

**ITEM NUMBER: 5d**

<b>22/00273/ROC</b>	<b>Variation of Condition 5 (Approved Plans) attached to planning permission 20/00393/ROC (Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows))</b>	
<b>Site Address:</b>	<b>17 Whytingham Road, Tring, Hertfordshire, HP23 5JN</b>	
<b>Applicant/Agent:</b>	<b>Mr &amp; Mrs S Mann</b>	
<b>Case Officer:</b>	<b>Martin Stickley</b>	
<b>Parish/Ward:</b>	<b>Tring Town Council</b>	<b>Tring East</b>
<b>Referral to Committee:</b>	<b>Objection from Tring Town Council</b>	

**1. RECOMMENDATION**

1.1 That planning permission be granted.

**2. SUMMARY**

2.1 The proposal involves some alterations to fenestration, the addition of two Velux Cabrio windows and a single-storey rear extension. Whilst there has been a number of objections, the scale of the extension is considered modest and the Cabrio windows are not considered to result in an unacceptable loss of privacy. As such and considering there are no other significant issues, the proposal is considered to comply with Core Strategy Policies CS4, CS11 and CS12 and the National Planning Policy Framework (2021).

**3. SITE DESCRIPTION**

3.1 The application site comprises a two storey detached dwellinghouse, situated on Whytingham Road within the urban area of Tring. The site falls within the TCA18: Grove Park Character Area as per Dacorum Borough Council's Character Area Appraisals Supplementary Planning Guidance 2004.

3.2 Whytingham Road is characterised by large detached dwellings, varied in architectural style and design, positioned set back from the road. The area has a verdant character, emphasised by the large, open front gardens serving the properties and the area of green space positioned opposite the dwellings.

**4. PROPOSAL**

4.1 This application seeks to vary Condition 4 (approved plans) attached to planning permission 20/00393/ROC (the 'original' application). In essence, the works involve a number of new Velux windows: one on the front roof slope and two Velux Cabrio windows on the rear). The Velux Cabrio windows would replace normal Velux windows as seen on the original application. There are also some other minor alterations to the fenestration, for example, the removal of a ground-floor window on the rear elevation and some changes in the number of panes of glass in various windows.

4.2 The proposal also includes a single-storey rear extension to replace an existing conservatory, with approximate measurements of 4.1 metres (depth) x 10.4 metres (width) x 3.65 metres (height).

**5. PLANNING HISTORY**

Planning Applications (If Any):

20/00393/ROC - Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows)

*Granted - 27th November 2020*

4/00673/19/DRC - Details required by condition 4 (side boundary treatments and frontage hardstanding/landscaping) attached to planning permission 4/01888/17/FHA - single and two storey front extensions, single storey side extensions and enlarge and convert roofspace.

*Granted - 13th May 2019*

4/01888/17/FHA - Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows

*Granted - 16th March 2018*

4/00638/03/FHA - Two storey front and rear extension

*Granted - 4th June 2003*

4/00360/99/FHA - Two storey extension

*Granted - 25th March 1999*

4/00856/98/FHA - Two storey side extension to form garage/utility room and self contained Annex.

*Refused - 2nd July 1998*

## **6. CONSTRAINTS**

CIL Zone: CIL2

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Tring)

Residential Character Area: TCA18

Parking Standards: New Zone 3

Town: Tring

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (July 2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

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 (SPG/SPD):

TCA18: Grove Park Character Area Appraisal (2004)  
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 There are a number of key planning considerations, which are:

The principle of development;  
The proposed Velux windows and their associated impacts on visual and residential amenity;  
The proposed single-storey rear extension and its associated impact on visual and residential amenity; and  
Any other material planning considerations.

### Principle of Development

9.2 Policy CS4 of the Core Strategy highlights that “in residential areas appropriate residential development is encouraged.” As such, there is no compelling objection to the principle of development.

### Relevant Policies

9.3 Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should integrate with the streetscape character and contribute to the quality of the public realm. Chapter 12 of the National Planning Policy Framework emphasises the importance of good design in context and, in particular, Paragraph 130 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.4 Policy CS12 aims to preserve neighbouring amenity. Saved Appendix 3 of the Local Plan provides guidance on the layout of residential areas, ensuring a minimum distance of 23 metres between properties to maintain privacy. Guidance in Paragraph 130 (f) of the National Planning Policy Framework 2021 seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

### Velux Windows

9.5 The application proposes several new Velux windows. One additional window on the front roof slope and two Velux Cabrio windows on the rear roof slope. The Velux Cabrio windows would replace single pane Velux windows as seen on the original application.

9.6 In terms of the visual impacts, roof lights are common within residential areas and there a number of examples within the locality. As such, no concerns are raised in relation to their appearance both in terms of the existing building and wider street scene.

9.7 Velux Cabrios include two opening windows, one larger top hung window and a lower window with a hinge at the bottom. When opened, the upper window is horizontal and the lower becomes vertical; and handrails open out at the sides. The manufacture claims that the effect of the window, when opened, is that the roof light becomes “an instant balcony.”

9.8 A number of neighbouring residents including those at Nos. 11, 12, 15 and 19 Whytingham Road, Nos. 1, 5, 10, 14, 16, 18 and 20 Grange Road, 44 and 89 Grove Park, 2 The Beeches and 9 Brookfield Close have raised concerns over loss of privacy and overlooking caused by these windows.

9.9 In terms of back-to-back relationships, a distance of circa 40 metres would be provided to those at Grange Road. Therefore, the proposal complies with saved Appendix 3 in this regard. When compared to the views achievable from the other Velux windows and the first-floor windows on 17 Whytingham Road, the view from the Velux Cabrios are not considered significantly worse. As such, the Cabrios are not felt to adversely impact neighbouring properties in terms of loss of privacy.

9.10 Turning to the views of neighbouring gardens, the Cabrio windows certainly increase the feeling of being overlooked, as when opened, they look like miniature balconies. The open windows provides the occupiers with a greater facility than putting their heads out of an open window. However, the views are not considered dissimilar from those possible from the normal top hung Velux windows.

9.11 It appears that the application property, for the most part, retains its permitted development rights. Application 4/01888/17/FHA, Condition 3 removed the ability to insert windows, doors or other openings on the side elevations of the extensions approved under that proposal. Aside from this, it appears that the rest of the property’s permitted development rights remain intact, including those relating to roof lights and other roof alterations.

9.12 Appeal decision APP/L5810/X/15/3002668 has revealed that Cabrio windows can be constructed under Class C permitted development rights (see Part 1, Schedule 2 of the General Permitted Development Order 2015 (GPDO) (as amended)). This appeal decision concluded that, formal planning permission would not normally be required if the proposals meet criterion (a) to (e), which is set out below.

**“C.1 Development is not permitted by Class C if—**

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

*(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;*

*(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or*

*(d) it would consist of or include—*

*(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*

*(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or*

*(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”*

9.13 I have been unable to locate any other appeal decisions that conflict with the approach taken by this Planning Inspector. Further, an assessment has been made and it appears that all of the proposed roof lights would fall within the provisions of Class C, Part 1, Schedule 2 of the GPDO and therefore could potentially be constructed without planning permission.

9.14 Taking all of the above into account, the proposed Velux windows are considered acceptable in terms of visual and residential amenity.

#### Single-Storey Rear Extension

9.15 The proposals seek planning permission for a single-storey rear extension. The proposed extension would replace an existing conservatory with a brick-built structure. The materials would match the parent property.

9.16 Considering the location of the extension and its modest single-storey nature, it is unlikely to have any unacceptable impacts on visual amenity both in terms of the host property or the surrounding area. A crown roof would be provided, which differs from the pitched roofs used elsewhere on the property, however, considering the location and scale of the structure, it is unlikely to be overtly prominent from the surrounding area.

9.17 In terms of the single-storey rear extension's impacts on neighbouring properties, some concerns have been raised by the adjacent neighbours.

9.18 The resident at 19 Whytingham Road has highlighted that there may be an impact on light as a result of the proposed extension. It appears that the proposed extension would breach the 45-degree line when taken from the midpoint of No. 19's lounge window on plan view.

9.19 As per the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 (2<sup>nd</sup> Ed), 45 degree lines should be taken from both plan and elevation views. This establishes whether there would be a significant reduction in skylight received by the window.

9.20 When taking a 45-degree line on the elevation view, the midpoint of the window would not be breached. It is also noted that the neighbours lounge is served by two windows (front and back) and therefore it is unlikely that the proposed rear extension would result in an unacceptable loss of light to this habitable room. Considering the orientation of the properties, there may be a minimal loss of sunlight in the late afternoon/evening, however, the existing fence line may already affect this. Either way, the potential for a marginal loss of afternoon sunlight is not considered as a significant reason that would warrant the refusal of this application.

9.21 No.19 has also raised concerns over the proposed side-facing window on the single-storey rear extension, highlighting that the window would extend approximately 20cm above the fence line and could lead to loss of privacy if the boundary treatment were to change.

9.22 Side-facing windows at ground-floor level are generally considered acceptable in terms of privacy because views are commonly obscured by boundary treatment such as fences and hedging. Any views would only be possible above the existing fence at approximately 2 metres (circa 6.5 feet) from floor level. Views from this level would not reveal the neighbours private amenity space to any great degree, nor would it allow for any detrimental views into the neighbours property. Taking this into account and when considering that it is unlikely that the boundary treatment would be removed indefinitely, it is not felt that the proposal could be refused on this basis.

9.23 Turning to the other adjacent neighbour at 15 Whytingham Road, the retained gap between the proposed extension and the neighbouring property would ensure that there are no significant impacts in terms of loss of light.

9.24 It is also concluded that due to the position of the proposed extension and its limited height, that it is unlikely to result in any severe impacts in terms of visual intrusion to the neighbouring properties.

### Summary

9.25 Taking all of the above into account, the changes to fenestration, additional Velux roof lights and the single-storey rear extension are considered acceptable in terms of their impacts on visual and residential amenity.

### **Other Matters**

#### Car Parking and Highway Safety

9.26 Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 105 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.27 The resultant site would provide sufficient on-site parking spaces in accordance with Dacorum's Car Parking Supplementary Parking Document 2020. No additional bedrooms would be provided due to this proposal. There are no proposed alterations to the access. As such, no concerns are raised in relation to car parking or highway safety.

#### Neighbour Comments

9.28 There have been a number of objections to this proposal. Whilst several of the issues have already been discussed, the sections below discuss the remaining points.

#### *Anti-Social Behaviour*

9.29 One of the residents has stated that commercial waste has been burnt on-site and there have been other incidents of anti-social behaviour that have not been defined in the objection letter. These issues are not a material planning consideration. The neighbour is directed to Dacorum Borough Council's Environment and Community Protection Department, who can be contacted if a public nuisance persists.

#### *Accuracy of Drawings*

9.30 Concerns have been raised over inaccuracies with the drawings and discrepancies on the ground. The original drawings appeared to have a different depth of property when comparing the elevation and floor plan drawings. This was raised with the Applicant and amended plans were submitted to the council to rectify this. A full re-consultation with the neighbours and Town Council was then undertaken.

9.31 The neighbours at 15 Whytingham Road have highlighted that the original measurement for the front overhang was 0.9 metres in depth and the current proposals enlarge that to 1 metre. I have checked the original application i.e. 20/00393/ROC and it appears that the depth was circa 1 metre. As such, the Applicant already has planning permission for the overhang. Considering the relationship with the neighbouring properties, it is unlikely that this overhang would result in any significant negative impacts in terms of residential amenity.

### *Development Creep / Not Conforming to the Approved Drawings*

9.32 A number of the objectors have raised concerns over the resultant scale of the building following previous applications. At this stage, the proposal aims to regularise the fenestration and it includes proposals for a single-storey rear extension. The scale of dwellinghouse has been previously assessed in the relevant planning reports (see 4/01888/17/FHA and 20/00393/ROC).

### *Size of Dwelling*

9.33 As above, further concerns are raised over the height and scale of the building. The current application does not appear to raise the ridge or enlarge the building, aside from the proposed single-storey rear extension. Therefore, the concerns raised appear to relate to the previous applications.

### Community Infrastructure Levy

9.34 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £196.06 per square metre is applicable. The applicant is advised to visit the council's website for more information regarding liability.

### Conditions

9.35 If the application is approved, the majority of the conditions on the original application would be reinstated. Regarding the timeframe condition, the works have already commenced on site and therefore the re-instatement of a timeframe condition is not considered necessary.

## **10. CONCLUSION**

10.1 The proposal seeks to vary the approved plans condition (4) attached to planning permission 20/00393/ROC. The principle of development is acceptable. The impact on visual amenity would be limited. Some impacts have been identified in relation to residential amenity, primarily relating to the impression of being overlooked; however, it is not felt that the application would significantly increase overlooking or result in an unacceptable loss of privacy to neighbouring properties. No significant issues are raised with car parking, highway safety or the other matters discussed.

## **11. RECOMMENDATION**

11.1 The proposal is recommended for approval subject to conditions.

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

- 1. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no windows, doors or other openings other than those expressly authorised by this permission shall be constructed in the side elevations of**

**the extensions hereby approved without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with Policy CS12 of the Core Strategy.

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

**260122/001H - Proposed Plans**

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

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Tring Town Council	24.02.22  Tring Town Council recommended REFUSAL of this application on the grounds of loss of privacy and loss of amenity, over development and over bearing.
Tring Town Council	16.08.22  The Council recommended REFUSAL of this application on the following grounds: Overbearing, out of keeping, loss of amenity and loss of privacy.

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	17	0	16	0

**Neighbour Responses**

Address	Comments
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<p>Woods View 12 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>This house is already completely over sized for the road currently. There appear to be a number of further increases size wise and additions that were not in the original plan. The new addition of the balcony Veluxes are totally unacceptable and yet another intrusion into our privacy and those of all the neighbours. We have already been subjected to the regular burning of commercial waste during this build and many other anti-social behaviours. 12 Whytingham Road Tring Hertfordshire HP23 5JN (Objects)</p> <p>Firstly, as stated by 19 Whytingham Road, it's important to note that this planning application appears to not merely be a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension.</p> <p>We are highly concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or already started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.</p> <p>Velux Cabrio Balcony Windows: We too are particularly concerned about the two rear Velux Cabrio Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on most of the households within the local area. Personally, the addition of the 2 Velux Cabrio Balcony windows means that (Just like Number 19 and many others) there is also now not a single inch of our back garden and patio that is not overlooked by 17 Whytingham Road. The applicants have apparently stated that these balcony windows provide an appropriate means for escape in the case of a fire, however as also stated by Number 19 in their objections, is this in line with Building Regulations? We understood that Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. Is the recommendation for the emergency escape windows only for storeys lower than 4.5m?</p> <p>Rear Extension: The new element of a nearly 4m high rear extension is yet more bulk to an already vast property. There appears to be no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line of 45 degrees from the appropriate point on Number 19's next door property. We were also under the impression that buildings cannot extend further than this 45 degree line, therefore we also object to this rear extension for this reason as well.</p>
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	<p>There appear to have been Inaccuracies in all previous plans and discrepancies on the ground. Therefore are these new plans even representative of the actual building that has already been and still being constructed?</p> <p>Summary:  During this build, we have been subjected to the ongoing burning of commercial waste on an almost daily basis by the householder at the start of the construction. XXXXXXXXXXXXXXXX</p> <p>XXXXXXXXXX I dread to think what is coming next if these rear Velux are allowed to be kept in place.</p>
<p>11 Whytingham Road  Tring  Hertfordshire  HP23 5JN</p>	<p>I have seen the further planning application in respect on No 17 Whytingham Rd. This development appears to be continually increasing in size &amp; the owner continues to build over &amp; above what the planning permission allows &amp; then applies for retrospective consent. It appears their is no point in obtaining planning permission in advance of building as the Council seem happy just to accept what is built although the development is a gross over development of the site , it is very unattractive with no architectural features or input &amp; I am staggered that the Council are happy to permit this development &amp; the continued increase in size of the property &amp; to accept the continued breach of the planning permission granted. The Velux at the front &amp; rear are unattractive &amp; out of character with the area , the velux at the rear in particular are inappropriate , they breach any privacy to any properties close by, they are in reality balconies over looking a number of gardens &amp; properties &amp; are clearly an alternative to building conventional balconies which we assume would not be allowed. It appears the application suggests the balconies have been built to provide an appropriate means of escape in a fire however these are not in line with Building Regulations. We are also concerned about how the building will be finished to both sides , there is a temporary wooden finish at both ends of the low pitched roof to both sides &amp; we fail to see how this can be finished properly &amp; we are concerned about the appearance long term. We are also surprised by the significant overhang at ground level to the front, the whole development appears to be too large for the site &amp; to be affecting the appearance of Whytingham Road. There is a comment at point Note 4 on the accompanying plans that what is proposed may be changed ? we are confused by this comment &amp; do not understand therefore what the proposed application is for ?</p> <p>I object to this proposed variation of Condition 5. The extension to this property is already out of character for the area &amp; in my opinion over development for the site. The roof line &amp; projection is out of character &amp; size with all the adjacent properties. The bulk, height &amp; depth of what has been built is just not appropriate &amp; should not have been allowed. It is very clear from standing outside the property the roof has been extended to a very high level completely out of line with adjacent properties &amp; clearly too large , it has ruined the appearance of the road &amp; I am staggered that the Local authority has allowed this. The proposal for the large Velux balcony windows to the rear significantly impact on the privacy of properties not just immediately adjacent but a few houses from the subject property. The enlarged Velux windows that have been installed without permission mean that the owner of the</p>

	<p>subject property can look straight in to a number of gardens in the vicinity. XXXXXXXXXXXXXXXX. The property is clearly now too large for the site &amp; area , the owner has been rebuilding this property for a number of years &amp; has subjected residents to noise &amp; disruption (including lighting large fires to burn waste) XXXXXXX, he is building a structure so large &amp; inappropriate for the area who knows what he will add on next if this permission is granted , XXXXXXXX XXXXXXXXXXXXXXXX I fail to understand why this has been allowed &amp; I do hope it is seen as enough is enough , refuse the latest variations to the planning permission remove the large Velux windows &amp; complete what has been consented to.</p>
<p>89 Grove Park Tring Hertfordshire HP23 5JW</p>	<p>I strongly object to this retrospective application. The other objections go into great detail about how this oversized out of character eye sore has some how been granted planning permission but there appears to be little that neighbours can do about this now.</p> <p>Although my property is not directly affected by this development, I fear that it could create a horrific out of character precedent for a pleasant area of Tring.</p> <p>The proposed Velux balconies on the rear will effectively enable the owner to gaze into all of the surrounding rear gardens and rears of people's homes from a 2nd Floor height essentially removing any privacy for these properties. Most of these properties are surrounded by trees or hedges but due to the height of 17 Whytingham Road, these will be towered over.</p> <p>The granting of such an application would effectively be rubber stamping the equivalent of building a three story block of flats.</p> <p>The justification that the Velux balconies provide for a fire escape is ludicrous as there is no means of escape beyond the window itself.</p> <p>I would ask that anyone considering this application physically visits the site just to see how absurd it is.</p>
<p>16 Grange Road Tring HP23 5JP</p>	<p>Dear Sir I am writing to object to the installation of 2 large Velux windows which have been installed in the roof of a property at the above address. These windows are not in keeping with the original plans, as my garden is overlooked by this property there will be a loss of privacy in my garden. Looking at the latest amendment I am at a loss to see why one would need a fire escape on the roof.</p>
<p>19 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>Firstly, we think it's important to note that this planning application is not merely a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension. The Case Officer and the Enforcement Officer assigned have both confirmed that this application is a variation of both condition 3 (windows and doors) and condition 5 (which is about building in accordance with plans).</p> <p>We are concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission</p>

for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.

**Velux Cabrio Balcony Windows:**

We are particularly concerned about the two rear Velux Cabrio Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on several households. Personally, the addition of the 2 Velux Cabrio Balcony windows means that there is now not a single inch of our back garden and patio that is not overlooked by 17 Whytingham Road. The applicants have stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

**Rear Extension:**

The new element of a nearly 4m high rear extension is yet more bulk to an already vast property, with another high wall proposed just over 1m from our boundary. There is no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line at 45 degrees from the middle of our lounge window at the rear. From our calculations and drawings using the site block plan on the uploaded document, the rear extension does indeed extend further back than this line. We will, in due course, send this drawing/calculation to the Case Officer to demonstrate this. Buildings cannot extend further than this 45 degree line, therefore we object to this rear extension for this reason.

In any case, we are also concerned that the large side window - 2.19m wide - in the north flank wall of this extension (the proposed kitchen) causes loss of privacy for our back garden. With a boundary fence at the maximum allowed height of 2m, the window extends 20cm higher directly alongside our patio. If at any point the boundary material or height was changed, the property would have direct sight into our patio and garden. In addition, the noises and smells from the kitchen would come directly into our garden and patio from this window.

**Inaccuracies in plans and discrepancies on the ground:**

It is difficult to comment further on the plans in detail given that there are discrepancies of dimensions within the drawings themselves. Using the scale - which covers all of the plans - when you look at the north and south elevation drawings, the property depth without the rear extension or the front canopy is 9.8m. If you look at the proposed ground floor plan, however, which uses the same scale the drawing shows a

property depth (without the rear extension or front canopy) of 8.8m.

Given that this is a section 73 planning application - requesting approval for works that have already taken place at 17 Whytingham Road that are not in accordance with the planning permission granted - it is also worrying that the plans presented here still do not accurately show what has actually already been built. The actual property depth built on site (without rear extension or front canopy) is 10.1m, which exceeds both property depths featured on the current plans and the approved plan. In addition, the previously approved canopy (including gutter) was 1m and on the new plans is 1m excluding gutter. On the ground, however, the canopy is already over 1m. All these incremental creeps in the on-the-ground work serve to add yet more bulk and depth.

#### Summary:

This build which was already planned to be a significant increase in property bulk has, through a number of planning applications in which yet further smaller additions have been included, resulted in an extremely overdeveloped and incongruous property. We feel enough is enough, and the owner cannot be allowed to just build yet more bulk, height and depth and for this to be approved, all of which impacts negatively on the surrounding neighbours with severe loss of privacy with these latest proposals. To give an example of the scale of these changes over time, the original approved planning permission was for a 9.4m deep property. If the planning application under consideration is granted then this would result in a property with a depth of 15m, with a width of 15.4m, and a height of nearly 9m. The applicant has previously stated on a number of occasions that his plans would bring his property in line with those around him that have been extended, mentioning specifically that his plans would bring his roof height to match those around. This is very much not the case, with 17 Whytingham Road - at 8.8m high - sitting above all other houses in the road.

The new plans submitted in July 2022 are extremely similar to those submitted in February 2022, but show that the proposed build is even deeper and taller than the plans in February.

All of our objections we submitted to this portal in February, therefore, still stand - but to an even greater extent.

#### Rear Extension:

The new extension of a nearly 4m high rear extension is yet more bulk to an already vast property, with another high wall proposed just over 1m from our boundary. There is no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line at 45 degrees from the middle of our lounge window at the rear. The rear extension is now 4.1m deep in these new plans, as opposed to 3.8m in the February plans. Therefore our concerns regarding the 45 degree rule are greater than before, especially given that our house and 17 Whytingham Road are not parallel - the houses get closer towards the rear of the properties. From our calculations, the rear extension does extend further back than the line at 45 degrees from our window.

#### Height/Loss of Light:

The overall property height has also increased from 8.6m in the

February plans to 8.8m in these most recently submitted plans, causing even more property bulk and increasing its overbearing sense. This all will lead to further loss of light and amenity to our property.

**Velux Cabrio Balcony Windows:**

We are very concerned about the two rear Velux Cabrio Balcony Windows, that are still in these plans. Even more concerning in these new plans submitted is that these balcony windows are now situated in the master bedroom suite - a room used daily. Previously these were situated in spare bedrooms. These balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. All from a room that will be used frequently every day, causing unnecessary intrusion of privacy for us and many others in Whytingham Road, Grove Park and Grange Road. For us, with these balcony windows installed every part of our garden is overlooked by 17 Whytingham Road.

The applicants are continuing to state that these balcony windows provide an appropriate means for escape in the case of a fire; this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level - which 17 Whytingham Road's roof extension is - should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

We are aware that another planning application in the wider Dacorum area is being used as a possible justification to approve these balcony windows. It is important to note, however, that that approval (through appeal) was for balcony windows in the front of a property. This, therefore, does not cause the intrusion of privacy into gardens and people's back rooms as 17 Whytingham Road's plans do. This cannot, therefore, be used as a direct comparison nor be stated as a precedent to allow these intrusive balcony windows at 17 Whytingham Road. The balcony windows at 17 Whytingham Road are extremely high - well over 5 metres high - and therefore give sight line into so many gardens and houses in a way that cannot - as can be done for first floor windows - be blocked by hedging.

In summary, these plans show a proposed building that will be even more overdeveloped and overbearing than the one proposed in February, with significant loss of amenity and privacy for us and countless other neighbours. It is overbearing and overdeveloped already, without all of these numerous additions to the rear and total height. Every single time a further planning application is put in, something else is added - all to the detriment of the neighbours and the look and character of the road. All of which is also being done retrospectively, just hoping that permission will be granted for things built and installed without the necessary permissions. Indeed, we are concerned to see an extractor now installed in the first storey of the north side extension wall, implying a bathroom is being installed - not on the plans. Is this yet another addition that is being put in without permission? Please do not grant permission for this planning application - the latest in a long line (now the 6th round of consultations!) of additions and amendments leading to such an

	<p>overdeveloped and unnecessarily intrusive and detrimental property to the area.</p>
<p>20 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>Having not been consulted on the original plan we were surprised to see the scale of this development that backs onto the rear of our property. Having reviewed the original planning consent the building has been built higher than planned and with larger multi-height VELUX windows which are not in keeping with the other houses in the street and provide direct sight access into the rest of my property.</p> <p>I object to this development on the grounds that the house is too high and directly next to neighbours on both sides providing a direct sight line into my young daughters bedroom - it appears that if every house in the street was allowed to develop in this way we would have rows of terraced properties instead of the detached design that has existed since the 1950's. The fire escape proposal appears intended to run rough-shod of the local planning rules which would not have been agreed in the original proposal and is now being pressed as "within the permitted development" rules.</p> <p>I wish to note my objection to this planned development. I am specifically concerned about the overly large Velux Cabrio Balcony windows to the rear of the property that will present a privacy issue for my home and my young daughters bedroom.</p> <p>I am concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.</p> <p>Velux Cabrio Balcony Windows: The two rear Velux Cabrio Balcony windows (already installed without permission) cause a loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of my property. This is a totally unnecessary addition, not in keeping with any other homes and is now part of a Master bedroom which will be in constant use. The applicants have previously stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.</p> <p>This build which was already planned to be a significant increase in property bulk has, through a number of planning applications in which yet further smaller additions have been included, resulted in an extremely overdeveloped and incongruous property. Dacorum Council have done nothing to stop this grotesque use of the planning rules to continually add to the property and then subsequently place requests</p>

	<p>for "permission". The owner should not be allowed to just build yet more bulk, height and depth and for this to be approved, all of which impacts negatively on the surrounding neighbours with severe loss of privacy with these latest proposals.</p>
<p>44 Grove Park Tring Hertfordshire HP23 5JW</p>	<p>I wish to repeat my objection to the balcony type Velux windows now proposed in the above Application for Variation of Condition 3.</p> <p>The propose Velux windows were not on the original plan, and intrude into and overlook all the properties at the rear, significantly affecting the privacy of these properties.</p> <p>My understanding of the justification for the variation as a means of fire escape, does not meet these requirements either.</p> <p>I object to this proposal. The development has been crammed into the site taking no account of the impact on the neighbours, their light or privacy. I always believed that the permitted height of a development was related to the buildings in the area. This development is significantly higher than all surrounding houses, this makes the Velux balcony windows higher and therefore even more intrusive to many houses in Whytingham Road, Grange Road and Grove Park. The balcony design of the windows was not in the plans but has been added anyway, completely overlooking our back garden. I fail to understand how a proposal which to anyone walking past is clearly overdeveloped and over extended , and out of keeping with surrounding properties can have got this far. The approach taken is one of going ahead with unapproved variations to the plans and hope for forgiveness rather than permission. Permission should not be given.</p>
<p>15 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>Yet again we find ourselves objecting to another retrospective planning request made by the owner of No 17 Whytingham Road. This will be the second retrospective request where the owner has clearly decided to build outside of what was agreed by Dacorum Borough Planning only then to retrospectively apply for these breaches of permitted planning.</p> <p>The case officer has confirmed that this request is not only for the addition of the Balcony velux windows (condition 3) but but also for condition 5 (building in accordance with plans)</p> <p>We object to both variations and would comment as below</p> <p>Velux Cabrio / Balcony Windows.</p> <p>The installation of these velux balcony windows has already been undertaken without planning permission and is a completely unnecessary addition which has the effect of causing a loss of privacy for many of the neighbouring properties on Whytingham Road, Grove Park and Grange Road. When opened these will enable the occupants of 17 Whytingham Road to stand 'outside' and overlook many neighbouring gardens and also have direct sight into a number of the properties' windows which we feel will have a negative impact on these properties. The owners / applicants have stated that these balcony windows are to provide appropriate means of fire escape, however this is not in line with Building Regulations. Building Regs state that fire escape from upper stories more than 4.5m above ground level, which</p>

17 Whytingham Road's roof extension is, should be either via a protected stairway (a stair separated by fire resisting construction at all storeys that extends to a final exit) or via an alternative escape route with its own final exit that is separated from the lower storeys (e.g. an outside staircase) Only storeys that are lower than 4.5m are meant to have emergency escape windows.

#### Front Overhang Rear Extension and Dimension Discrepancies

The original measurement for this was 0.9m bordering our property from the elongated front wall that was originally built outside of planning consent. These new variations now state that this should be 1m making it even further forward and adding more bulk to a wall which is already significantly impacting our property. In reality however this is now already over 1m and not even finished yet. This has the impact of adding more bulk in small incremental stages and adds to the vast bulky side of the property adjoining our property. The side dimensions on the plan appear to be less than those that have actually been built. The rear extension adds even more bulk and overdevelopment to the property, there is no dimensions for the rear extension side window facing our property but I would estimate that this would be over 2m wide and 2m high and approx 1.5m from our property boundary, XXXXXXXXXXX

#### Front Wall foundations

We are concerned that when the front wall was built further forward outside of planning consent that this was not done on the foundation footings. We think that this should be immediately looked at by building control to ensure that this has been built to correct building standards and not to maximise the square footage of the plot.

#### Summary

This build has through two processes of retrospective planning requests become even bulkier and oversized than the original plans to the detriment of many neighbouring properties through overdevelopment, loss of privacy, loss of amenity and overbearing nature and we feel it is completely out of character with the other properties on Whytingham Road and neighbouring roads being significantly higher than any of the properties along Whytingham Road and also creating a terracing effect due to the 5m high side extensions to the boundary of both adjoining properties.

So here we go again with another set of updated plans for this development - we fail to see how this should be tolerated by Dacorum BC planning. There have now been 5 sets of plans for this development each up-dated a result of the applicant not building in accordance with the previously agreed planning consent.

It would be logical to assume that these new plans have been submitted as amendments to address the concerns we - as neighbours - all voiced in our objections on the previous set of plans back in February. This is not the case, unfortunately.

These new plans do show some changes, but ones that are all to the

detriment of us as neighbours and residents. The plans now show the correct larger dimensions of the actual build on the ground with a deeper and higher house than before. These new plans show a rear extension of 4.1m deep (compared to 3.8m in the last plan), and an overall property height of 8.8m (compared to 8.6m).

The front canopy depth has never been at the correct measurement on any of the previous plans that show it. Originally at 0.9m, these plans appear to now show it at 1m however it has already been fully built and is actually in excess of this.

One further change is that the 2 large Velux balcony windows in the rear roof - a matter of great concern for all of the neighbours' privacy - are now, in these new plans, situated in the master bedroom suite, a room used daily. In previous plans this 3rd floor roof-space area had been designated as a games room then spare rooms.

These Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on several households. The applicants have stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

To clarify this planning application is not merely a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension. The Case Officer and the Enforcement Officer assigned have both confirmed that this application is a variation of both condition 3 (windows and doors) and condition 5 (which is about building in accordance with plans).

#### Summary:

This build, which was already planned to be a significant increase in property bulk has, through a number of planning applications in which further additions have been included, resulted in an extremely overdeveloped and very bulky building. It is completely out of keeping with any of the houses in Whytingham Road being significantly higher and with side extensions at 5m high right to the boundary of our property. The large balcony velux windows in the 3rd floor at the rear of the property have a significant loss of privacy / and overlooking nature for ourselves and many properties close to the development. When will the opinions/objections of many residents be considered over the actions of one owner / applicant.

<p>9 Brookfield Close Tring Hertfordshire HP23 4ED</p>	<p>This is a house I pass every day when walking to work. I have watched its reconstruction with interest over many months, as several years ago, my husband and I were only weeks away from moving into the house next door. However, our surveyor knew of the plans then and talked to the owner. The proposed works decided us against purchase and we are very thankful of our decision.</p> <p>There have been numerous properties in the Grove area where extensive changes have been made, but all seem very much to have kept two important points in mind: those of enhancing the street scene and of remaining in keeping with the surrounding houses. The above property seems to do neither of these things. Its new/proposed size appears to be woefully disproportionate to the neighbouring dwellings, encroaching on their space in a rather selfish manner. Whilst visiting friends in Whytingham Road recently, I observed the lack of privacy in their garden as a result of the large rear-facing balcony and Velux windows in the roof space. This makes the virtual reach of the house so much wider and more intrusive. It just does not seem fair on neighbours, and will be something of an eyesore for passers-by.</p>
<p>1 Grove Road Tring Hertfordshire HP23 5HA</p>	<p>Improvements are always super to see in this area but this development is out if keeping in size and design with the other houses in Whytingham Road.</p> <p>Whilst visiting friends on Whytingham Road, we were surprised to see the lack of privacy in their garden as a result of the oversized balcony and velux windows that are in the roofspace at the rear of the property.</p>
<p>18 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>We live directly behind this house and our privacy has been compromised by this building and the total lack of understanding with regards to neighbours feelings and concerns.</p> <p>The excuse used for the Velux windows being used as a fire escape is laughable, there are no exterior stairs visible or any means of getting to the ground safely. It has been noted that Velux windows have been installed in other houses so this sets a precedent in the front of the house maybe but not at the back that overlooks gardens depriving privacy.</p> <p>As the house is dominating the neighbourhood due to it's height and is out of keeping with the rest of the houses we have the added problem of reflection: when the sun is at it's highest we have a blinding reflection directly into our kitchen it is like a searchlight!! It is also a fire concern as like a magnifying effect it could potentially start a fire.</p>
<p>2 The Beeches Tring Hertfordshire HP23 5NP</p>	<p>The proposed two Velux Cabrio second floor balconies represent a substantial invasion of privacy for neighbours on (at least) Whytingham Road and Grange Road. The drawings do not convey the magnitude of the detrimental impact on neighbours. Approval would present significant precedent risk for future developments in the area.</p>
<p>10 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>My main objection is the loss of privacy for adjoining properties. As it stands there is a large hedge at the rear of our neighbours garden that prevents this for our property but if our neighbours were to reduce this hedge then the proposed balconies would overlook our garden. I simply</p>

	<p>don't believe the assertion these are intended as a fire escape. I understand they have been built prior to permission being granted, how has this been allowed?</p> <p>In addition this property is clearly over developed. I would object to any further development.</p>
<p>5 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>We object to this proposed variation of Condition 5 (approved plans) application in relation to the introduction of velux balcony systems to the rear roof slope of the dwelling. Whilst we would not be directly impacted by this proposal it is of some concern as the development in our opinion would seriously diminish residential amenity standards which are currently enjoyed within this residential location. If a precedent is set and repeated elsewhere this could further lower the residential amenity standards of the area which we would not like to see.</p> <p>Having noted the development management policies in which the application is being considered against as reference: Policy CS12 of the Dacorum Core Strategy aims to preserve neighbouring amenity, in particular c) avoid... loss of privacy... to the surrounding properties.</p> <p>This is in accordance with the aims of the National Planning Policy Framework (2021) paragraph 130 (f) which seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.</p> <p>It is our opinion that the opening method of the of the velux balcony rooflights would enable unhindered views down towards adjoining neighbouring properties 15 &amp; 19 Whytingham Road's sites which would include their immediate rear garden amenity spaces.</p> <p>The loss of privacy in our opinion would be significant and go beyond what would be expected within this location and therefore should be refused planning permission.</p> <p>It is noted that the plans have been allowed to be amended during the course of the application which shows the bottom segments of these velux balcony systems highlighted in red, however with no explanation as to what this means it is not possible to comment further on this change to the proposal.</p> <p>If it is the Councils prerogative to approve the proposal in its current form, we would respectfully suggest that a reasonable condition could be attached to any grant of approval that would go towards mitigating any adverse overlooking impacts, for example by requiring the velux balconies roof lights to remain fixed shut and non-openable for the lifetime of the development.</p> <p>The benefits outlined within drawing no. 300622/001H in relation to the introduction of the velux balcony roof lights are not considered to outweigh the harm that this form of development would cause on the loss of privacy on neighbouring sites and property. The benefits outlined for these additions could also have been achieved through more sympathetically designed velux's sited high up within the roof slope and therefore not at the expense of sufficient privacy levels of neighbours. It is of note that fire precautions sited as a reason for proposing the velux balcony rooflights is not a material planning consideration that could be taken into account as it is not relevant in</p>

	<p>planning terms as this would be a building control issue.</p> <p>It is disappointing to see multiple applications have been submitted to the Council in order to regularize retrospective development as this would not have enabled the council to have considered the final form of the development robustly from the outset XXXXXXXXXXXXXXXX</p> <p>Nevertheless, our reasoning for objecting relate fully to the merits of the proposal in its current form and would expect the Council to consider how the proposed development would impact on the residential amenity of adjoining property and sites irrespective of whether development is being applied for retrospectively.</p> <p>Thanking you in advance for taking into consideration the above comments within the officer's report that is to be produced</p>
<p>14 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>I am writing to express our concerns regarding the on-going redevelopment of 17 Whytingham Road, Tring. Although the submission seems to be an update to the plans that had not been to the specification of the previous application and the work has already started and neared completion.</p> <p>We did not oppose the original plans as they had a roof of the same size and 4 normal Velux Windows in the roof. After several months of development we find that the roof has 2 Velux windows, as put forward in the original planning application and 2 larger Velux Cabriolet BALCONY windows that are lower down the roof. These, when opened, would provide the people in the house full sight within the bedrooms and gardens of the properties behind them. Also the additional ground floor extensions were larger than planned.</p> <p>It is also worthwhile noting that the roof was completely removed and when put back the angle of the roof had changed and now seems several feet higher than all the houses in the area. This development now stands out as over developed as opposed to a sympathetic development.</p> <p>A number of residents in the properties around 17 Whytingham Road have complained to the council regarding the intrusion of privacy and disregard of the original planning application.</p> <p>Upon review of the amended application, after a visit from the planning enforcement team an updated retrospective request was put forward.</p> <p>This latest request argues, that the new Velux Balcony Windows were put in, not as a disregard of the original application but that it would help with the Governments Building Regulations regarding Fire Safety. Having read the regulations it is apparent that Balcony window of that height should be either via a protected stairway (a stair separated by fire resisting construction at all storeys that extends to a final exit) or via an alternative escape route with its own final exit that is separated from the lower storeys (e.g. an outside staircase). Only storeys lower than 4.5m are meant to have emergency escape windows. Also the statements regarding heat and power targets and benefits do not seem to be a major selling point but "a fantastic way to add value to your</p>

home, with the potential to increase the value of your property by 5% to 10%" does seem to be stated.

We feel that the non-conformance of the original planning consent and the current planning request shows a disregard to the privacy of all the neighbours properties surrounding 17 Whytingham Road.

Apart from my concerns that the current balcony windows have a detrimental effect on our privacy any agreement to the new planning application would act as a tentative agreement in principle for any other upgrades within the area.