

**ITEM NUMBER: 5f**

<b>22/00015/FHA</b>	<b>First floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to openings including insertion of bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include rear facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimney stack and infill of existing raised patio area, to include new access steps and glazed balustrade.</b>	
<b>Site Address:</b>	<b>36 Belham Road, Kings Langley, Hertfordshire, WD4 8BY</b>	
<b>Applicant/Agent:</b>	<b>Mr. &amp; Mrs. N. MacDonald</b>	<b>Mr. S. COOK</b>
<b>Case Officer:</b>	<b>Natasha Vernal</b>	
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>		

**1. RECOMMENDATION**

That planning permission be granted with conditions.

**2. SUMMARY**

2.1 2.1 The principle of residential development in this location is acceptable. The proposed development extension 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 Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2021).

**3. SITE DESCRIPTION**

3.1 The site is occupied by a two storey semi-detached dwelling located on Belham Road in Kings Langley. The surrounding area is predominately residential in character.

**4. PROPOSAL**

4.1 This application seeks full householder permission for the construction of first floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to fenestration. Works to also include rear-facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimneystack and infill of existing raised patio area, to include new access steps and glazed balustrade.

4.2 It should be noted that this application is an amended scheme by addressing concerns raised by Kings Langley Parish Council by removing parapet wall from the two-storey side extension and providing 45 sight lines to the proposed scheme to demonstrate no significant harm is given on light levels to the adjacent neighbouring properties at Nos.34 and 36. Lastly, an amended block plan was received on 10<sup>th</sup> February 2022, demonstrating that the existing driveway will accommodate at least three vehicles as a result of a six bedroomed dwelling.

## 5. PLANNING HISTORY

Planning Applications (If Any):

21/03881/FHA - First floor, part two storey side extension and a first floor rear extension, partial garage conversion with alterations to openings including bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include extension of existing chimney stack and infill to existing raised patio area, to include new access steps and glazed balustrade.

*WDN - 7th December 2021*

21/03882/LDP - Enlargement of existing side/rear dormer to existing loft conversion, to include rear facing Juliette balcony and re-positioning of front facing roof light. Materials to match existing: tile hung cladding to dormer cheeks, plain roof tiles and flat roof, UPVC windows, UPVC or aluminium doors and metal framed glazed balustrade to Juliette balcony.

*REF - 6th December 2021*

4/01087/06/FHA - Loft conversion with rear and side dormers (amended scheme)

*GRA - 4th July 2006*

4/02578/05/FHA - Loft conversion with rear and side dormers

*REF - 2nd February 2006*

4/02022/01/FHA - Single storey side extension

*GRA - 4th February 2002*

4/01324/91/FHA - Single storey rear extension

*GRA - 1st November 1991*

## 6. CONSTRAINTS

CIL Zone: CIL2

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Kings Langley

Parish: Kings Langley CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (King Langley)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

## 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  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
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:

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 in a residential area of Kings Langley. Core Strategy (2013) Policy CS4 states that appropriate residential development is encouraged in the towns and large villages.

### Quality of Design / Impact on Visual Amenity

9.3 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.4 The surrounding area is characterised by semi-detached dwellings, many of which show two storey side extensions, such as at Nos. 8, 18, 24 and 40.

9.5 The proposed development to the front and partly to the side would be visible from the street scene. Due to its scale and positioning, the two storey side extension will not appear subservient but will relate well and not result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area. Furthermore, the

appearance of the front elevation retains the dwelling's overall original identity due to the recessed first floor element by approximately 1.1 metres.

9.6 The proposed rear development would not be visible from the public realm and has been sympathetically designed to appear a subordinate addition to the main house, noting that the single and two storey rear elements of the new extensions are modest in height and would be positioned set down from the existing roof ridge by approximately 2.4 metres and set in from the side boundaries by 1 metre and 2.7 metres. Furthermore, both elements of the extension would be constructed in materials (render, uPVC, tiles hung cladding and plain roof tiles) to match the main house, enabling the new rear extensions to integrate with the original design and character of the property. In addition, it is worth noting that the application site has undergone previous development at the rear consisting of single storey side and rear extensions, thereby change (in comparison to the original dwelling) already exists.

9.7 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

#### Impact on Residential Amenity

9.8 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.9 It is noted that formal objections were received from the neighbouring property at Nos. 34 and 38 objected on the grounds of loss of light, overshadowing, loss of privacy, noise disturbance, trespassing and inadequate parking.

9.10 The two storey extensions would be closest to the neighbouring property at No.38 and would extend beyond No.38's rear elevation. The plans illustrate that the proposal complies with the 45-degree rule ensuring that there is no significant harm to light levels and overshadowing. It is identified that the side facing windows at No.38 are obscure glazed at first floor and serve non-habitable rooms (bathroom and landing); therefore, it is not considered that the proposed works would result to loss of sunlight / daylight. In addition, No.38 is situated to the south of the site and therefore would suffer very little, if any, loss of sunlight as a result of these proposals. Furthermore, no fenestration at ground and first floor is proposed to face towards No.38. At present there is a large side dormer window and a first floor side window, this would be replaced by two side dormer roof lights. Given that the side dormer roof lights would permit similar views to the existing side dormer windows, the privacy situation would be improved for No.38. Therefore it is concluded that the proposed dormer would not have a significant impact on overlooking or appear visually intrusive.

9.11 The proposed ground floor rear extension would be closest to the adjoining property at No.34 however it would have a similar footprint/structure as the existing rear extension. Therefore, given its single storey nature, it is considered that the proposal would not have a detrimental impact on loss of sunlight / daylight, overlooking or appear visually intrusive or overbearing. The two-storey side extension would be on the far side in relation to No.34 and would not extend beyond No.34's rear elevation. Therefore, it is considered that the two storey side extension would not have an impact on loss of sunlight / daylight, overshadowing or appear visually intrusive or overbearing to No.34. Although the two storey rear extension would extend beyond No.34's rear elevation, the plans illustrate that proposal complies with the 45-degree rule and sufficient space is retained from the side boundary by approximately 2.7 metres. Therefore, reducing harm to light levels and overshadowing. In addition, No.34 benefits from sizeable bi-folding doors and a roof lantern on the

ground floor rear extension, resulting in extra light. It is proposed to introduce a rear dormer with a Juliette balcony at first floor level but this would permit similar views to the existing second floor rear facing windows. It would not be possible to step out onto a balcony and as such there would be no significant overlooking or adverse impact on privacy. The proposed raised patio would have the same height as the existing patio (approximately 1.5 metres) and would permit similar views as the existing raised patio. Given its ground floor nature, it is not identified that the proposed patio would have a detrimental impact on overlooking.

9.12 Given the location of the site, positioning of neighbouring properties and the scale and nature of the proposed works, it is unlikely that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by way of being visually overbearing, visual intrusion, overshadowing or loss of light or privacy.

9.13 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

#### Impact on Highway Safety and Parking

9.14 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 3-bedroom dwelling is 2.25 spaces.

9.15 The existing dwelling comprises three bedrooms, as a result of the proposed development there would be six bedrooms wherein the parking requirement is assessed on a case by case basis. However, the proposed development will not affect the local parking capacity as this three bedroomed semi-detached dwelling has a sufficient area of hardstanding located to the front that can accommodate at least three vehicles. The amended block plan demonstrate that parking bays are 2.4 metres by 4.8 metres. Furthermore, there are local public transport routes situated in close proximity (within 200m) to the application site.

9.16 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

#### Other Material Planning Considerations

##### *Kings Langley Parish Council*

9.17 Kings Langley Parish Council were consulted and objected on the grounds of the proposals design, size and bulk would result in an over-cramping of the site and have a substantial adverse impact on the neighbouring properties.

9.18 Although the proposed two storey side would be constructed along the common side boundary, it is recessed from the front elevation, therefore allowing visual reading of the existing dwelling. The part single, part two storey rear extension is considered modest in scale and height as the proposal is set down from the existing roof ridge and sufficient space is retained from the side boundaries. The single storey rear extension would have a similar foot print as the existing rear extension. Furthermore, 45 degree sight lines provides evidence that the proposal is unlikely to have harm on loss of sunlight / daylight or overshadowing. In addition, it is noted that the surrounding properties have undertaken similar works on Belham Road. The rear dormer would replace the existing dormer and permit similar views as the existing windows at first and second floor.

9.19 Overall, the application site is large enough to accommodate an extension of the proposed side whilst still having sufficient parking and rear amenity space to service the dwellinghouse. Furthermore, the proposal allows visual reading of the existing elevation and is considered to harmonise with the existing dwelling and the surrounding area.

#### *Environmental and Community Protection*

9.20 Environmental and Community Protection were consulted and raised no objections to the proposal.

#### Response to Neighbour Comments

9.21 Formal objections were received from the neighbouring property at Nos. 34 and 38 objected on the grounds of loss of light, overshadowing, loss of privacy, noise disturbance, trespassing and inadequate parking. However, the most of the matters raised are addressed in the neighbour impact assessment.

9.23 Regarding noise disturbance, this related to an existing extension and concerns that the further extensions would exacerbate this. Such noise concerns can be dealt with through Environmental Health legislation, as they relate to the behaviours of the occupiers at a particular time, rather than the development itself. Soundproofing is a matter considered under the Building Regulations.

9.24 Finally, the trespassing point relates to the existing rear extension, which has a soffit overhanging the neighbouring property. As a civil matter, and relating to an existing extension, this is not material to the considerations for this application.

#### Community Infrastructure Levy (CIL)

9.25 Policy CS35 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 the 1st July 2015. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

## **10. CONCLUSION**

10.1 The proposed development through its design, scale and finish will not have a significant adverse impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

## **11. RECOMMENDATION**

11.1 That planning permission be GRANTED with conditions.

### **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:**

- 5270-ORD
- 5270-ORD-2
- 5270-P01E
- 5270-ORD-2A
- 5270-ORD-1

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Kings Langley Parish Council	The Council objects to this application because its design, size and bulk would result in an over-cramping of the site and have a substantial adverse impact on the neighbouring properties.
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
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7	2	0	2	0

## Neighbour Responses

Address	Comments
34 Belham Road Kings Langley Hertfordshire WD4 8BY	<p>We would like to object to the application for the same reasons as we objected to the previous applications that were rejected/ withdrawn. We feel the proposed development would impact on our property for reasons of loss of light, overshadowing, loss of privacy and loss of amenity (parking). In detail:</p> <ul style="list-style-type: none"> <li>- Converting what was originally a 3 bedroom house to a 6 bedroom house is overdevelopment, and would be overbearing and out of scale with other properties in the road.</li> <li>- The proposed double storey rear extension around 4m deep, and is therefore considerably in excess of the 3m depth which is stated as the maximum allowable under planning rules. We feel this depth is excessive and would negatively affect our property for reasons of loss of light, overshadowing and loss of privacy.</li> <li>- Due to the east-north-east orientation of our properties, the rear extension would significantly reduce the light available to the rear of our property and would completely overshadow it from late morning, and earlier in the winter months. This would negatively impact the light available to our rear bedroom and dining room which has a roof lantern which would be placed into shadow by the 2nd storey (this was added in 2018 as a alteration to replace a conservatory which had been in situ since 1999).</li> <li>- The rear extension would completely rob our patio area of sunlight early in the day and also impact on the sun available to our garden as a whole, due to overshadowing, as the sun passes over the property. The architect has now added 45 degree angles to the new drawings, presumably to discount our objection on grounds of loss of light. However the drawings still fail to show the full extent of the impact on our property as no detail of our house is included, nor is the orientation of the sun shown. Furthermore, we would like confirmation of the accuracy of the angles on the drawing.</li> <li>- The double storey side extension is built to the boundary with 38 Belham Road - planning rules indicate that a maximum height of 4m is allowed for side extensions, or 3m where within 2m of the boundary.</li> <li>- The plans do not show proximity to (or features of) our property or 38 Belham Road, and therefore are misleading in terms of the potential impact of the proposed building works on our properties. We therefore feel that a visit by the planning officer would be essential to appreciate the true extent of the impact of the proposed development on the adjacent properties.</li> <li>- The rear extension would overlook our garden and would therefore lead to a loss of privacy.</li> <li>- The proposal listing is misleading as it is a full two-storey side extension not 'part'.</li> <li>- 36 Belham Road has already been greatly extended and the existing single storey rear extension is already in excess of the 3m permitted</li> </ul>

	<p>depth. The patio area is also at a high level that overlooks our garden as it is adjacent to the boundary. We feel that further development of this area would lead to an additional loss of privacy for our garden.</p> <ul style="list-style-type: none"> <li>- The size and placement of the proposed roof light to the existing single storey rear extension means it protrudes excessively far from the original rear wall of the house. This would mean a loss of privacy for both houses as we would be able to look directly down into the family room of No 36 and they would be able to look directly up into our rear bedroom windows. We would therefore request that this roof light either be obscured glass or be re-oriented/re-sized so that it is located closer to the original wall of the house.</li> <li>- We are concerned about the potential impact on parking as the house only has 2 parking spaces, and on-street parking in the road is already in high demand. The high number of proposed bedrooms could make this property attractive as an HMO in future, which would without doubt attract numerous cars.</li> <li>- The proposed plan shows relocation of the kitchen area onto the party wall adjoining our property, with removal of the chimneybreast and creation of a vast open plan area. We already suffer a great deal of noise disturbance from this area of the house and are concerned that these changes would exacerbate the noise issue. We would therefore request that additional soundproofing be added to this area during building works and that a soundtest be carried out.</li> <li>- The existing rear extension has a soffit which overhangs our property and is not represented on the drawings as such. We have previously requested this to be removed as it partially blocks a gully between our properties and makes clearing this of debris problematic. We would therefore request that this soffit be removed as part of the proposed building works and that the drawings of the existing elevation be amended to reflect this overhanging soffit and its removal on the proposed elevation. We are also concerned that this issue has not been addressed by our neighbour for 3 years - leading us to doubt their integrity in addressing planning matters.</li> </ul>
<p>38 Belham Road Kings Langley Hertfordshire WD4 8BY</p>	<p>We live next door and want to object to this application for the following reasons.</p> <p><b>PREVIOUS APPLICATION DECLINED</b></p> <p>We are extremely confused over the planning applications submitted by number 36. They submitted 2 applications late last year. 21/03882 was "refused permission" due to the original planning application terms and conditions for the first loft/dormer conversion at number 36. 21/03881 was then withdrawn. Now a new third application has been submitted, 22/00015, combining the elements of the withdrawn application and the "refused permission" application. The reasons for the "refused permission" application have not changed. How is it possible to approve this new application when it contains the elements of the "refused permission" application?</p> <p><b>DISTURBANCE/DISRUPTION</b></p> <p>The proposed double story extension is right on the boundary between our properties. Our fence is actually touching their garage wall. This means for any building works, access to our land will be required. This will be extremely disruptive and a source of continual dust and disturbance for the duration of the build, and due to the proximity of the</p>

build to our house, it will be very difficult to use that area which includes our access to the front of our property. This is an unacceptable intrusion and will be very stressful for the family and our dog, who will be home alone during the day with the building work going on and strangers in the garden.

#### LOSS OF LIGHT

The proposed double storey side extension will result in an ugly, substantial wall that will be just 2.3 metres from our chimney stack and 2.5 metres from our kitchen door. On our house facing the proposed extension are 3 windows and a glass kitchen door. This will cause a large loss of natural light entering our property through these windows and door and impact our "right to light". The structure will also create a tall, narrow tunnel between the properties and increase the probability of dampness remaining there due to the shade it will create.

#### OVER DEVELOPMENT/OUT OF CHARACTER

Most of the houses in Belham Road started as 3 bedroom semi-detached properties. Several houses have expanded by adding a single storey extension to the side/rear or having a loft/dormer extension. Number 36 has already had both of these extensions carried out. The proposed building plan would make number 36 look very different to the other houses in the Road, and particularly to its adjoining neighbour at number 34. The new enlarged roof structure and elongated chimney stack will be unique and combined with the side extension will visibly make the property look completely out of character with the rest of the road. This is a case of over development.

#### LOSS/LACK OF PLANNED PARKING

The application states the garage conversion will result in the loss of 1 parking space. The proposed application shows an increase in the bedroom count to a total of 6 but has no provision for additional parking should it be required by the current or future owners. There are already parking issues in Belham Road.

#### TRESPASS

The proposed second storey side extension shows the new roof extending to the edge of the building. If a gutter is required, it will be overhanging our property, which is a form of trespass.

#### LOSS OF PRIVACY

The proposed double storey rear extension will result in a loss of our privacy. Our garden is on a slope with only one small area of flat patio where we can sit and entertain our friends and family. The new extension will allow a direct view over this area resulting in a complete loss of privacy. We will feel uncomfortable in our own property. Number 36 have already complained on several occasions about alleged "noise" from us. The proposed plans show the double storey rear extension is to create a bedroom. With an open window they will hear our conversation resulting in no privacy and probably an increase in "noise" complaints.