

ITEM NUMBER: 5c

22/00438/UPA	Proposed additional storey with a maximum height of 7.38m	
Site Address:	Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire, WD4 9NF	
Applicant/Agent:	Mrs Wendy Mcclean	Mrs Gloria Berenguel
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Called in by Councillor Johnson (see reasons in report)	

1. RECOMMENDATION

That Prior Approval is refused.

2. SUMMARY

- 2.1 The proposal involves the creation of an additional storey with a maximum height of 7.38 metres under prior approval.
- 2.2 It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding 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.
- 2.3 The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature (an additional storey) would be detrimental to the setting of the house - a non designated asset - and the wider area of development.
- 2.4 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021), which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.
- 2.5 The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).
- 2.6 The applicant has argued that the impact on the character of the dwelling and the surrounding area should not be taken into account when assessing this kind of prior approval application and has submitted previous appeals to support their case.
- 2.7 There have been a number of different interpretations of Class AA by Inspectors considering different appeals with the majority taking the view that the character of the area should be considered. Further to these appeals there is now very recent case law that states that “the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.” The legal view provided on behalf of one of the neighbours fully supports the Council’s assessment and recommendation for refusal.

3. SITE DESCRIPTION

- 3.1 The site is located on the northern side of Rucklers Lane, Kings Langley on a corner plot at the intersection with Lady Meadow in an area designated as Green Belt.
- 3.2 The site comprises a relatively large single storey bungalow typical of the area constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking. There is a small garage to the site. The garage is of interest as it appears to have been constructed at the same time/ similar time to the properties and in a matching style with the side walls being predominantly in flint and set below a substantial hipped roof.

4. PROPOSAL

- 4.1 The application seeks to establish whether prior approval is required for an upward extension specifically:
- First floor extension of one additional storey to provide additional bedroom accommodation. Full height with additional storey will be 7.389m.
- 4.2 This prior notification has been submitted in accordance with condition AA.2 of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015.
- 4.3 21/00825/UPA sought prior approval for a first floor extension of one additional storey to provide additional bedroom accommodation - full height with additional storey will be 7.389m. Prior approval was refused on 27.4.21 under delegated powers.
- 4.4 The current application is identical to the one previously refused with the exception of some changes to materials. The previous application had tile hanging to match existing on external walls – the current application has stone to match existing.

5. MEMBER CALL-IN

Reason for Call in provided by Councillor Johnson

- 5.1 The call in requests asserts the following;
- current application addresses the objections raised with the previous application and set out in the papers for the previous planning application. It also is taking great pains to set out appeal decisions - notably Knolls Hill – which support this contention.
- The key issues which I believe support the applicant's argument are:
- The nature and character of the current building is not unduly changed;
 - The proposal would change the existing dwelling from a chalet bungalow, but very many of the nearby identified properties have also undergone significant changes. A significant change is the whole purpose of Class AA planning application for an upward development;
 - The issues with the property to the rear have been addressed; and
 - This is a simple upward extension replicating the window pattern at ground floor level and the existing roof pitch; the materials will match the existing materials.

- The Class AA provision provides the upward extension as a matter of principle subject to the prior approval process in respect of a number of matters all but one of which – it is contended - have been agreed with the local planning authority.
- The applicants argues persuasively in the planning statement that the current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation and endorsed with this appeal decision. The legislation and the quoted appeal decisions are effectively dictating the approach to be taken.

5. PLANNING HISTORY

Planning Applications :

19/02620/FHA - Carport adjacent to existing garage with terrace and alterations to steps.

REF - 4th February 2020

21/00825/UPA - First floor extension of one additional storey to provide additional bedroom accommodation. Full height with additional storey will be 7.389m.

PQR - 29th April 2021

22/00457/FHA - Alteration to ridge height with addition of two dormers to front and rooflights within roof slope

PCO -

4/00094/19/FHA - Part demolition of existing garage. Replacement with three car garage and walk on terrace

REF - 14th June 2019

4/00093/19/FHA - Proposed roof extension

WDN - 26th March 2019

4/01000/14/LDP - Construction of orangery

GRA - 2nd July 2014

4/00062/09/LDP - Single storey side extension and side conservatory

GRA - 17th March 2009

4/02195/08/DRC - Details of hard and soft landscaping as required by condition 2 of planning permission 04/01142/08 (front path, patio steps and retaining walls)

GRA - 9th January 2009

4/01142/08/RET - Front path, patio steps and retaining walls

GRA - 17th July 2008

4/02129/02/FHA - Porch, single storey front and rear extension and formation of car port

GRA - 17th December 2002

Appeals :

20/00020/REFU - Carport adjacent to existing garage with terrace and alterations to steps.

DIS - 27th October 2020

6. CONSTRAINTS

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 POLICIES

Main Documents:

National Planning Policy Framework (2021)
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
CS5 – Green Belt
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

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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:

- Assessment of the proposal against Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and
- Assessment of the information submitted by the applicant.

9.2 An assessment of the proposal against Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) below:

Key Considerations for class AA development	
	Yes / No / NA
Para AA.3 (2) (a) Written description of the proposed development submitted, including details of any works proposed	Yes, application form
Para AA.3 (2) (b) Plan has been submitted which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and	Yes
Para AA.3 (2) (c) Plan has been submitted which is drawn to an identified scale and shows: (i) the existing and proposed elevations of the dwellinghouse, and (ii) the position and dimensions of the proposed windows.	Yes
Para AA.3 (5) Objections from any adjoining premises, not just those consulted	Yes – objection received from the neighbour to the rear “Ladymead”. Summary of concerns: <ul style="list-style-type: none"> • Conflict with local plan; • Overshadowing; • Overbearing; • Excessive height very close to the rear boundary and private garden area; • Loss of privacy from rear windows; • Residential amenity; • Second floor out of character; • Height of 7.38m is unacceptable; • Designs not in keeping with any other property in this chalet-style-designed area or even close to recent approved

	<p>planning proposals; and</p> <ul style="list-style-type: none"> • Similar proposals as suggested are completely irrelevant in style and reasoning with regards to the style and architecture of these houses. <p>Views from a Lawyer representing the owners of Ladymead are attached in Appendix B</p>
<p>Para AA.3 (5)</p> <p>Impact on air traffic and defence assets and any objections received from any operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence</p>	N/A
<p>Para AA3 (8)</p> <p>Impact on protected views, and any objections received from Historic England</p>	N/A

Permitted Development Rights

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

Class AA, Part 1, Schedule 2: enlargement of a dwellinghouse by construction of additional storeys.

(AA.1) Development is permitted by Class AA if –	Complies (C), Fails (F), Not Applicable (N/A)
a) Permission for the dwellinghouse has <u>not</u> been approved as a change of use permitted by classes M, N, P, PA or Q of Part 3 to Schedule 2 of the GPDO.	C
b) The dwellinghouse is <u>not</u> located on:	C

<p>(i) article 2(3) land; or</p> <p>(ii) a site of special scientific interest</p>	
<p>c) The dwellinghouse was constructed <u>after</u> 1st July 1948 or <u>before</u> 28th October 2018.</p>	C
<p>d) The existing dwellinghouse has <u>not</u> 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.</p> <p>* (NB. Interpretation of Class AA – Storey(s) does not include accommodation within the roof)</p>	C
<p>e) Following the development the height of the highest part of the roof of the dwellinghouse would <u>not</u> exceed 18 metres.</p>	C as highest point is approx. 7.389 metres
<p>f) Following the development the height of the highest part of the roof of the dwellinghouse would <u>not</u> exceed the height of the highest part of the roof of the existing dwellinghouse by more than:</p> <p>(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or</p> <p>(ii) 7 metres, where the existing dwellinghouse consists of more than one storey</p>	<p>C Existing 4.763 metres</p> <p>Proposed 7.389</p> <p>Difference = 2.626 metres</p>
<p>g) The dwellinghouse is not detached and following the development the height of the highest part of its roof would <u>not</u> exceed by more than 3.5 metres:</p> <p>(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</p>	N/A, detached

(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	
<p>h) The floor to ceiling height of any additional storey, measured internally, would <u>not</u> exceed the lower of:</p> <p>(i) 3 metres; or</p> <p>(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse</p>	<p>C</p> <p>2.4 metres</p>
i) Any additional storey is constructed on the principal part of the dwellinghouse.	C
j) The development would <u>not</u> include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development.	C
k) The development would <u>not</u> include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.	C

Conditions	Complies (C), Fails (F), Not Applicable (N/A)
(AA.2) Development is permitted by Class A subject to the following conditions –	
(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;	C
(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	C
(c) the roof pitch of the principal part of the dwellinghouse following the development must be the	C

same as the roof pitch of the existing dwellinghouse; and	
(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.	C

Consideration of Matters of Prior Approval

9.3 Para AA.2 of the GPDO states that before beginning the development, the developer

(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 2012/44 issued by the Secretary of State;

(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

Residential Amenities

9.4 Due to the small back garden of the subject site the proposed additional storey will be very close to the rear boundary. The dwelling to the rear has a similar layout to this site which means that they have their garden and amenity area to the front of their dwelling. This means that their garden and swimming pool are just north of the rear boundary of "Hawkridge".

9.5 It is noted that all the windows in the proposed rear elevation will be obscure glazed but there is no mention of them being non-opening. Being solely obscure will not prevent overlooking into the amenity area of "Ladymead".

9.6 Due to the separation distance between "Hawkridge" and the adjacent neighbours there will be no significant loss of sunlight and daylight. Also the slope of the land from north to south means that the subject site is on lower ground than the neighbour to the rear.

9.7 The windows in the proposed rear elevation could be conditioned to be top hung or non-opening thus reducing any overlooking.

Appearance

9.8 The existing dwelling is a relatively large single storey bungalow typical of the area and is constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking.

9.9 Rucklers lane is an interesting development of arts and crafts style bungalows. These are relatively low single storey, constructed in brick and flint with substantial tiled roofs with large overhangs. The use of local materials and traditional design styles results in buildings that sit sympathetically with the surrounding environment. Although they appear from the architectural detailing to be from the inter war period they seem to have been constructed in the post war period. Historic aerial photos show that work seems to have started on the wider site in 1939 however was halted during the war. Work then recommenced presumably in the 1950s if not earlier. The presence of mature trees and landscaping, together with houses set well apart and in generous plots creates an attractive sylvan and distinctive semi-rural character to the locality in particular when viewed from Rucklers Lane.

9.10 The proposal will change the existing dwelling from a chalet bungalow (as described above) to a two storey dwelling – a significant change to the appearance of the existing dwelling. The proposed development, by virtue of its design, scale, bulk and positioning, would not integrate with the surrounding area and would not be sympathetic to the local character of the area. The proposal would also be detrimental to the character of the existing dwelling - a non-designated heritage asset (the dwelling was described as such by the Conservation and Design Team) - and the wider area of development.

9.11 The submitted proposals demonstrate none of those chalet-style characteristics and therefore, the resulting break of roof scape with vertical first floor elements would have a detrimental effect on the character of the overall estate. The subject site also has a prime position on the corner entrance to Lady Meadow. This change will not be in character with the Lady Meadow style of dwelling as described above.

9.12 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021), which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.

9.13 It is considered that the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

Air Traffic and Defence Impacts

9.14 None.

Impact on Protected Views

9.14 There are no protected views.

Construction Management Report

9.15 The applicant has not submitted a Construction Management Statement.

Other matters

9.16 There is sufficient off-road parking on the frontage to serve the enlarged dwelling.

10.0 Matters presented by the applicant in their Planning Statement

10.1 The applicant is questioning the method of assessment used by the Planning Authority in its assessment of the previous application submitted for Prior Approval by submitting 3 appeal cases against 3 refusals to grant approval for an additional floor at Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots in the Epping Forest District.

10.2 The applicant states in their Planning Statement that the basic lesson to be learnt from the three appeals (submitted with this application) is that a “straight” continuation of the existing house is the unobjectionable way forward as it fully reflects the design of the existing building.”

10.3 The Planning Statement further states - “The current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation and endorsed with these appeal decisions. The legislation and the appeals are effectively dictating the approach to be taken.”

11.0 Assessment of these matters

11.1 Since the introduction of the UPA prior approval process there have been a number of appeals where Inspectors have taken differing views on the issue of whether it is appropriate to consider the impact of adding an additional floor to a dwelling on the street scene or character of the area.

11.2 On 18th January, 2022 the High Court in the case of *Cab Housing Ltd and others v Secretary of State for Levelling Up, Housing and Communities and others* [2022] EWHC 208 (Admin) ruled the following:

“102. I summarise the court’s main conclusions on the interpretation of Class AA of Part 1 of Schedule 2 to the GPDO 2015:

- (i) Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);
- (ii) **In paragraph AA.2(3)(a)(i) of Part 1, “impact on amenity” is not limited to overlooking, privacy or loss of light. It means what it says;**
- (iii) **The phrase “adjoining premises” in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;**
- (iv) In paragraph AA.2(3)(a)(ii) of Part 1, the “external appearance” of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;
- (v) Instead, the prior approval controls for Class AA of Part 1 include the “external appearance” of the dwelling house;
- (vi) **The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.”**

- 11.3 Points (ii) (iii) and (vi) state that the impact on the street scene and character of the area can be taken into account in the assessment of a Prior Approval application for an additional storey. On this basis as set out the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended)
- 11.4 Comparison with other appeals
- 11.5 The Inspector stated as part of an Inquiry regarding a site at Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath that “rarely will any other appeal decision provide an exact comparison to another situation” – this is certainly true for the current site in terms of the comparison with the site at Knolls Hill which is being presented by the applicants.
- 11.6 The applicant describes the site at Knolls Hill Farm as standing in an isolated position on the southern side of Bournebridge Lane. There is a group of residential buildings at Knolls Hill on the opposite side of the road. This site and its surrounds are very different to the subject site at Hawkridge, Rucklers Lane, Kings Langley which is part of a designed planned neighbourhood of dwellings of similar design and materials.

Response to Neighbour Comments

- 11.11 These points have been addressed above. The legal view set out in the letter from Stephanie Brigg submitted on behalf of one of the neighbours fully support the Case Officer’s assessment and recommendation for refusal.

12.0 Conclusion

- 12.1 Very recent case law confirms that when an additional storey is being added to an existing building via the Prior Approval process the impact on neighbouring premises and the locality must be considered in the assessment.
- 12.2 Class AA states that “The local planning authority may refuse an application where, in its opinion—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
- 12.3 It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding 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.
- 12.4 The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature would be detrimental to the setting of the house - a non designated asset - and the wider area of development.
- 12.5 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021),

which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.

- 12.6 The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

13.0 Recommendation

That Prior approval is refused.

Reason(s) for Refusal:

2d.AA states that "The local planning authority may refuse an application where, in its opinion—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse and any side elevation of the dwellinghouse that fronts a highway.

The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature would be detrimental to the setting of the house - a non-designated heritage asset - and the wider area of development.

It is considered that the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	Noted
Conservation & Design (DBC)	<p>From Review of the UPA it appears to me to be visually identical to the refused scheme. Therefore our comments are unchanged from those sent previously and outlined in the report below.</p> <p>The existing dwelling is a relatively large single storey bungalow typical of the area and is constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number</p>

	<p>of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking.</p> <p>Rucklers lane is an interesting development of arts and crafts style bungalows. These are relatively low single storey constructed in brick and flint with substantial tiled roofs with large overhangs. The use of local materials and traditional design styles results in buildings that sit sympathetically with the surrounding environment. Although they appear from the architectural detailing to be from the inter war period they seem to have been constructed in the post war period. Aerial photos show that work seems to have started on the wider site in 1939 however was halted during the war. Work then recommenced presumably in the 1950s if not earlier. The presence of mature trees and landscaping, together with houses set well apart and in generous plots creates an attractive sylvan and distinctive semi-rural character to the locality in particular when viewed from Rucklers lane.</p> <p>The proposal will change the existing dwelling from a chalet bungalow (as described above) to a two storey dwelling - a significant change to the appearance of the existing dwelling. The proposed development, by virtue of its design, scale, bulk and positioning, would not integrate with the surrounding area and would not be sympathetic to the local character of the area. The proposal would also be detrimental to the character of the existing dwelling - a non-designated heritage asset (the dwelling was described as such by the Conservation and Design Team) - and the wider area of development.</p> <p>The submitted proposals demonstrate none of those chalet-style characteristics and therefore, the resulting break of roof scape with vertical first floor elements would have a detrimental effect on the character of the overall estate. The subject site also has a prime position on the corner entrance to Lady Meadow. This change will not be in character with the Leady Meadow style of dwelling as described above.</p> <p>It is considered that the application is contrary to Policy CS12.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

	<p>within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>Comments</p> <p>The proposed additional storey with a maximum height of 7.38m at Hawkridge, Rucklers Lane, Kings Langley. The dwelling is located on a private route that is not part of the adopted highway network. The private route joins the highway network via Rucklers Lane. The application is not altering the existing highway nor do HCC Highways consider additional rooms to increase trips to and from the dwelling.</p> <p>HCC Highways would not wish to restrict a grant of permission for the site.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	1	0	1	0

Neighbour Responses

Address	Comments
Ladymead Lady Meadow Kings Langley Hertfordshire WD4 9NF	<p>We absolutely reject this identical proposal to the last time, for all the above reasons, and additionally for the reasons specified previously - this is overbearing, considering the proximity to the boundary and our private garden area. The designs are also not in keeping with any other property in this chalet-style-designed area or even close to recent approved planning proposals.</p> <p>We would be satisfied with proposals that featured a raised roof area</p>

	<p>with suitably designed dormer windows to the front, but no windows or views overlooking our garden or property for reasons of privacy and amenity. The height aspect is key here - 7.38m is unacceptable.</p> <p>Similar proposals as suggested in the list are completely irrelevant in style and reasoning, with regards to the style and architecture of these houses.</p> <p>From a height perspective, a new height of 7.38m is far too high, from our point of view.</p> <p>We absolutely reject this identical proposal to the last time, for all the above reasons, and additionally for the reasons specified previously - this is overbearing, considering the proximity to the boundary and our private garden area. The designs are also not in keeping with any other property in this chalet-style-designed area or even close to recent approved planning proposals.</p> <p>We would be satisfied with proposals that featured a raised roof area with suitably designed dormer windows to the front, but no windows or views overlooking our garden or property for reasons of privacy and amenity. The height aspect is key here - 7.38m is unacceptable.</p> <p>Similar proposals as suggested in the list are completely irrelevant in style and reasoning, with regards to the style and architecture of these houses.</p> <p>From a height perspective, a new height of 7.38m is far too high, from our point of view.</p>
<p>Ladymead Lady Meadow Kings Langley Hertfordshire WD4 9NF</p> <p>(additional objection received on 12.4.22)</p>	<p>Reasons for comment:</p> <ul style="list-style-type: none"> - Conflict with local plan - Development too high - General dislike of proposal - Loss of privacy - Out of keeping with character of area - Residential amenity <p>Comments:</p> <p>We strongly object to this revised application, on the grounds that the development is high, overbearing and significantly out of character with our house and the surrounding area. What if this goes through - and then this opens the process up to other applications with double storey extensions, ruining a heritage area of architecture? We have not objected to bungalows with a set style of design and appearance. We have not objected to this application which is in keeping.</p> <p>Please note the following reasons for this to be refused approval:</p> <ul style="list-style-type: none"> - Previous planning history of the site out of character with the style - Overshadowing our garden/property - Overlooking and loss of privacy, so close to the boundary - Overbearing nature of proposal generally - Effect on Listed Building(s) and Conservation Areas - Public visual amenity
<p>Legal advice provided to residents of Ladymead</p>	<p>We refer to the planning supporting statement dated February 2022 prepared by Collins Coward (the "Supporting Statement") and comment as follows (references to paragraph numbers are to paragraphs of the Supporting Statement):</p> <p>1. We draw your attention to the admission at paragraph 4.7 that</p>

"the current scheme is very similar to that which was refused, noting that some of the materials to be used have been updated." And paragraph 4.21 that "the scheme is the same as that which has previously been refused".

2. The assertion at paragraph 4.8 that the planning officer's commentary for rejecting application number 21/00825/UPA (the "**Historic Application**") shows that a "*significant amount is agreed between the parties*" and by implication supports the proposed development in application number 22/00438/UPA (the "**Current Application**") is misleading.
3. The assertion at paragraph 4.18 that a key issue which the planning committee should consider is "*the appearance*" of the proposed development is agreed, but not the narrow interpretation and application of this condition in GDPO 2015, which is suggested by the Supporting Statement.
4. In this context we draw your attention to the case of ***Cab Housing Ltd and others v Secretary of State for Levelling Up, Housing and Communities and others [2022] EWHC 208 (Admin)***. This recently decided High Court case is extremely pertinent to correct interpretation of the conditions in GPDO 2015 and the matters which should inform the decision-making of any planning committee.
5. As you will be aware, in this case the Holgate J rejected the claimants' submissions that the 'external appearance' control is confined to an assessment of the impact of that appearance on the subject property itself, as opposed to its surroundings. Holgate J stated "*There is nothing in the language of the GPDO 2015 to justify this construction*". In this case, the High Court's conclusions on the interpretation of Class AA were as follows (with our underlining and bold):
 1. The scale of the proposed development can be controlled within the ambit of paragraph AA.2(3)(a).
 2. In paragraph AA.2(3)(a)(i), "**impact on amenity**" was **not limited to overlooking, privacy or loss of light**.
 3. The phrase "**adjoining premises**" included **neighbouring premises and was not limited to premises contiguous with the subject property**.
 4. In paragraph AA.2(3)(a)(ii), **the "external appearance" of the dwelling house was not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations**.
 5. The prior approval controls for Class AA included the "external appearance" of the dwelling house.
 6. The control of **the external appearance of the dwellinghouse was not limited to impact on the subject property itself, but also included impact on neighbouring premises and the locality**.
6. It is clear from this judgment that the planning committee's decision should not be confined to an assessment of the impact of that external appearance on the subject property itself, as opposed to its surroundings.
7. In the light of this judgment, the reasons cited by the planning officer for rejecting the Historic Application as not being

permitted development, are highly applicable, relevant and valid reasons for rejecting the Current Application (which is admitted in the Supporting Statement to be the same scheme as the previous one) and provide guidance concerning those matters which should be taken into account in assessing the impact of the proposed development on amenity, neighbouring premises and the locality:

1. the matters listed in Dacorum's Core Strategy Policy CS12: Quality of Site Design, in particular paragraph (f) that the development "*should integrate with the streetscape character*" and paragraph (g) the development should "*respect adjoining properties in terms of... (iv) scale, (v) height, (vi) bulk* remain very relevant to the decision to be made on the Current Application;
 2. the matters listed in Dacorum's Core Strategy Policy CS11: Quality of Neighbourhood Design, in particular paragraph (b) that the development "*should preserve attractive streetscapes*" and (d) "*protect or enhance significant views within character areas*" remain very relevant to the decision to be made on the Current Application.
8. We completely reject the premise at paragraph 4.33 that a "*straight' continuation of the existing house is the unobjectionable way forward*". It changes entirely the character and design of a bungalow into a two storey house and the impact of this in the locality of homes made up of bungalows and chalet style bungalows has a lasting, significant and irreversibly detrimental impact on the locality and its amenity. This detrimental impact is exacerbated because Hawkridge has such a prominent position fronting both Rucklers Lane and Lady Meadow.
9. In view of Cab Housing case cited above, the assertion made at paragraph 4.40 that "*the current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation*" cannot be sustained and is erroneous.
10. The appeal decision made in respect of Knolls Hill Farm (the "**Appeal Decision**") and cited in the Supporting Statement does not support the Current Application. The Appeal Decision pre-dates the Cab Housing case. The Appeal Decision makes specific reference at paragraph 6 to the fact that "*Knolls Hill Farm stands in an isolated position on the southern side of Bournebridge Lane*". Consequently, and unlike the Current Application, there were no neighbouring premises in the locality which needed to be included in the Planning Inspectorate's considerations of the external appearance of the development.
11. We note that the applicant now has the benefit of a grant of planning permission under reference number 22/00457/FHA. A scheme which we note from submissions on the portal followed discussion with the planning officer resulting in removal of originally proposed negative features and problems, leading to an approved development that is in-keeping with the locality and of a suitable scale.

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| | <p>12. Finally, we draw your attention to the application made in respect of The Pines, WD4 9NF for an additional storey application <u>20/03960/UPA</u> which was rejected on the basis of "<i>The external appearance of the proposal would have an adverse impact on the character and appearance of the area and result in an incongruous and visually unsatisfactory form of development.</i>" In the light of recent Cab Housing case noted above, the planning office correctly interpreted the conditions in Class AA.2 (2) and (3) of GPDO 2015 in making that decision. The Pines is a bungalow set within the same locality as Hawkridge (at the top of Lady Meadow). This decision is far more pertinent to the current case than the Appeal Decision cited in the Supporting Statement, which related to a property that is:</p> <ol style="list-style-type: none">1. not within the Metropolitan Green Belt; nor2. a non-designated Heritage Assets situate within a locality of similarly non-designated buildings. <p>13. For all of the reasons noted above, we believe that reversing the previous decision to refuse permission to the Historic Application (which the Supporting Statement acknowledges is identical to the previous application) would be entirely inconsistent with past practice which correctly interpreted and applied the conditions contained in GPDO 2015. Such a move would set an unwelcome precedent threatening the value of these Assets to the amenity of the locality through other instances of their overdevelopment.</p> |
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