

ITEM NUMBER: 5g

21/03726/FHA	Garage demolition and rebuild, with first floor side extension and porch	
Site Address:	16 The Horseshoe Hemel Hempstead Hertfordshire HP3 8QW	
Applicant/Agent:	Mr John Nicholson	mr Robert Murray
Case Officer:	Jane Miller	
Parish/Ward:		Leverstock Green
Referral to Committee:	Called in by Cllr Griffiths	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The principle of residential development in this location is acceptable. The proposed first floor side extension, porch and others alterations 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 Policies CS4, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021)

3. SITE DESCRIPTION

- 3.1 The application site is located on the south west side of The Horseshoe within a residential area of Hemel Hempstead. The site comprises a two storey detached dwelling set back from the highway with off street parking to the front. The site fronts open land with The Pavillion, Leverstock Cricket Club beyond Crosset Green.

The immediate character area comprises similarly designed dwellinghouses of relatively identical build, age, height and size; the overall character of the area is evident.

4. PROPOSAL

- 4.1 This application seeks permission for garage demolition and rebuild, with first floor side extension and porch.

Recent planning application 21/02356/FHA (proposed first floor side and ground floor porch extension) was withdrawn in July 2021 to reconsider / redesign the proposed works following discussions, including between the applicant and their neighbour.

5. PLANNING HISTORY

Planning Applications :

21/02356/FHA - Proposed first floor side and ground floor porch extension.
WDN - 13th July 2021

6. CONSTRAINTS

CIL Zone: CIL3

Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)
Residential Character Area: HCA27
Parking Standards: New Zone 3
EA Source Protection Zone: 3
Town: Hemel Hempstead

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 (July 2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies

Dacorum Core Strategy

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

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking SPD (November 2020)
HCA27

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 within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of Building and Street Scene

9.3 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

9.4 The proposal would result in the garage demolition and rebuild, with first floor side extension and porch.

9.5 There are no significant changes at ground floor in that both the existing garage and the replacement garage/utility extend to the boundary with No.18. There is a marginal increase in height, and a marginal increase in depth at the rear which is due to rebuilding with a cavity wall as shown on drawings nos. 201 rev A (proposed ground floor plan) and No 204 rev A (proposed elevations).

9.6 It is noted that there was a previous application reference 21/02356/FHA which was withdrawn in July 2021. The current application reduces the width of the proposed first floor extension, setting it away from the boundary with No. 18 by approximately 1m (which is approximately 2.4m from the first floor side elevation of No.18). Whilst Appendix 7 of the Dacorum Borough Local Plan requires that side extensions should appear subservient and should be set back and set down from the parent property. In this instance it is considered that providing a set back and set down from the ridge would be more detrimental than beneficial to the appearance of the building. The resulting building would not appear out of scale or dominant in the street scene and the front elevation has been 'broken up' through the use of various materials.

9.7 A front porch is also proposed under a dual pitched roof. Given its modest size, scale and sympathetic simple design, the porch will modernise the appearance of the dwelling, providing a welcome focal point to the front elevation without appearing dominant to the street scene.

9.8 Overall it is considered that the proposals do not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials to match existing as stated on the application form.

9.9 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Effect 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.11 It is acknowledged that objections have been received including from the adjacent neighbour at No.18, The neighbours stated that the re-submission, setting in the first floor element and simplifying the first single storey rear roof form are better, however they have concerns that the proposed first floor side extension would be visually intrusive to them. Consequently this application has been called in by Ward Councillor Griffiths due to concerns over visual intrusion.

9.12 To clarify, the proposed first floor side extension, is just that, and the gable end does not extend any further forward or to the rear of the existing front and rear elevations and will sit under the same roof form, to the same height to eaves and ridge as the existing dwelling. This resubmission sets the extension in from the common boundary by approximately 1m and from the neighbours (No.18) first floor side elevation by approximately 2.4m. There are no concerns in respect of overlooking as there are no windows in the proposed side elevation, and there are no side windows to No. 18 facing the proposed extension. Further the proposed alterations to the rear facing first floor windows would offer no greater overlooking than the existing rear facing first floor windows.

9.13 It is acknowledged that properties along this side of The Horseshoe are staggered, whereby the dwelling at No.16 (the site) sits further back than the adjacent neighbour at No.18, hence the rear elevation at a No 16 sits approximately 2.6m further back (and to the side) from the rear elevation at No.18.

9.14 The 45 degree test is indicative of both light levels and visual intrusion, and as drawing 202 rev A (proposed first floor plan) clearly demonstrates, there is no breach of the 45 degree line from the middle of the neighbours nearest habitable windows towards the corner of the proposed first floor side extension, indeed the line clears the edge of the extension significantly.

9.15 The resubmission has reduced the bulk and mass by increasing the gap between the common boundary and dwellings; and despite the stagger, the depth is not considered excessive such that when viewed from the neighbours first floor rear south facing windows or within the rear garden, an open aspect would remain to No.18. The development would not appear significantly overbearing or visually intrusive.

9.16 To conclude, whilst, due to the stagger the extension could be perceived as relatively deep, it is set away from the common boundary and these are generous size plots such that it is not concluded to appear unduly prominent or visually intrusive to No. 18. Furthermore the 45 degree line is sufficiently cleared.

9.17 The changes to the ground floor element; the slight increased depth (due to adding a cavity wall) would not have a detrimental impact on the neighbours in terms of residential amenity.

9.18 Overall, due to the height, positioning and separation distance between the extensions and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

9.19 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.

9.20 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.

9.21 It is noted that the internal dimensions of the proposed garage measure approximately 3m x 5m which does not meet the minimum dimensions required to be included as part of the off street parking provision (3m x 6m is the minimum) however the applicant has confirmed that there are 4 off street parking spaces to the front of the property and this is considered adequate.

9.22 No changes have been proposed to the existing site access.

9.23 Overall it is considered that the proposal would not result in an unacceptable impact on highway safety.

Tree and Hedges

9.24 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Neighbour Comments

9.25 Addressed in report

CIL Liable

9.26 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

No (below 100sqm)

10. RECOMMENDATION

10.1 That planning permission/listed building consent 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 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 and CS12 of the Dacorum Borough Core Strategy (2013).

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

**site location plan
16THHH-201 rev A proposed ground floor plan
16THHH-202 rev A proposed first floor plan
16THHH-203 rev A proposed roof plan
16THHH-204 Rev A proposed elevations**

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

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
Local Ward	Please may I request that Planning Application ref. 21/03726/FHA, 16 The Horseshoe, HP3 8QW, be brought before the Development Management Committee. My reason for the referral is visual intrusion from the perspective of number 18 The Horseshoe.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	3	1	0	0

Neighbour Responses

Address	Comments
14 The Horseshoe Hemel Hempstead Hertfordshire HP3 8QW	Letter received. Comments summarised as follows; Whilst somewhat large, the development will not have an impact on us apart from during construction e.g. noise, pollution. Whilst first floor side extension set in 1m from the boundary, there is still concern for residents of No.18 The Horseshoe in terms of visual intrusion.
18 The Horseshoe Hemel Hempstead Hertfordshire HP3 8QW	<p>Dear Madam</p> <p>Thank you for your letter dated 30th September giving notice of this application. Here are our comments on these revised plans for the proposed extension at No. 16.</p> <p>Firstly, we acknowledge that these revised plans are better, from our viewpoint, than the initial plans submitted in June. Moving the end wall of the first floor extension away from the boundary line by 1 metre has negated our previous objections in terms of overhang on the boundary line and the 45 degree line of sight rule, and reverting back to a flat roof on the rear section of the rebuilt garage has restored the current conditions. We are grateful that these changes have been made.</p> <p>However, the current plans still describe a large first floor extension 3.6 metres in length, with the end wall situated only 1 metre away from the boundary line, which is the side wall of their garage. As such, we believe there will be considerable visual intrusion from having the end wall as close as that to our property, so we object to the plans because of this.</p> <p>This issue is exacerbated because the building line of No.16 is set back behind our building line by half the width of their end wall. At the moment, therefore, their end wall is visible to us when are in the garden, and even when we stand at the opposite end of the patio. As we move toward the boundary the whole of the end wall comes into view. At present, though, the end wall is 4.6 metres further on from the boundary, so it is not visually intrusive. However, with that end wall only 1 metre back from the boundary, it would be significantly visually intrusive and overbearing.</p> <p>We have discussed this issue with an experienced friend, and as well as dealing with the technical issues, he has been educating us about the planning process. We are aware that it is necessary to find a fair balance between the rights of the home owner to extend their property on the one hand, and the rights of the neighbours not to have a visually</p>

	<p>intrusive plan negatively impacting their property, on the other hand. In this case, the "balancing point" revolves around the position of the end wall relative to the boundary. A fair balancing point would be at least 2 metres back from the boundary, without significantly affecting the intent of the extension. This would still permit a significant increase in size for the bedroom & the bathrooms.</p> <p>Therefore, and in conclusion, if these plans were to be revised and the end wall of the proposed first floor extension moved back as described above, we would see that as being fair, and we would not object.</p>
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