visually intrusive to neighbouring dwellings the eaves height will be 50 cm higher than a fence built under permitted development.

9.15 The extension would breach a 45 degree line taken from the nearest window of No. 1 and the double doors of No.3. However these serve rear facing lounge/diners which are also served by a window (for No. 3) and double doors (No. 1), the secondary light sources to these rooms are not breached and as such a refusal on light levels could not be sustained. Adequate daylight will continue to serve the rooms of adjacent properties. Given the orientation of the properties the extension will overshadow No. 3 to the north for part of the day, but given the context and surrounding development (existing terrace itself) this would not be to such a degree as to warrant a refusal, especially when compared to existing levels.

9.15 Whilst slightly affected by the development, any harm would not be at a level to be at the detriment of residential amenity. Adequate amenity, light and aspect would remain to the rear doors / windows and the immediate garden area such that a refusal could not be sustained.

9.16 Whilst there are velux windows proposed in the side elevations of the roof there will be no loss of privacy for neighbours as a result of the proposal. By virtue of their angle and positioning within the roof they will not provide direct views into the first floor windows of the properties either side.

9.17 The development is within the limits normally implementable under permitted development without requiring consent. Whilst these rights have been removed they are indicative of what is generally considered an acceptable level of harm without affecting residential amenity.

9.18 The proposal would not be considered to have 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, however no comments have been received. There were consulted as part of application 4/01275/07/FUL and a written scheme of investigation was prepared. Given the size and siting of the proposal and its relationship to the recently constructed mews themselves, it is considered that the development would be unlikely to have a significant impact on heritage assets of archaeological interest.

#### *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 objections have been received expressing concerns in relation to;

- ☐ Loss of light to rooms and patio
- ☐ Boundary wall and impact on existing fencing
- ☐ Noise from extended lounge
- ☐ Loss of attractive view
- Gutter overhang
- Concerns over remaining garden

These have been addressed above other than the loss of view which is not a material consideration, the guttering has been amended to be set within the application site only and if solely within their land the applicants can construct the extension wall in place of the existing fence (party wall agreement would need to be served but this falls outside planning legislation). There is no evidence to suggest the extended property would result in additional noise or disturbance but were it to there is separate legislation (env health) that could control this. Whilst it is acknowledged that the extension will reduce the available garden depth (11.5m policy requirement), the applicants are aware of the garden size and it is concluded that an acceptable size and shaped rear garden would remain to serve the three bedroomed property. In addition the neighbouring properties have a large outbuilding which would also restrict the amenity space available.

9.39 The reason this scheme has been brought to the Development Management Committee is due to the Town Council's objection. They 'objected to the proposed full-width extension which by nature of its scale would breach the 45 degree line and lead to loss of amenity to both adjacent dwellings. In addition, the proposed extension is out of keeping with the Conservation area'. A

second representation of No Objection was sent in error so have been disregarded. These points have been addressed above.

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. RECOMMENDATION**

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

02 PL Rev B  
Location Plan

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted 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 character of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

**APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Parish/Town Council	Objection  The Committee objected to the proposed full-width extension which by nature of its scale would breach the 45 degree line and lead to loss Of amenity to both adjacent dwellings. In addition, the proposed extension

	is out of keeping with the Conservation area.  CS12 (g), P120 Appendix 3 (iv)
Conservation & Design (DBC)	This is a relatively modest extension in relation to the house but has a significant impact on the amenity of the plot, and because No 2 is set back slightly, in a more pronounced way on the two flanking houses. If judged acceptable from a planning point of view, I would suggest that the extension is re-designed to be of a lighter nature, with a flat roof and roof lantern rather than pitched with rooflights.
Parish/Town Council	No Objection  The Committee requested that the rear roof lights be Conversation style.

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	2	0	2	0

### Neighbour Responses

Address	Comments
3 Sherwood Mews Park Street Berkhamsted Hertfordshire HP4 1HX	<p>1. The extension will considerably reduce the sunlight to our lounge, through both our French windows and the smaller window. This is because of its height and width and the shape of the roof. We depend in the afternoon on sunlight coming from that direction.</p> <p>2. The extension with the proposed patio will permanently destroy about 25% of their small garden.</p> <p>3. The plan appears to show the side wall of the new building as an extension of the party wall between our two houses. We do not understand how it can be built without taking down part our lapped timber fence and damaging our patio. The footings would extend onto our land.</p> <p>4. We are concerned about noise from the extended lounge when the Velux windows are open.</p> <p>5. From the road to the Catholic Church which runs beside our property, you get a very good view along the length of our three houses, and also of Left Back just beyond them. It is a very attractive view of our houses and they link well with Left Back which you can see</p>

	<p>beyond them. We feel that an extension in the middle of this attractive line of houses will detract from the view.</p> <p>07.05.21  We appreciate the side walls being brought in approx 150mm from the boundary so that the gutter does not overhang. This offers us some reassurance, though the wall will still be very close to our fence - 15cm is not much of a gap. We wonder how the wall will be finished off since it would be difficult for a bricklayer to stand in such a small space.</p> <p>We presume the existing down pipe on the RHS (from the back) will take the water from the new gutter on that side, but where will the water from the new gutter on the LHS be discharged? A water butt?</p> <p>Reducing the height of the parapets will also be good, but will not make a significant difference since the height of the roof is unchanged. It would be helpful to have some vertical measurements of the extension. Our fence is 1765mm high from our patio. This appears to be about half the height of the extension.</p> <p>We welcome the reduction in the depth of the extension to a little under 3m from 3150mm and it will make a difference, but a very small one - only 225mm.</p> <p>Thank you again for sending us the updates. We hope the points we have mentioned can be taken into consideration.</p>
<p>1 Sherwood Mews  Park Street  Berkhamsted  Hertfordshire  HP4 1HX</p>	<p><b>Loss of Light &amp; Overshadowing</b></p> <ul style="list-style-type: none"> <li>- Our NW facing reception room only has natural light from the rear aspect only. Sunlight is already reduced by a large conifer tree in an adjoining garden and, a deep row of conifer trees that run the length of Sherwood Mews on the Church boundary. Whilst the latter is managed well and appreciated by us all in providing screening and helping to combat noise and pollution from the large church car park, the extension will overshadow us, impacting on our living conditions.</li> <li>- We will lose sight of the skyline from the window in our reception room. At the rear of Sherwood Mews, No 1 &amp; No 3 are stepped back from No 2 by 0.6 metres. The impact is a total wall length of 3.75 metres overshadowing 35% our garden.</li> <li>- Artificial lighting during the day is already required at rear of reception room during winter months &amp; gloomy days.</li> <li>- Upstairs, our bedroom window will overlook the oppressive slate pitch roof and into the length of its guttering.</li> </ul> <p><b>Design &amp; Appearance</b></p> <p>The plan does not consider the elegant rear profile of Sherwood Mews from the church drive and its grounds. From a design perspective, the Application does not align with the Council's original thoughts for civic amenity. Condition 14 safeguards against such modifications.</p>

#### Comments on Proposed Plans

- A proposed rear elevation on 02PL RevA is narrower than the proposed ground floor plan - Which one is applicable?
- From BRE guidelines including various tests for measuring the effect of development on daylight and sunlight, the 45 degree horizontal plan from centre of our reception window is not clear from obstruction.
- Incidental to the extension, the proposed ground floor plan shows a new patio which is clearly larger than 5 sq metres. No mention is made on plan to accordance with hard surface materials or provision to direct run-off water within development. If criteria not met, the applicant would require planning permission for the patio as well.

19.04.21

Thank you for your notification of the above planning application submitted by our neighbour to which we have responded online with our comments on the proposed extension and reason for our objections (listed below).

In addition, we have concerns around:

- o The plan appears to show the side wall of the new building as an extension of No 1 & No 3 Sherwood Mews with half the thickness of the wall on our property (and half the foundations. This would impact with the boundary fence line maintained by us and our patio;
- o Practicalities around building the extension;
- o Foundation building issues alongside our boundary fence;
- o Potential gutter management issues so close to our boundary;
  
- o The lights through the Velux windows impacting our bedroom windows.

#### OBJECTIONS

##### 1. Loss of Light & Overshadowing

o Our NW facing reception room only has natural light from the rear aspect only. Sunlight is already reduced by a large conifer tree in an adjoining garden and, a deep row of conifer trees that run the length of Sherwood Mews on the Church boundary. Whilst the latter is managed well and appreciated by us all in providing screening and helping to combat noise and pollution from the large church car park, the extension will overshadow us, impacting on our living conditions.

o We will lose sight of the skyline from the window in our reception room. At the rear of Sherwood Mews, No 1 & No 3 are stepped back from No 2 by 0.6 metres. The impact is a total wall length of 3.75 metres overshadowing 35% our garden.

o Artificial lighting during the day is already required at rear of reception room during winter months & gloomy days.

o Upstairs, our bedroom window will overlook the oppressive slate pitch roof and into the length of its guttering.

Cont.../d

##### 2. Design & Appearance

The plan does not consider the elegant rear profile of Sherwood Mews from the church drive and its grounds. From a design perspective, the Application does not align with the Council's original thoughts for civic amenity. Condition 14 safeguards against such modifications.

#### Comments on Proposed Plans

o A proposed rear elevation on 02PL RevA is narrower than the proposed ground floor plan - Which one is applicable?

o From BRE guidelines including various tests for measuring the effect of development on daylight and sunlight, the 45 degree horizontal plan from centre of our reception window is not clear from obstruction.

o Incidental to the extension, the proposed ground floor plan shows a new patio which is clearly larger than 5 sq metres. No mention is made on plan to accordance with hard surface materials or provision to direct run-off water within development. If the criteria is not met, the applicant would require planning permission for the patio as well.

#### 05.05.21 - further comments

Please find below our feedback following review of revised application 21/01338/FHA - 02PL Rev B.

We note reduction of 225mm on depth of proposed extension and adjustment made on flank wall ensuring flush fascia and guttering do not overhang boundary. (We were advised by Berkhamsted Town Council that the eaves have been reduced though this is not clear from the plan.)

Such minimal adjustments do not address the impact we shall feel from the loss of light. Our only sitting room window will look out onto the flank wall with daylight significantly reduced. Heavy overshadowing from the oppressive black slate roof structure will bear down on us.

Our original objections and 4 of our concerns remain intact and our thoughts are in line with  
with Conservation & Design (DBC) Consultee who recognises the 'impact on the plot and flanking houses'.

#### 06.05.21 - further comments

Thank you for the additional information. Our comments are;

#### Depth of Extension

Plans show this as 2925mm however, as No. 2 is set back 560mm from No. 1, the net effect of depth on us is 3485mm.

#### Flush eaves and side wall

With no height dimensions provided to the eaves level the difference with the previous drawing is not ascertained. The effect of any lowering to the eaves, which is approximately 560mm above the boundary fence panels (depicted in the photo) exposes more of the roof which does not alter the impact to loss of light or overbearing nature of the structure. Moving the side wall 150mm is of marginal effect.

With the lack of relevant dimensions a true representation is not provided. Our representation is shown in the photo below where church and skyline will be replaced by side wall and slate roof with gutter just above eye level, this is how our light is impacted

We recognise recent additions to Government planning policy illuminate what 'adequate natural light' might be and factors in due consideration of impact on neighbours, even more relevant now following the impact Covid has on us all. We believe your Consultee recognises this when suggesting '.. that the extension is re-designed to be of a lighter nature with a flat roof..'

The revised drawing does not alter, but reinforce, our previous comments.