

**ITEM NUMBER: 5i**

<b>22/00510/FHA</b>	<b>Double storey rear extension</b>	
<b>Site Address:</b>	<b>51 Highfield Road, Berkhamsted, Hertfordshire, HP4 2DD</b>	
<b>Applicant/Agent:</b>	<b>James Grant</b>	<b>Mr Sukhdev Lota</b>
<b>Case Officer:</b>	<b>Laura Bushby</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted East</b>
<b>Referral to Committee:</b>	<b>Contrary views to Berkhamsted Town Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED

**2. SUMMARY**

2.1 The principle of residential development in this location is acceptable, noting the site's location within a designated residential area within Berkhamsted. The proposed two storey rear extension will not have a significant detrimental impact upon the character and appearance of the existing dwelling or the surrounding area. The sympathetic design, form and scale of the proposed development will conserve the Berkhamsted Conservation Area and will be acceptable within the street scene. The impact of the proposal in terms of residential amenity would also be acceptable.

2.2 The proposal would therefore comply with Policies CS4, CS11, CS12 and CS27 of the Dacorum Core Strategy (2013) and Saved Appendix 7 of the Dacorum Borough Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The application site is located on Highfield Road within a residential area of Berkhamsted. It comprises of a two storey terraced property with a rear garden. The surrounding area is predominantly residential in character, comprising a mix of terraced and semi-detached dwellings. The site is located within a short distance of Berkhamsted High Street.

**4. PROPOSAL**

4.1 The proposal is for a two storey rear extension

**5. PLANNING HISTORY**

Planning Applications:

21/04670/FHA - Demolition of existing rear extension and construction of two storey rear extension  
*WDN - 10th February 2022*

Appeals: None

**6. CONSTRAINTS**

BCA Townscape Group  
CIL Zone: CIL1  
Berkhamsted Conservation Area  
Listed Building, Grade: Local,  
Parish: Berkhamsted CP  
RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
Residential Character Area: BCA2  
Parking Standards: New Zone 3  
Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (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  
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:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

## Principle of Development

9.2 The application site is located within a residential area of Berkhamsted, whereby in accordance with Policy CS4 appropriate residential development is acceptable in principle subject to a detailed assessment of the impact.

## Quality of Design / Impact on Visual Amenity

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2021) all seek to ensure that any new development or alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process. The impact of the development proposals on local conservation areas must also be assessed as required by section 72(1) of the Act.

9.5 Paragraph 199 of the Framework states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development. Policy CS27 requires development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.6 Due to the location within the Berkhamsted Conservation Area the Conservation and Design officer was consulted on this application. The proposal is for a two storey rear extension, which by the nature of its location to the rear of the property is not clearly visible from public vantage points. Whilst the proposed extension would be partially visible from Holly Drive, it would not have an adverse impact on the Conservation Area. The Conservation and Design Officer considered that whilst the design of the proposed rear extension is contemporary and whilst 2-storey extensions are normally expected to feature a traditionally pitched (not flat) roof, in this case the overall design works well and the relatively compact and subordinate nature of the first floor element will preserve the character and appearance of the Conservation Area. The proposal would have a neutral impact on the character, appearance and historic interest of heritage assets (conservation area).

9.7 It is noted that there are a number of different roof forms and designs visible to the rear of Highfield Road, including various additions to existing properties in the immediate vicinity and here is an existing flat roof two storey rear addition several doors away in the same terrace. There is no uniformity in roof design and the proposed flat roof first floor addition would not therefore adversely impact upon the visual amenity of the existing area by virtue of the design, mass, scale and bulk of the proposed extension.

9.8 As such, the application is in accordance with Policy CS11, CS12 and CS27 of the Dacorum Borough Core Strategy. Furthermore, given the above assessment, it is considered that the proposed development preserves the character and appearance of Berkhamsted Conservation Area, to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Impact on Residential Amenity

9.9 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.10 Neighbour comments have been received in relation to the proposal from both No. 49 and No. 53 who have raised concerns regarding the impact of the proposed extension on their residential amenities by way of the loss of light to the rooms to the rear of the property.

9.11 The application site currently has an existing rear extension measuring 3 metres in depth and 3.8 metres at the highest point on the boundary with No. 49, it has a mono-pitch roof which slopes down towards the boundary with No. 53.

9.12 The proposed extension will, at ground floor extend almost the full width of the property, with a modest set in from the boundary of No. 53 of 0.7 metres. At first floor the set in increases to over 2 metres at the boundary with No. 53 and 1 metre to the boundary with no. 49. Plans have been submitted that show the 45 degree line in plan form is not breached from the nearest first floor window of both neighbours. No 45 degree elevational plans have been submitted, however given the flat roof design and the fact the first floor element is set in it is unlikely to result in any significant loss of light or appear unduly prominent, especially when compared to the existing situation.

9.13 In this instance the existing situation is a key consideration and specifically in relation to the impact on No. 49. The existing single storey mono-pitch structure is higher (than the proposed single storey rear extension) and sited on the common boundary such that it already has a significant adverse impact on the adjacent properties, particularly No. 49 which occupies a lower position. The reduction in height of the extension at the boundary with No. 49, will offer significant relief to the windows at the ground floor and allow more light to reach them, which would be a betterment when compared to the existing situation. The same would apply to the immediate rear garden area.

9.14 It is acknowledged that the first floor element proposed is higher than the existing single storey structure but it is now set 1m away from the boundary with No. 49 which would soften its overall visual impact and ensure it would not appear unduly prominent or visually intrusive. The flat roof design would also help minimise any adverse visual impact.

9.15 Given the favourable orientation and the set in from the common boundary the proposals would not have a significant adverse impact on the rear facing windows or garden area of No. 53. There would be no breach of the 45 degree line in plan or elevation from the ground or first floor windows of No. 53.

9.16 with regard to the single storey element of the proposal it is important to note that a single storey rear extension 3m in depth and 3m in height could be constructed without the need for planning permission and this is a material consideration.

9.17 On balance, it is not considered that the proposed application will have a significant adverse impact on the residential amenities of the neighbouring properties by way of loss of light, privacy or causing visual intrusion, especially when compared to the existing situation. As such the application is therefore in accordance with Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy.

#### Impact on Highway Safety and Parking

9.18 As a result of the proposed extension there will be no increase in the number of bedrooms, therefore no increase in the parking requirement for the dwelling. The current informal on-street parking arrangements will be maintained, therefore the development will have a neutral impact on local parking provision.

## Conditions

9.19 The Conservation and Design officer has requested further details of the parapet and window design. These details would be secured via an appropriately worded condition, should planning permission be granted.

## Response to Neighbour Comments / Town Council

9.20 These points have been addressed above. The town council expressed concerns in relation to the impact of the extension on the residential amenities of adjacent properties and that the 45 degree test has not been applied to the ground floor extension. A single storey rear extension of identical size to that proposed could be constructed under Class A permitted development rights without the need for formal planning permission. This is a material consideration.

## Community Infrastructure Levy (CIL)

9.21 The application is not CIL liable.

## **10. CONCLUSION**

10.1 To conclude, it is considered that the proposed application will preserve the character and appearance of the existing dwelling, street scene and wider Berkhamsted Conservation Area. The extension will not have a significant impact on the residential amenities of the neighbouring property or highway safety and as such is in accordance with Policy CS4, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy.

## **11. RECOMMENDATION**

11.1 That planning permission be GRANTED

### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

**HR15**

**HR16**

**HR17**

**HR18**

**Location Plan**

**Design and Access Statement**

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

3. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **No development (excluding demolition/ground investigations) shall take place until details of the parapet walls and windows to be used in the construction of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained as such.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The existing dwelling is a mid-terrace Victorian property of brown brick construction with sash windows, it is two storeys with a slate roof. To the rear is a single storey extension with monopitch roof, possibly late 19th or early 20th century. It lies within the Berkhamsted Conservation Area.</p> <p>The proposal entails demolition of the existing rear extension and the construction of a new extension, single storey and part two storey. The single storey element covers almost the full width of the plot whilst the 2-storey part is set in.</p> <p>The design of the proposed rear extension is contemporary whilst referencing the traditional materials of the property and will be built in brick to match with a GPR roof concealed behind a brick parapet. Whilst 2-storey extensions are normally expected to feature a traditionally pitched (not flat) roof, in this case the overall design works well and the relatively compact and subordinate nature of the first floor element will preserve the character and appearance of the Conservation Area.</p> <p>What is not clear from the plans is how the parapet roof of the extension will relate to / be built into the existing roof; also it would be expected that the parapet brick detailing to the first floor extension shown on the rear elevation would continue round on to the side elevations?</p>

	<p>The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved a condition requiring brick to match existing. A condition requiring details of the parapets and windows subject to be subject to approval.</p>
Berkhamsted Town Council	<p>Objection</p> <p>The Committee objected to the loss of amenity to the neighbouring properties in terms of light and were concerned that the 45 degree rule had not been applied to the ground floor extension in the proposed scheme.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	2	0	2	0

### Neighbour Responses

Address	Comments
53 Highfield Road Berkhamsted Hertfordshire HP4 2DD	<p>PLANNING APPLICATION 22/00510/FHA</p> <p>The submission 21/04670/FHA was withdrawn in January 2022 for further consideration by the architects and the residents. This application has only one new element namely, a reduction in the length of the proposed extension by 50cm. No other changes are offered. Comments regarding the roof form, detailing and spurious claims by the architects have not been addressed. The town council objections regarding the character of the conservation area have been ignored. The concerns of Berkhamsted Council with the overbearing mass and bulk of the extension have been met with a reduction in length of the building by 50cm.</p> <p>My objections as the occupant of No. 53 Highfield Road since 1987, were detailed in the submission in January. They remain substantive and are three-fold.</p> <p>1. - Overshadowing and visual intrusion - as the occupant of 53 Highfield Road for over 30 years, I object to the overbearing nature of the proposed ground floor extension for No.51. The architects have vigorously applied the 45degree rule to the upper storey proposal in the direction of No. 49. They have neglected to apply this with regard to the lower floor proposal in the direction of No.53. In their drawing HR12, the addition of a 45degree line completely overshadows the kitchen door</p>

	<p>and window of No.53. There is a puzzling and inaccurate claim by the architects that a 70cm gap has been left between the new structure and the boundary with No.53 in order to facilitate the neighbour's view - this is not so - it is to allow the occupants of No.51 access to the current right of way easement across the rear of No.53.</p> <p>2. The architects design continues to be at odds with the Dacorum Local Plan 2011. It states that "extensions to dwellings will be expected to complement the parent building in terms of its design features and architectural style". I fail to find a reference to this plan in the DBC Planning Department comment of 9 February 2022, other than the questioning of the architects' bizarre proposal to place slates on a flat roof.</p> <p>3. The new proposal has repeated all of the architect's original and erroneous offerings of local comparative extensions.</p> <ul style="list-style-type: none"> <li>- only four of the 60+ houses in the road have three storeys, not "many".</li> <li>- It is patently untrue that "it is reasonable to state that the new structure will have a lower impact on the neighbouring dwellings".</li> <li>- pg7 of the architect's submissions has five photos showing extensions to small houses - none of them are actually from Highfield Road or even Berkhamsted.</li> <li>- pg12 depicts a similar two box extension to No.41 Highfield Road - this is offered as supporting evidence - unfortunately, this was erected over half a century ago and I suspect that planning practice and guidance has evolved considerably in 50 years.</li> <li>- pg8 of the proposal has "it is reasonable to state that the development will coincide with the standards of the Berkhamsted Conservation area"</li> <li>- I am unable to see how a two box, flat roof plan meets these standards.</li> </ul> <p>As a resident of over thirty years, I object to the proposed current design. Reference to the Dacorum Local Plan 2011 is absent in the architects' submission.</p> <p>The additional Considerations (pg.10) by the architects refer to "multiple discussions...with neighbours where it was agreed that...a reduction in depth from 3.5m to 3.0m would be deemed necessary". Amicable discussions took place but there was no agreement on this 0.5m reduction whatsoever. This is not correct as reported by the architect. Secondly, the claim that "there will be no overshadowing (of No.53) created by the rear addition regardless of the depth" is posited as an issue of geographical orientation and sunlight. This is not so. The issue of daylight and overshadowing has been swept aside, possibly deliberately.</p> <p>There are ways of improving a home other than by an absent architect pasting in a stock solution which attempts to bypass the quality of local planning practice, the sensibilities of a conservation area and the engagement of the neighbourhood.</p>
<p>49 Highfield Road Berkhamsted Hertfordshire</p>	<p>This Comment was expressed in a letter which was send to Planning Hemel Hempstead as well as in an email send to the Town Clerk of Berkhamsted-</p>

HP4 2DD

I would like to respectfully object to the planned extension. My kitchen and bedroom are right next to the new planned double storey extension, which would result in a substantial loss of sunlight into my property. My property dated from 1861 has small windows and is already quite dark and cold inside. Due to the position of my kitchen, I am already without light for much of the day and this lack of light will also extend to my bedroom.

On page 10 1.Reduction in Depth the architect Mr Sukhdev is mentioning " It is important to reiterate that the extension is an improvement on the level of overshadowing in comparison to the poor-quality existing structure." I would not call the existing structure poor as this a very solid structure which has been there since the day I moved into nr 49 and won't be falling over anytime soon. On page 10 Layout Proposal and Scale it is said that there is a reduction of height from 3.92m to 3, this concerns the ground floor extension, on the other hand the top floor extension will be well above the existing 3.92m and this will have a substantial impact on my sun light not only inside my property, but this will also put me into the shadows on my patio outside of my kitchen. It is in my believe that the submitted project photos which are showing the shadow lines to my property are incorrect and therefor quite deceiving.

Besides the above concerns I also am really having a privacy issue with the top part of the proposal. It will be significantly protruding and as it has a long rectangle window with what seems to be clear fitted glass, this would have a negative impact on my privacy in my garden, which is something I value greatly. There also is no indication as to in what way the top floor window opens. It appears out of balance with the existing windows on the terraces on this side of the house.

Another concern I would like to express is the style of this project. It is in my believe that the existing structure is more in harmony with its surroundings compared with the new plan, which really is just a block on top of a block and looks out of character and has no place in our Berkhamsted conservation area.

Preserving the old beautiful Berkhamsted town should always be a priority and appreciated by anybody who desires to live here. While I have great respect for my neighbours and only have pleasant things to say about them, due to the above reasons, I unfortunately have no other choice than to object to the proposed planning.

As stated in my previous objection; The present wall has been there since I moved into my property December 1989. I have a stone out-house with a roof that consists of the original slates and is of the same time-period as the cottage itself. This outer building not only connects directly onto my house but also connects directly onto the wall which these plans intend to demolish. I would not want this outer building, which is part of the character of my house to be damaged in any way. My kitchen also connects to that same wall. This is as you understand an extremely old cottage, and for that reason it gives me concerns/worry that through the work of the demolishing/building next door my side could very well end up with damage.