

ITEM NUMBER: 5i

21/01970/UPA	Upward extension to accommodate four bedrooms at a height of 7.1m . Materials and roof form to match existing.	
Site Address:	17 Abbots Rise Kings Langley Hertfordshire WD4 8AR	
Applicant/Agent:	Mr Hoy	Mr Neil Johnson
Case Officer:	Colin Lecart	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Objection received from Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The proposal is considered to comply with the criterion set out AA.1 and the matters subject to prior approval are all considered to be acceptable. The development would not have a significant adverse impact on the residential amenity of the adjacent dwellings in terms of loss of light, outlook or privacy. With regards to the external appearance of the dwelling, it is considered there is scope on this section of the road for an upward extension which does not detrimentally impact on the overall character of the area. This is largely due to alterations to both of the immediately adjacent dwellings, the set back from the road, and intervening vegetation. Due to this immediate context, the development would not have a significant impact on the more uniformly perceived, single storey development along this side of the road to the south west.

2.2. The upward extension would therefore be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended

3. SITE DESCRIPTION

3.1 The application site comprises a single storey bungalow located on the north western side of Abbots Rise, Kings Langley. The street consists primarily of single storey bungalow development. However, the adjacent dwellings to the site on this section of the road have been subject to alterations which increase their sense of scale and now appear as one and a half/two storey dwellings. From the north, the land level rises towards the site and as one travels southwards down the road, past the application site, development becomes more uniformly single storey in nature, though it is noticeable that a number of bungalows have had their ridge heights raised to accommodate more living space.

4. PROPOSAL

4.1 The application is made under Part 1, Schedule 2, Class AA of the General Permitted Development Order (2015) (As Amended) for an upward extension to accommodate four bedrooms at a height of 7.1m . Materials and roof form to match existing.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Contr
CIL Zone: CIL2

Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Kings Langley CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3

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 LEGISLATION/POLICIES

Schedule 2, Part 1, Class AA of the General Permitted Development Order (2015) (England) (As Amended)

9. CONSIDERATIONS

Main Issues

9.1 The development complies with xx and therefore the main consideration of this application are the matters relating to prior approval which are:

Impact on amenity of adjoining premises
External appearance of the dwelling house,
Air traffic and defence asset impacts
Protected views

Criteria contained within the legislation:

9.2 The proposal should be assessed under Class AA of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The following will assess whether the proposal complies with the relevant criteria contained within the legislation.

Permitted Development Rights	
Any conditions on planning permissions removing Permitted Development Rights?	No
Any Article 4 Directions removing Permitted Development Rights?	No

9.3 Permitted development:

AA. The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

9.4 Development not permitted:

9.5 AA.1. Development is not permitted by Class AA if—

9.6 (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

9.7 (b) the dwellinghouse is located on—

- (i) article 2(3) land; or**
- (ii) a site of special scientific interest;**

9.8 (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

9.9 (d) The existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

9.10 (e) Following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

9.11 (f) Following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or**
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;**

9.12 (g) The dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

(i) In the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) In the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

9.13 (h) The floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- i. 3 metres; or**
- ii. the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;**

(i) Any additional storey is constructed other than on the principal part of the dwellinghouse;

9.14 (j) The development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

9.15 (k) The development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions:

9.16 AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

9.17 (2) The conditions in this sub-paragraph are as follows—

9.18 (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

9.19 (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

9.20 (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

9.21 (d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Assessment against criteria

9.22 The above comprises the criteria the development must comply with to be considered permitted development.

9.23 The council does not have its own historical mapping of this area and therefore reliance has been placed on the National Library of Scotland Website which has comprehensive historic map finding tool located at <https://maps.nls.uk/geo/find/#zoom=16&lat=51.82986&lon=-0.46869&layers=298&b=10&z=0&point=0,0>.

9.24 The road appears on a 1948 map of the area but it appears not all of the dwellings were completed by this point. It is therefore assumed that the estate was under construction at this point in time. A 1951 map of the area then shows a larger portion of the road completed along with Rucklers Lane. However, on this map the dwellings occupying the north western corner of the street (the site location) do not appear. Built form on the site location then appears on a 1956 map.

9.25 Due to the above, it is considered that it is reasonable to assume, based on the above evidence, that the dwelling was built after 1st July 1948.

9.26 The existing dwelling is single storey and is proposed to increase in height by approximately 2.64m. The finished ridge height of the development would be 7.1m. Thus, the development complies with the relevant height criteria.

9.27 with regards to floor to ceiling levels, the plans show that the proposed eaves height of the dwelling would be approximately 5.12m. With this measurement in mind and having inspected the plans and the relationship of the first floor to the ground floor, as well as the relative position and height of the windows, it is considered there is no reasonable doubt to dispute the agent's declaration.

9.28 The interpretation section of Class AA provides the following clarification with regard to the intended meaning of "principal part":

9.29 "principal part", in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition"

9.30 The upward extension would be constructed over the principal part of the dwelling

9.31 Overall, the proposal would comply with the criteria above, the principal matters for consideration would therefore relate to the matters of prior approval which will be outlined and assessed below.

Consideration of Matters of Prior Approval:

9.32 Para AA.2 of the GPDO legislation states that before beginning the development, the developer:

9.33 (a) must apply to the local planning authority for prior approval as to:

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of:

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;

9.34 (b) must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated

Impact on Amenity of Adjoining Premises

9.35 It is acknowledged that the inclusion of windows at first floor level would result in overlooking into the rear gardens of 15 and 19 Abbots Rise. However, these dwellings are located in an established settlement and in close proximity to one another where a certain degree of mutual overlooking is expected. Furthermore, it is noted that number 21 has rear dormer windows which would overlook number 19's garden and number 15 has rear dormer windows which would offer

views into the garden of the application site. It is considered that the level of overlooking which would arise as a result of this application would not be sufficient to warrant withholding consent.

9.36 The proposal would not result in any privacy issues to the internal environments of the adjacent properties.

9.37 With respect to potential loss of light, British Research Establishment guidance states that if a development does not breach a 45 degree line drawn from the centre of the closest habitable window on an adjacent property, from either plan or elevation view, then no further sunlight/daylight studies would be required as the development would not have a significant impact in terms of light loss.

9.38 The footprint of the first floor of the proposed development would appear to extend by a very moderate distance beyond the rear build line of number 19. It is not considered that this would significantly impact on daylight received by the closest first floor window on number 19, especially when considering the site is positioned northwards of this window. In terms of number 15, the plans show that a 45 degree angle from the closest front window of number 15 would be breached in plan view, but by a moderate amount.

9.39 In terms of the elevations, the main form of the proposed property would not breach a 45 degree angle from this window. It is noted that the chimney would breach this line. However, this feature does not span a significant depth across the boundary and therefore would not interrupt daylight/sunlight across a large surface area. Therefore, exception has been made with regards to this feature. As the main form of the proposed development would not breach a 45 degree angle in elevation from the window in question, it is considered that the proposal would not have a significant impact on daylight/sunlight received by this window.

9.40 It is also noted there is a side window on number 15 which appears to serve a lounge area. However, this room is also served by fenestrations on the rear of the property and so is not considered a primary window. Notwithstanding this, it is noted this window would still receive adequate sunlight from the morning to mid-afternoon hours. An area of roof for the existing single storey protrusion directly opposite this window would also be removed and replaced with a crown roof which would be lower in height. It is noted that the new crown roof to the single storey protrusion would not be specifically covered under the prior approval legislation and an informative on any consent granted would make this clear. However, it does appear that these works would not require planning permission in general.

9.41 The existing dwelling is positioned forward of the principle elevation of number 15. However, the overall height increase proposed would be 2.64m which is considerate moderate and further to this, approximately 1.89m of this height increase would encompass the hipped roof form which would slope away from the boundary with number 15. As mentioned previously, the plans also show that the proposal would not breach a 45 degree angle in elevation from the centre of this window. This indicates that a reasonable level of vertical sky component would be available to the window in terms of views out of it. Therefore, it is considered that the proposed development would not have an overbearing impact on number 15 in terms of outlook.

Impact on External Appearance of Dwellinghouse

9.42 Paragraph AA.2 (3) (a) (ii) of the relevant legislation allows the local planning authority to take account of the external appearance of a dwelling, including the design and architectural features of the principal elevation and any side elevation which fronts a highway.

9.43 The wording is such that the term *external appearance* does not solely relate to design and architectural features. On the contrary, these are merely examples of factors which are able to be considered under the broad heading of *external appearance*. The external appearance of a dwelling

and the question of whether or not it constitutes good design cannot so easily be divorced or considered separately from its context. Numerous appeal decisions made by the Planning Inspectorate support this view. Therefore, for the purposes of this prior approval application the external appearance of the proposal will, in addition to the architecture of the dwelling itself, be judged with reference to the local context.

9.44 Paragraph 130 of the NPPF (2021) states the developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

9.45 The existing dwelling is not considered to be of high architectural merit and so there is no objection in principle to its alteration. The proposal would largely replicate the style of the existing dwelling at first floor with its hipped roof form, bay windows and retention of the chimney stack. The additional tile hanging at first floor plan would break up the front elevation and provide visual interest.

9.46 The dwelling occupies a site which is positioned between two adjacent dwellings which have been subject to alterations over time which have increased their sense of scale and now appear as one and a half/two storey dwellings. Number 15 has two twin gabled front dormer windows whereby their size and prominence on this elevation contribute to an overall form which differs to that of the bungalows on the opposite side of the street. Number 19 has been an existing two storey side extension which sits directly adjacent to the existing dwelling on the application site. It is noted this extension was allowed on appeal, with the inspector noting the set back from the road and intervening vegetation.

9.47 Landscaping to the front of the site would partially screen the development and it is considered that the development would not be prominent from this view, especially when taking into account the set back from the road and the height of the bank. From the south west, the development would not be greatly prominent due to the presence of the two storey extension on number 19. As one approaches the site, the development would come into view but would be seen in close context with this two storey extension. The development would be most prominent when approaching from the north, up the hill. However, it would again be seen in close context with the large twin gabled front dormers on number 15. At an overall height of 7.1m, the developments' height would not appear unnaturally higher than that of number 15, especially when taking into account the set back from the road, separation distance between the dwellings and the gradient of the land.

9.48 Overall, it is accepted that the street consists primarily of single storey development to the south west, though there are numerous examples of bungalows which have been subject to hip to gable conversions, ridge height increase, and roof enlargements to accommodate living space within their first floors. However, dwellings adjoining the site on this specific section of the street have been subjected to alterations which generally increase their perceived scale and form. While the proposed development would differ in style, this style would largely replicate elements of the existing building and the overall height increase would not result in the building appearing overtly contrived on the street scene, especially when considering the set back from the road and intervening vegetation.

9.49 Thus, in this context it is considered that this specific section of the road can accommodate an increase in height without significantly disrupting the more uniform stretch of single storey development along this side of the road which exists to the south west. Therefore, it is considered the development would not have a significant disruptive impact on the overall character of the area.

Air Traffic and Defence Asset Impacts

9.50 The height of the development (under 45.7m) is such that there would be no implications for air traffic and defence assets.

Protected Views

9.51 The proposal would not affect any protected views.

Construction Management

9.52 A management plan does not form part of the application submission; however, the requirement is that this be provided prior to the commencement of development. As such, a lack of a plan is not, in and of itself, a reason to refuse prior approval. Should prior approval be granted, a suitable worded condition will be included.

10. CONCLUSION

10.1 The proposal is considered to comply with the criterion set out AA.1 and the matters subject to prior approval are all considered to be acceptable. The upward extension would therefore be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

11. RECOMMENDATION

11.1 That prior approval is GRANTED.

Condition(s) and Reason(s):

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

039A

039B

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

- 2. No development shall take place until a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated, has been submitted to and approved in writing by the local planning authority.**

Reason: To comply with the requirements of Schedule 2, Part 1, Class AA, AA.2, 3 (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	The proposal is for the upward extension for four bedrooms. Materials and roof form to match

	<p>existing. Height with additional storey 7.1m at 17 Abbots Rise, Kings Langley. Abbots Rise is a 30 mph unclassified local access route that is highway maintainable at public expense.</p> <p>The application does not appear to propose any change to the existing highway network nor the access for the dwelling. The additional bedrooms in terms of Highways are not considered to increase the trips for the dwelling. If the highway network or access is to be altered in anyway then HCC Highways will have to be consulted on this. As this application does not impact the Highway network, HCC Highways wishes to respond with other owing to the lack of bearing this particular application has to Highways.</p>
Parish/Town Council	The Council objects to this application because of the negative impact it would have on the property, neighbouring properties, and the character of the street. It is felt that the application goes beyond what should be considered under Lawful Development.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	2	0	2	0

Neighbour Responses

Address	Comments