

**ITEM NUMBER: 5e**

<b>22/00891/FHA</b>	<b>Single storey front extension, demolition of part of garage, 2 single store rear extensions and associated alterations.</b>	
<b>Site Address:</b>	<b>18 Bartel Close, Hemel Hempstead, Hertfordshire, HP3 8LX</b>	
<b>Applicant/Agent:</b>		
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>		<b>Leverstock Green</b>
<b>Referral to Committee:</b>	<b>Site property is owned by Councillor Bassadone</b>	

**1. RECOMMENDATION**

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

**2. SUMMARY**

2.1 The application site is located within Hemel Hempstead wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The application site is located on the west side of Bartel Close within a residential area of Hemel Hempstead. The site comprises a two storey link detached property set back from the road with off street parking to the front. No.18 occupies an outside corner plot and benefits from a generous fan shaped rear garden.

3.2 The immediate character area comprises similarly designed dwellinghouses of relatively identical build, age, height and size; the overall character of the area is evident. Many of the surrounding dwellings have benefitted from alterations.

**4. PROPOSAL**

4.1 This application seeks permission for a single storey front extension, demolition of part of garage, 2 single store rear extensions and associated alterations.

## **5. PLANNING HISTORY**

Relevant Planning Applications (If Any): n/a  
Appeals (If Any): n/a

## **6. CONSTRAINTS**

CIL Zone: CIL3  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Hemel Hempstead Non-Parish  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)  
Residential Character Area: HCA28  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Town: Hemel Hempstead

## **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

Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas  
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

Parking SPD (November 2020)

## **9. CONSIDERATIONS**

### Principle of Development

9.1 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwelling house, immediate street scene and the residential amenity of neighbouring properties.

9.2 Taking the above policies into account, the proposal is acceptable in principle.

### Quality of Design / Impact on Visual Amenity

9.3 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; intergrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.4 The proposal would result in a single storey front extension, demolition of part of garage, 2 single storey rear extensions and associated alterations.

9.5 A single story front extension is proposed to the existing front lobby, and the current link detached garages will be partly demolished resulting in separating the property from the neighbouring dwelling (No.16), a zinc pitched roof will sit above these elements with light render to the front.

9.6 Given its modest size, scale and sympathetic simple design, the porch and alterations to the garage will modernise the appearance of the dwelling, providing a welcome focal point to the front elevation without appearing dominant to the street scene.

9.7 There are a variety of external finishes, including various cladding and roof tiles within Bartel Close, and replacement windows for example are not uncommon.

9.8 Whilst the proposed alterations, which include changes in the design and materials used for the replacement front windows i.e. deeper windows with blue/grey aluminium framing, differ from the original character of the property, the site is not listed or within a conservation area, and some diversity within the area is acceptable. These changes are not considered to have detrimental impact on the character of the area but will result in updating / modernising the dwelling.

9.9 Similarly the proposed white painted brickwork and untreated larch or cedar wooden cladding to the front elevation of the parent dwelling as shown on drawing 453/20 rev B (proposed elevations) is also considered acceptable. It was noted during the site visit that areas of cladding and hung tile details feature on the existing front elevation at No.18 and are not an uncommon feature within Bartel Close.

9.10 Two separate single storey extensions under dual pitched roofs are proposed to the rear / side of the property, with one, whilst retaining internal access to the rest of the property, containing a one-bedroom annexe for an elderly family member. Having considered the neighbour's objections, after discussion with the agent, the planning officer's initial concerns have been addressed through amended plans received from the agent which are considered acceptable. These changes including adding the internal access between the annexe and parent dwelling, and reducing the overall depth of the annex by approximately 2m, consequently the footprint of the annexe changed whilst still accommodating the positioning of existing drainage. The annexe consists of a bedroom, toilet /shower room and living space with a small kitchenette within. There is both external and internal access.

9.11 A condition is added to the decision notice stating that the annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Bartel Close, Hemel Hempstead in order to ensure that the annexe is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of Policies CS11 and CS12 of the Core Strategy (2013).

9.12 Whilst the rear extension may be glimpsed following the demolition of part of the existing garage this will not be to the detriment of the street scene.

9.13 It is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials.

9.14 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

#### Impact on Residential Amenity

9.15 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.

9.16 It is noted that we have received objections from the adjacent neighbour at No. 16 (see Appendix B). The concerns are addressed below. It is important to note that the officer can only assess the current proposal as submitted, and that changes which may or may not be sought in the future, do not form part of this assessment.

9.17 In respect the proposed annexe, following discussions between the planning officer and agent amended plans have been received from the agent which reduced the depth of the single storey rear / side extension containing the proposed annexe by approximately 2m which is now considered acceptable. Approximate measurements for the annexe are 9.85m (depth), 4m (width) 2.24m (height to eaves) and 3.2m (height to ridge). This single storey extension sits under a shallow pitched roof with roof lights, and includes an external door and window within the north eastern elevation.

9.18 There would be a gap of approximately 1m between the side elevation of the proposed extension and the shared boundary fence with No.16; and approximately 1.95m to the side elevation of the neighbours fairly recently completed two storey side extension at No.16 planning reference 4/03444/16/FHA (Two storey side extension, single storey rear extension, extended driveway, replacement garage roof and enlargement of front porch).

9.19 The shared boundary between the site and No. 16 currently comprises a garden fence.

9.20 It is acknowledged that there is a slight breach of the 45 degree line on plan from the middle of the neighbours closest ground floor window towards the edge of the proposed single storey extension as illustrated on drawing 453.18 rev C (proposed ground floor plan), this breach is at the same depth as the existing bushes/trees within the site. However drawing 453/20 rev B (proposed elevations) clearly shows the 45 degree line from the neighbours window clears the roof of the proposed extension by a considerable distance and overall due to the height, design and positioning of the annexe away from the fence, it is considered that there would be no significant harm to the residential amenity of the neighbours at No.16 in terms of loss of light or visual intrusion at the rear of their property.

9.21 It is also worth noting that the neighbours window at No.16 from which the measurements have been taken is not the sole rear window serving their rear extension, the kitchen area (closest to the shared boundary) benefits from two roof lights above the window, and there are also large French doors in the middle and further windows beyond serving this internal open plan kitchen/living area.

9.22 Additionally whilst the annexe as proposed is acceptable, it is worth noting that an outbuilding with a larger footprint and an overall height of 2.5m can be built adjacent to the boundary; an outbuilding with an overall height of up to 4m (with a dual pitched roof) if sited more than 2m from a boundary; and 2m high replacement fence can usually be constructed without formal planning permission if in accordance with the general permitted development which would have the potential to create a more prominent and visible addition when viewed from the neighbouring property.

9.23 The neighbouring property at No.16 has a ground floor side window within their two storey side extension serving a utility area. Limited weight is given to the impact on this window in terms of loss of light as the utility room is considered as a non-habitable room. Further this window sits close to and currently facing the existing boundary fence and side elevation of the site (No.18).

9.24 Overall although the single storey annexe extension is relatively deep it is set way from the common boundary and it is not concluded to appear unduly prominent, visually intrusive, or to result in a significant loss of light to No.16.

9.25 Turning to any impact to the other neighbour at No.20. Whilst higher than the annexe, the second single storey rear / side extension is set away from the boundary, No.20 has no side windows overlooking the site garden. Overall due to the distances and orientation of the two properties it is therefore considered that the proposal would not cause significant harm to the residential amenity of the occupiers at No.20

9.26 Overall, due to the height, positioning and separation distance between the proposed alterations and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when

considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

### Other Considerations

#### **Parking and access**

9.27 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.28 One further bedroom is proposed within the ground floor annexe in addition to the existing four bedrooms at first floor. Whilst the garage does not meet the minimum internal dimensions in accordance with the Parking SPD i.e.3m x 6m, the proposed block plan illustrates that there is off street parking provision at the front of the property for 5 vehicles and this is considered acceptable for a property of this size.

9.29 No changes have been proposed to the existing site access.

9.30 Overall it is considered that the proposal would not result in an unacceptable impact on highway safety.

#### **Tree and Hedges**

9.31 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

#### **Response to Neighbour Comments**

9.32 Objection received from No.16 - Addressed in report

9.33 The neighbours have expressed concern in respect of damage to their property resulting from the part demolition of the garage. This is not a planning matter and has not formed part of this assessment.

#### **CIL Liable**

9.34 Policy CS35 of the Core Strategy 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

9.35 As the development is below 100sqm it is not considered to be CIL liable.

#### **Chiltern Beechwood Special Area of Conservation**

9.35 Following a letter from Natural England on the 14<sup>th</sup> March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a

net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.36 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.37 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional reactional pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.38 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy it's legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

## **10 Recommendation**

10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

### **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 constructed in accordance with the materials specified on the application form and plans.**

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).

- 3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Bartel Close, Hemel Hempstead, Hertfordshire.**

Reason: To ensure that the annexe is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of Policies CS11 and CS12 of the Core Strategy (2013).

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

- 453/04 site location plan**
- 453/17 rev C proposed block plan (showing off street parking provision)**
- 453/18 rev C proposed ground floor plan**
- 453/19 rev B proposed first floor plan**
- 453/20 rev B proposed elevations**
- 453/21 rev B proposed elevations**

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

**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

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

**Neighbour Responses**

Address	Comments
16 Bartel Close Hemel Hempstead Hertfordshire HP3 8LX	When we put in our own planning applications we had to make adjustments to our home to facilitate our family unit. Therefore, it is with a heavy heart that we find ourselves having to object to the planning application in the form that it has been presented. When we submitted our planning application there was very strong opposition describing our application as not in keeping with the rest of



the street and that we were property developers.  
Having now looked at the plans for the proposed development we are of the same opinion that the proposal is not in keeping with the rest of the street and that this is an opportunity to property develop the plot for future financial gains into two potential properties.

#### Proposed Changes to The Front of No.18

When we were considering our own application, we were strongly advised by the Council not to change the size, shape or colour of our windows at the front of the house, and also, we were told we could not clad the front of our house, which we would love to have done. We were told this would not be passed on our application as it is not in keeping with the rest of the street.

We were also told to remove from our first application the pitched roof on the garages as this would jeopardise our extension going through for our elderly parent.

So, we were forced to compromise our plans considerably in order to keep number 18 happy, in the hope that our application would be passed so that we could change our house to accommodate our elderly parent.

As we were told not to do all these things in our application because it is not in keeping with the rest of the street, surely the same should apply here?

#### Part Demolishment of Linked Garage

We are concerned at this proposal that there may be damage to our garages. This may weaken our garages. What proposal will be put in place to cover this?

#### Proposed Annex

The proposed annex in the back garden, we believe no other property in the street has one, and therefore is not in keeping with the rest of the street.

Again, we fully understand the reasons behind the application, however, we fully object to this proposal as this is not an annex but a separate dwelling.

There is no internal access from the dwelling to the existing house.

As the dwelling has its own front door is this to be a separate rateable property with its own postal address?

We are concerned if this building is added to the plot, the plot can then be divided up into two separate properties.

If the annex/dwelling is allowed to go ahead this building with its pitched roof could potentially be further developed and the single storey could then become a loft conversion, again we oppose this.

The pitch roof is vastly much higher than the garden fence. Especially as there is already a house at the back of our garden that over shadows us.

We were aware of that house when we purchased our property, but this proposal of a new self-contained dwelling, was not here when we purchased this property and is a signification development in a back garden.

With the annex/dwellings front door facing our back garden what lights will be on the outside of the dwelling facing us, how strong will they be as they will be taller than the current fence?

We also question why this vast development is proposed on our side of the property?

This proposed dwelling runs the entire length of the boundary fence between No16 and No.18. This boundary is the shortage of the

boundaries of this property.  
Could an annex not an independent dwelling, be positioned in another part of the plot which has more space to accommodate this vast building?  
In doing so it would not affect other surrounding properties at all as it would be affecting us.  
Has this area been selected as it makes it easier to split the two properties into two separate dwellings, with the main house not overlooking the annex/separate dwelling for future development?  
On the proposed plans for the extension for the kitchen diner, there are no proposed windows facing the annex. Is that so the plot can be easily be split into two?  
The plans for the existing house and the extension for the kitchen/diner have been turned on its axis to face away from the annex/dwelling. Again, this makes it easier to split the plot into two.  
Our extension is across the back of our house, is not more than 3 meters from the house line, and is not protruding down to the bottom of our garden with a high-pitched roof which would severely be affecting our neighbours unlike the one proposed by number 18.  
Number 18 is to the south of ours, that is where our daylight comes from.  
This building would be taking away significant light to our utility room, the window looks out on to number 18's Garden fence, it would put the room in darkness.

Officer summary of objections  
Property developer to create two separate dwellings  
Damage to garage at No. 16  
Overshadowing  
Additional storeys  
Outside openings  
Positioning of extension within the site  
Depth of extension  
Loss of light / orientation  
Loss of light to utility room  
External materials  
Not in keeping with streetscene