

ITEM NUMBER: 5a

22/02747/FHA	Proposed half width first floor rear extension above existing ground floor back addition	
Site Address:	33 Cowper Road, Markyate, St Albans, Hertfordshire, AL3 8PP	
Applicant/Agent:	Mr Andy Dear	Mr Tim Gebhard
Case Officer:	Jane Miller	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary views of Markyate Parish Council	

1. RECOMMENDATION

1.1 That planning permission be **GRANTED** subject to conditions.

2 SUMMARY

2.1 The application site is located within residential area of Markyate 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 south side of an area of amenity land on the western side of Cowper Road in a residential area of Markyate. The site comprises a two storey mid terraced dwelling. Land levelfall at the rear of the side.

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.

4. PROPOSAL

4.1 This application seeks permission for a half width first floor rear extension above the existing ground floor rear extension.

4.2 This current application is a resubmission following the recently refused application reference 22/01090/FHA (First floor 2/3 width rear extension over existing ground floor back

addition, with pitched roof over). This current application has significantly reduced the size of the rear first floor addition.

5. PLANNING HISTORY

Planning Applications :

22/01090/FHA - First floor 2/3 width rear extension over existing ground floor back addition, with pitched roof over.

REF - 30th June 2022

4/01026/18/FHA - Proposed single storey outbuilding with habitable accommodation within rear garden. alteration to landscaping including new retaining walls and steps

GRA - 10th July 2018

4/00379/18/FHA - Proposed single storey front and rear full width extensions with pitched roof

GRA - 16th April 2018

4/01859/04/FHA - Single storey front and rear extensions

GRA - 9th September 2004

4/01326/04/FHA - Two storey rear and single storey front extensions

WDN - 15th July 2004

Appeals:

22/00053/REFU - First floor 2/3 width rear extension over existing ground floor back addition, with pitched roof over.

WWN - 1st October 2022

6. CONSTRAINTS

CIL Zone: CIL3

Large Village: Markyate

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

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
CS8 – Sustainable Transport
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 residential amenity of neighbouring properties.

Quality of Design / Impact on Visual Amenity

9.2 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; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. .

9.3 The proposal would result in a half width first floor rear extension under a dual pitched hipped roof set down from the main ridge and back from the edge of the existing ground floor roof. A Juliette

balcony is set below a small gable and is considered to be subservient addition. Alterations to the windows are proposed including above the stairwell

9.4 Whilst the extension will be visible beyond neighbouring gardens from a public footpath connecting Cowper Road with Buckwood Road, the path is approximately 22m from the extension at the closest point, and is not therefore considered to have a detrimental impact on the streetscene to such an extent as to warrant a refusal. 9.5 Whilst it is noted that the property has benefitted from previous permissions, including a single storey rear extension and outbuilding within the rear garden, the proposed first floor addition is subservient, appropriate in its design and not considered to constitute overdevelopment. The proposal does not increase the footprint of the dwelling and the extension does not appear overly bulky and will sit quietly at the rear. Further, there will remain sufficient space in and around the dwelling, whilst the garden is not overly large, it is considered that the amenity space is sufficient to serve a property of this size and there is room for bin storage at the front of the dwelling.

9.6 Overall, 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

9.7 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.

9.8 The first floor extension is set away from the shared boundaries of the adjoining neighbours at Nos. 31 and 35, and as illustrated on drawing 1195-121 rev E (proposed plan and elevation) there is no breach of the 45 degree line from the centre of the neighbours closest habitable windows towards the corner of the proposed extension. Bathrooms are not considered as habitable rooms, see saved appendix 7 where habitable rooms are referred to as kitchen, lounge/dining room and bedroom.

9.9 A breach of this line would be indicative of a loss of light or visual intrusion, however in this case given there is no breach, the proposal will not result in a significant impact on the residential amenity of neighbours.

9.10 Further, the rear of the terrace benefits from a favourable south facing orientation such that the rear windows/patios areas will continue to receive an acceptable level of light.

9.11 There are no side windows proposed within the addition as illustrated on 1195-122, such that there would be no significant loss of privacy to neighbouring properties.

9.12 A Juliet balcony is proposed within the rear elevation under the small gable of the proposed extension. There is no raised platform or balcony proposed which can be accessed. In this instance the Juliet balcony is not considered to introduce an increased level of overlooking over and above a standard window in the same position and this larger opening is therefore considered acceptable.

9.13 Land levels drop at the rear of the terrace towards the south, however there is approximately 29 metres between the proposed first floor rear opening and the rear elevations of the properties to the south on Buckwood Road. This is in excess of the minimum 23m back to back distance specified in Saved Appendix 3 to ensure privacy. Further, the rear gardens of neighbouring properties, both the immediate neighbours to the site on Cowper Road and those neighbours on Buckwood Road are already overlooked from the existing rear windows, and overall the proposal is not considered to significantly intensify this to such a level as to warrant a refusal.

9.14 Overall, due to the height, positioning and separation distance between the first floor addition 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

9.15 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.

9.16 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required. Parking is on-street parking in a communal/shared parking area

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

Tree and Hedges

9.18 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

9.19 Objections have been received from neighbours. The majority of points raised are addressed in report.

9.20 Consultation letters were sent to all neighbours on the 08.09.2022. The site notice was put up by the planning officer on the 30.09.2022.

9.21 In respect of noise disturbance from the granting and construction of previous planning applications, that is not a material planning consideration for the assessment on the current application and furthermore Noise during the construction process cannot be considered as part of a planning application. In addition the DBC website, Environmental Health, should have local guidelines on acceptable hours of working etc.

Response from Town Council

9.22 Objection on grounds of overdevelopment of site. See section on overdevelopment above.

CIL Liable

9.23 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.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.24 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.25 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10 RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

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

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

2. **The 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).

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

**Site location plan
1195-120 rev D proposed site roof plan
1195-121 rev E proposed plan and rear elevation**

1195-122 proposed sectional side 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
Markyate Parish Council	At the Parish Council Meeting held yesterday, the following comments were made: 22/02747/FHA: Objection on grounds of overdevelopment of site. Support the stance of neighbours

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	3	0	3	0

Neighbour Responses

Address	Comments
31 Cowper Road Markyate St Albans Hertfordshire AL3 8PP	I strongly object to Planning Application Reference 22/02747/FHA Firstly, we have not received notification of this new application either verbally, by post or by a site notice. The previous applications for further extension have been declined (22/011090/FHA), despite amendments to the proposal. The reasons for the previous refusal are valid for this new application, along with other considerations. My objections are: Noise Nuisance Up to this point, for 4 years and 7 months there has been disturbance

caused by diggers, workers, building work etc. The work that was permitted under the very first extension application is yet to be finished.

Loss of light or overshadowing

Any further height being added to the current extension would reduce the light to our bathroom window. We have already suffered a significant loss of light to south-facing windows from the ground floor extension, with overshadowing of our patio area greatly reducing the hours of sunlight enjoyed in this area.

Visual Intrusion

The row of terraced houses will be dominated by any further development of this site, with the extra extension being out of character in comparison to the 4 other properties in the row. The proposed extension would be detrimental to the appearance of the existing dwelling and the overall appearance of the street scene and wider area. This is a mid-terrace property, situated amongst standard types of houses for the area.

Furthermore, it does not respect the design of the original dwelling and does not respect the typical density intended in the area.

The extension will be visible from the rear of a number of neighbouring properties and from the busy public footpath that runs besides Number 29 and would be totally out of character.

Overdevelopment of the site

Number 33, Cowper Road is a mid-terrace property, situated amongst standard types of houses for the area. The visual impact of extension will be a property that is bigger and taller than anything in the immediate area, creating an overbearing feature.

Loss of privacy

The proposal would allow for an unacceptable amount of overlooking of the neighbouring properties. Privacy to rear windows and individual rear gardens would be compromised, for adjoining neighbours and properties on Buckwood Road.

Objection to 22/02747/FHA, amended proposal dated 02 Nov 2022: I strongly object to the recent amendments made to the application.

Any further development to the property (whether it be a smaller or larger 1st floor extension) would lead to the appearance of the property being totally out of place compared to the other properties in the terrace and out of character with any other properties that are anywhere in the surrounding area.

This is a mid-terrace property, situated amongst standard types of houses for the area. The visual impact of any further extension will be a property that is bigger, taller and totally different to anything in the immediate area, creating an overbearing feature. Further extension (on top of existing full width front and rear extensions and an annex in the garden) would clearly be overdevelopment of this site and create a visual intrusion.

I refer you to the Refusal notice for application 22/01090/FHA. Reasons cited by the planning officer for the refusal of the application are still relevant to this new amendment and include:

'...proposed extension would be detrimental to the appearance of the existing dwelling and the overall appearance of the street scene.

The Council has acted pro-actively through positive engagement with

	<p>the applicant which has led to amendment to overcome an issue of unneighbourliness but the scheme is considered to be out of keeping with the character of the area...the Council has complied 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.</p> <p>There is a pedestrian walkway from which the extension would appear prominent and out of keeping with the uniformity of the terrace of properties.</p> <p>Policy CS11 and CS12 of the Core Strategy 2013 states development should respect the typical density intended in an area, preserve attractive streetscapes and respect adjoining properties...The property has already been previously extended at ground floor...This (1st floor extension) will be visible from the rear of a number of neighbours and from the footpath to the east of the terrace...The result is an extension which is not subordinate and represents an incongruous addition harmful to the street scene and wider area</p> <p>It is considered that the works would have an adverse impact on the appearance of the dwelling and the wider area'.</p> <p>Please consider the above and previous objections made to this proposal and consider the impact that further development of this site will have on neighbouring residents.</p>
<p>35 Cowper Road Markyate St Albans Hertfordshire AL3 8PP</p>	<p>I strongly object to Planning Application Reference 22/02747/FHA</p> <p>Firstly, we have not received notification of this new application either verbally, by post or by a site notice.</p> <p>The previous applications for further extension have been declined (22/011090/FHA), despite amendments to the proposal. The reasons for the previous refusal are valid for this new application, along with other considerations.</p> <p>My objections are:</p> <p>Loss of Light from the development to our rear patio area</p> <p>Noise nuisance from potential development work which has been on going for many years</p> <p>I consider it to be over development of a site that all ready has an annex built at the bottom of the garden and other out buildings.</p> <p>My comments relating to the previous request remain relevant to this proposal of a 2nd storey development which is also not in keeping with any of the other properties.</p>
<p>86 Buckwood Road Markyate St Albans Hertfordshire AL3 8JB</p>	<p>We object to the proposed half width first floor extension above existing ground floor addition for the following reasons:</p> <p>A first floor addition will allow the residents to overlook our garden and house. The properties are on a slope and therefore a first floor addition will have much more of an impact than the full width ground floor addition already in place. We would then experience a significant loss of privacy.</p> <p>The ground floor addition already in place reduces the distance between the properties perimeters and therefore a first floor extension will have much more of a light disturbance in the winter evenings, and more of a noise disturbance in the summer evenings.</p>