

Item: 5c

23/01905/FHA	Single storey side extension, conversion of garage, new porch and replacement pillars	
Site Address:	Holly House, 8 Kilfillan Gardens, Berkhamsted	
Applicant/Agent:	Mrs Emma Ellson	
Case Officer:	Robert Freeman	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	This application has been referred to committee in view of the contrary recommendation of the Town Council. The Town Council objects to the design of the proposed works and the impact on the street scene.	

1. RECOMMENDATION

- 1.1 That planning permission is **GRANTED**

2. SUMMARY

- 2.1 The application site is located in a residential area of Berkhamsted where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposed development is considered to be acceptable in terms of its design, bulk, scale and use of materials and would not detract from the appearance of the dwelling nor the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.
- 2.4 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 Kilfillan Gardens is a small residential cul-de-sac of 8 units off Graemesdyke Road, Berkhamsted. The street contains a large detached dwelling, Raglan House, within which there are four flats. There are four detached dwellings (Nos.5-8) within the remainder of the cul-de-sac. The detached dwellings are constructed in two styles although all share common design elements such as the provision of hipped roof form, front portico and flat roofed garages. A former close care housing scheme, Kilfillan Park is also accessed off Kilfillan Gardens.
- 3.2 The application site comprises a large detached dwelling at the eastern end of the cul-de-sac constructed in brick and with a hipped roof form. This has been extended by the addition of a two storey rear extension constructed with a rendered finish. .
- 3.2 A portico extends to the front and side of the property and connects the property with a flat roofed detached garage. This garage shares a common boundary with the garage to the neighbouring plot. The southern boundary of the site is heavily landscaped with a number of mature trees.

4. BACKGROUND

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (23/01669/PRHW). The pre-application response expressed concerns with the introduction of a pitched roof form and the impact on the character and appearance of the area. The applicants have subsequently amended the proposals by raising the parapet wall to the front of the garage in an attempt to screen the extension beyond.
- 4.2 The application property was initially extended following the grant of planning permission 4/01710/16/FHA and the subsequent grant of permission 4/02620/16/ROC. The initial application was amended to remove the introduction of timber cladding to the front elevation with the subsequent amended scheme resulted in a change in roof form and materials to the rear extension of the property.

5. PROPOSALS

- 5.1 The application seeks planning permission for the construction of a single storey side extension providing a pitched roof above the existing garage and facilitating the provision of a dressing room and mezzanine office within the associated roof space.
- 5.2 The proposals also include a partial conversion of the garage to provide a downstairs toilet and storage and the removal of the mock columns and roof forming a portico to the front of the property. A porch would be provided outside the front door to the property with replacement pillars.
- 5.3 A proposed extension would increase the depth of the garage by some 3.65m and infill a section between the existing two storey rear extension and the boundary of the site. The partial conversion of the garage would leave a single parking space therein.
- 5.4 A parapet wall would be provided to the front elevation partially screening a pitched roof beyond with the inclusion of three Velux windows to the front elevation. Large glazing panels at the rear of the property would provide light to a mezzanine office at the rear of the dwelling and garden room.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in Appendix B

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Kings Langley Neighbourhood Plan 2020-2038 (adopted September 2022)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality

Saved Dacorum Borough Local Plan 1991-2011

Policy 13 – Planning Conditions.
Policy 51 – Development and Transport Impacts
Appendix 7 – House Extensions

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

8 CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within the town of Berkhamsted where the extension of existing residential properties would be accepted in principle in accordance with Policies CS1 and CS4 of the Core Strategy

Layout and Design

- 8.2 The key consideration in this case is whether the proposed extension to the property results in an acceptable design and one which is not unduly harmful to the character and appearance of Kilfillan Gardens. This is highlighted in the responses from Nos. 5, 6 and 7 Kilfillan Gardens and the objection of the Town Council.
- 8.3 The main area of concern is with the side extension to the property. These responses contend that the scale, bulk, height and design of the proposed extension is harmful to the uniform appearance of properties in Kilfillan Gardens contrary to the NPPF, Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011. Significant weight is applied to the content of Saved Appendix 7 as outlined in Annex B of this report.
- 8.4 As set out in the site description, the properties in Kilfillan Gardens are not uniform in appearance with three distinct building styles being adopted within a relatively small street. Whilst the principle roof form to all properties is hipped, there is variation on subservient elements of the properties within the street.

- 8.5 The principle building on entry to Kilfillan Gardens is Raglan House which contains flats 1-4 Kilfillan Gardens. This is an imposing building constructed to appear as a semi-detached property and with a projecting front gable and mock Doric porch located centrally within its front elevation. Flat roofed double garages are located on either side of the property with the roof hidden behind a brick parapet and with decorative brick arches and gates connecting the garage to the main dwelling.
- 8.6 Nos 5 and 6 are 'L' shaped detached hipped roof properties with stone portico. These properties also have flat roofed detached garages connected at the front of the property via decorative brickwork and hidden behind parapet walls. In the case of No.5 this parapet wall has been raised and its arch removed whilst No.6 has constructed a modest porch entrance to the side of the property and infilled part of its portico.
- 8.7 The application property is located at the end of the cul-de-sac and is the only property in Kilfillan Gardens to be arranged perpendicular to the street. The property punctuates views down Kilfillan Gardens and to the east of the site. Constructed later than other properties within the street, both Nos 7 and 8 Kilfillan appear as wider properties given their flat frontages and the introduction of arched windows. The porticos to these properties extend and wrap around the dwelling before connecting to detached flat roofed garages. In the case of No.7, this is the only property whose garage is located perpendicular to the main dwelling.
- 8.8 The proposals have been designed to be in keeping with the street scene constructed in brick and with sash style windows to the proposed WC and matching clay roof tiles to the new extension. These would match the existing materials and windows in terms of style and proportions with the exception of a linked glazed panel between the property and the former garage building. This new glazed opening is not considered to be harmful to the overall appearance of the development.
- 8.9 The existing garage roof will be complemented by a new brick parapet wall. This would reflect a number of the garages within the street and would reduce the visual impact of the proposed new roof. This parapet detail has been raised in accordance with pre-application advice, whilst a hip has been added to the proposed roof during the course of determining this application. The extension would be set back from the frontage of the dwelling providing limited views of the roof and velux windows thereto. There should be no objection to the provision of a pitched roof per se, which would not detract significantly from the wider character and appearance of the property in accordance with the NPPF and Policy CS12 of the Core Strategy.
- 8.10 The rear/side extension has been designed to reflect the style of the rear extension to the dwelling and adopts a more contemporary form with aluminium glazing panels and a smooth white render. This is considered to be appropriate in this context.
- 8.11 There are no objections to the removal of stone columns to the front of the property and their replacement to form a new enclosed porch. It is likely that such works would not require permission in their own right and as such there would be no grounds for objection to this element of the proposal under Policy CS12 of the Core Strategy or Saved Appendix 7 of the Local Plan 1991-2011.

Impact on Residential Amenity

- 8.12 Despite the concerns of No.7, I do not consider that the proposed extensions to the dwelling would result in any significant harm to the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan 1991-2011.

- 8.13 The extension would be provided above the existing garage to the property and at an oblique angle to fenestration within the front elevation to No.7. It would share a party wall with the neighbouring garage and would not project a significant distance beyond the common flank elevation thereto. Given the juxtaposition of properties and that the ground floor windows to No.7 are beneath the portico thereto, I find that the proposals would not result in any significant loss in either daylight or sunlight to the habitable rooms of the property. They are also not considered to be overbearing to this property given that they are at an oblique angle to the dwelling frontage and a significant distance therefrom. I note that the main garden to No.7 would be to the rear and side of the dwelling and would be unaffected by the proposals.
- 8.14 The proposed development does not include any windows in the flank elevation that may look out over the neighbouring garden to No.7 and as a consequence I find there to be no material loss in privacy thereto. The existing windows within the front elevation to No.7 provide natural surveillance to the street and I find that the inclusion of additional windows thereto would not materially change this situation. The velux windows would be located at a high level and would serve a dressing room area. They would not look onto the street nor result in overlooking of the shared access drive. The large glazed openings at the rear of the property would not result in any overlooking of neighbours to the east of the site, where there is a dense tree coverage in-situ.

Access and Parking

- 8.15 The proposed works would not fundamentally alter the parking and access arrangements for the dwelling. The existing garage is insufficient in width for the parking of two vehicles whilst the amended scheme would retain a single car parking space within the garage to the property. A single space would remain available to the front of the dwelling despite alterations to the proposed portico. The proposed works would not increase the demand for off-street parking associated with the property and for these reasons I cannot find any conflict with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) that might justify the refusal of planning permission in this case.

Other Material Planning Considerations

- 8.16 A number of comments have indicated that the case officer is being inconsistent with judgements in 4/01710/16/FHA by recommending that alterations to the front elevation of the property are acceptable. The primary objection in relation to this earlier application was that the introduction of timber cladding and removal of columns would significantly detract from the appearance of the property. Removing the portico does not, in my opinion, necessarily require planning permission and as such would not comprise a reason for refusal in either case. It is evident that changing the style of portico to the dwelling does not fundamentally result in harm to its appearance. This case is also not comparable as the materials proposed, unlike those before, would match those on the existing dwelling. I afford the decision to amend application 4/01710/16/FHA no weight in this case and do not consider the approach to this case to be inconsistent to this proposal.

Chiltern Beechwoods Special Area of Conservation (SAC)

- 8.17 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. The proposed development given its nature is not

considered to result in an increase in recreational pressure at the CBSAC and an Appropriate Assessment is not required in this instance.

.9. RECOMMENDATION.

9.1 That planning permission be **GRANTED** subject to the conditions below:

Conditions:

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

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

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

**23004 AL (0) 110 Revision F
23004 AL (0) 111 Revision F
23004 AL (0) 112 Revision C
23004 AL (0) 120 Revision F**

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

- 3. 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)

INFORMATIVE

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.

Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	Objection In view of its height, mass, scale and design, the proposal is

	incongruous and out of keeping with the neighbouring properties and street scene. In addition, the development would lead to loss of amenity to the neighbouring property by way of overlooking. This application is not in compliance with the Borough's previous stance for the property and the street scene. We would object under Policy CS12 of the Core Strategy and Appendix 7 of the Local Plan 1991-2011
--	--

APPENDIX B – NEIGHBOUR RESPONSES

Neighbouring Consultations	Contributors	Neutral	Objections	Support
26	3	0	3	0

Address	Comments
5 Kilfillan Gardens	<p>I consider that the proposed design is out of keeping with the existing properties in Kilfillan Gardens.</p> <p>I am aware that a previous planning application in respect of No. 8 (ref. 4/01710/16/FHA) was revised so that the original/existing appearance to the front of the property was retained. This was on the basis that the proposed alterations to the front elevation were considered to have a negative impact on the street scene. I believe that the same considerations should be applied to this application.</p> <p>For the above reasons I consider that the application should be refused.</p>
6 Kilfillan Gardens	<p>8 Kilfillan Gardens is the last house in the cul-de-sac and forms one of a pair of identical properties (7 and 8) constructed in the early 1980s. The pair of properties share an access drive.</p> <p>I object to the proposals on the following grounds:</p> <ol style="list-style-type: none"> 1) It is entirely out of keeping with the design of No.7 2) It would greatly overlook the shared drive and front garden of No.7 to the significant detriment of No.7 and with a resulting loss of light to the front garden. 3) The proposals would be entirely out of keeping with the street scene in Kilfillan Gardens which comprises a uniform set of properties, 4) The proposed development would be extremely visible against the skyline as one walks down Kilfillan Gardens to the east and approaches No.8 5) It would remove the view of vegetation and mature trees to the rear of Nos.7 and 8 6) I note that the previous application (4/01710/16/FHA) was revised so that the original /existing appearance to No.8 was retained. This was

	<p>on the basis that the alterations to the front elevation were considered to have a negative impact on the street scene. The same considerations should be applied to the current proposals.</p> <p>For these reasons, this proposal should be rejected.</p>
<p>7 Kilfillan Gardens (via Aitchison Rafferty)</p>	<p>The description of development is misleading as the proposed development is not for a single storey side extension; the proposed development is above an existing single storey garage block and thus creates a two storey side extension.</p> <p>REASON FOR OBJECTION</p> <p>The main concerns with the development are the impacts of the proposed scheme on the character and appearance of the street scene and the surrounding area and the loss of amenity by loss of outlook and overbearing impacts and a loss of privacy by overlooking from the proposed windows to the front roof slope</p> <p>POLICY</p> <p>Dacorum Borough Local Plan 1991-2011</p> <p>Appendix 7</p> <p>Appendix 7 outlines the design principles behind the extension to dwellings such as those proposed to 8 Kilfillan Gardens.</p> <p>The reason behind good design is outlined in A7.1; house extensions are promoted to protect the environment and benefit the public at large; the external appearance of an extension has a wider impact. The more sensitive the building or area, the higher the standards of design that will be sought.</p> <p>Item A7.2 states that extensions should harmonise with the existing house and the surrounding area in the following respects:</p> <p>(i) the extension should harmonise with the original design and character of the house</p> <p>a) scale- it should not dominate the existing building or project above the roof line,</p> <p>b) roof form – it should match the existing house in terms of design, pitch, angle of pitch and materials. Felt or plastic sheeting should be avoided on pitched roofs and when used on flat roofs can often be screened by parapet walls.</p> <p>c) window design – it should match the existing windows in terms of size, proportions, divisions and materials. The same lintel and sill height should be used, and windows should line up vertically and horizontally</p> <p>d) external finishes – should match as closely as possible in terms of type, colour and texture.</p>

(ii) Surrounding Area – Any extension should maintain the common design characteristics of the row or street within which the house is located, regarding

a) roof line – no extension should disrupt a clear consistent roof line and form;

b) building pattern – if a row of houses of uniform design and building line forms an attractive group in the street scene then extensions should not detract from this group effect,

c) design details – where features such as windows, doors, roof and wall materials, bays, porches etc are of a consistent design, it is important that any extension or alteration to reflect the original character of a house; this should not alter the character of an area by reducing the space around and between properties which would give a cramped appearance.

(iv) Where side extensions are proposed strict requirements will apply to prominent side extensions and the parts which are clearly visible from the street.

(v) in cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area. Some extension at first floor level may be feasible. This should be designed to avoid the creation of terraced or semi-detached character and to respect the above space standards.

Core Strategy

Policy CS12

On each site development should

c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties

f) integrate with the streetscape character

g) respect adjoining properties in terms of:

iv. scale

v. height

vi. bulk

vii materials

DESIGN AND IMPACT ON CHARACTER AND APPEARANCE

The National Planning Policy Framework (NPPF) states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF seeks to achieve a high quality of design and that new development is sympathetic to local character. The NPPF confirms that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

It is clear that the proposals do not meet the local design policies and requirements in the Local Plan.

Kilfillan Gardens and the surrounding area of detached dwellings typically set back from the highway on generously sized and well landscaped gardens results in an attractive, verdant and pleasant residential character.

The development of Kilfillan Gardens was undertaken in two phases with the first phase (1-6) having a very similar and uniform appearance to one another. The second phase (7 and 8) was designed to replicate the existing development in the cul-de-sac.

As such Kilfillan Gardens has a uniform appearance with replicated architectural forms and features which creates a strong identify and a constant design rhythm within the street scene.

The existing architectural forms of the buildings within Kilfillan Gardens include hipped roof forms to the main building, flat roofed single storey side extensions to form garages, where each garage door is a double door and each property (Nos.1-6) has a parapet wall to conceal the flat roof. With the exception of Nos.1-4, the subservient identity of the use of the flat roof forms is continued by the use of flat roofed canopy porches supported by neo-classical style columns.

The existing architectural design features of the building include the use of brick and tile as the dominant wall and roof material; fenestration is multi-paned with sash style windows except for some arched windows to Nos.7 and 8.

The architectural design of dwellings in Kilfillan Gardens can be described as a mid/late 20th Century version of neo-classical, Georgian architecture where the use of brick, hipped roofs, columned porches and multi-paned fenestration dominated.

The application site consists of a two storey detached dwelling which is set back from the highway and has the repeated forms and features of other buildings.in the street.

The application dwelling is highly prominent in the street scene. When entering Kilfillan Gardens from the west, the application site is in the immediate view.

As can be seen in comparison images, the proposed development would make significant and incongruous changes to the appearance of the dwelling especially the highly visible front and north side elevations, which would in turn cause undue harm to the character of the street scene and the surrounding area.

The dwellinghouse at No.8, Kilfillian Gardens is currently congruent with the style of dwelling in the street. This uniformity would be deleted by the proposed development. Nowhere on the street are there two storey side extensions, no other dwelling poses the architectural form of crown roofs; the prevailing character is that of single storey flat

roofed side extensions. The increase in bulk and massing of the dwelling would not be in keeping with other properties and would be incompatible with the proportions of surrounding properties.

The existing single storey side garage extension to dwellings in Kilfillan Garden, contain double doors and the use of a single door in the proposed development appears as a failed attempt to retain the frontage.

Other proposed fenestration to the front elevation of the application dwelling would also appear incongruous. Nowhere in the street scene are there roof lights to front elevation roof slopes and the use of a single fixed pane, full height window to the front elevation would be out of sync with the established use of multi-pane Georgian style sash windows in this vicinity.

Moving to the rear elevation, whilst it is accepted that the rear elevation would not be visible from the public realm, the excessive use of glazed panels and the lack of a robust and balanced solid to void ration appears to be a fault in the design which may lead to significant energy losses. The use of glazed roof lights and slate tiles to the proposed roof provides further evidence of the lack of consideration to the character of the dwelling and the area.

Returning to national and local planning policy, it is clear from the proposed drawings and images and the outlined incongruent features that the proposed development does not comply with policy requirements.

Appendix 7 is clear that the external appearance of house extensions has a wider impact and that high design standards are sought in sensitive locations.

Contrary to Appendix 7 the proposed development fails to harmonise with the existing dwelling and the surrounding area. The proposals facilitates the use of a contemporary design which is out of keeping with the design and character of the original dwelling; it has a dominant scale; the crown roof form does not match, windows do not match the established designs and slate, render and single pane glazed panels are incongruent features.

The proposals fail the requirements of Appendix 7 as it does not maintain the common design characteristics of the street. The established roof line to the side of the property would be disrupted and the side extension would detract from the group effect of Kilfillan Gardens.

The Local Plan requires that where side extensions are proposed, strict requirements will apply to prominent side extensions but mainly those parts that are clearly visible from the street. Where an existing side extension goes to the boundary it will not normally be acceptable to build over its full area.

The visual effect of the extension on the original building and the lack of retention of space around it would be harmful to the original building

and the spacious character of the area. Furthermore, the identified harmful design forms and features fails the specific requirements of policy CS12 of the Core Strategy.

Specifically, the proposed development could cause harm to the amenity of neighbouring dwellings by way of a loss of privacy, it would not integrate with the streetscape and has been demonstrated not to respect the established character of adjoining dwellings in terms of scale, height, bulk or materials.

In addition to the proposals failure to comply with the local policies the development fails to meet the national required standards of the NPPF. The proposed development is not considered to be visually attractive, nor would it add to the quality of the area. It follows that the development is unsympathetic to the local character of the area because of the poorly considered architecture which fails to create a sense of place contrary to paragraph 130 of the NPPF.

LOSS OF AMENITY

A core planning principle, as set out in the NPPF, is to always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed development would have a significant adverse impact on the amenity of the adjacent property and garden of 7 Kilfillan Gardens contrary to the above policies.

The proposed depth and height of the extension, in such close proximity to the boundary of No.7 would have an overbearing and oppressive impact on the adjacent property and garden causing a loss of outlook. Furthermore, the proposed development includes three roof lights to the front roof slope. The use of the area at the front of the property as a home office space would give the user a clear view of the street, the comings and goings of neighbouring units with an associated loss of privacy.

In view of these factors the proposed development would unacceptably harm the amenities and living conditions of adjoining owners contrary to local and national planning policies.

PREVIOUS HISTORY

The application site received planning permission for a two storey rear extension in 2016 (4/01710/16/FHA)

The granted application originally included alterations to the front elevation of No.8 Kilfillan Gardens, however this was revised to remove the alterations to the frontage. These revisions were made on the basis that they would be harmful to the street scene of Kilfillan Gardens.

There is no reason why the judgement of the Council in relation to this matter should change during the intervening years and the LPA is obliged to be consistent in its decision taking.

CONCLUSION

The details within this statement clearly demonstrate that planning application 23/01905/FHA is unacceptable by way of its failure to comply with both Nation and Local Planning policies and should be refused by the LPA.

There are no reasons for the LPA to depart from the policies of the Local Plan. The starting point for assessing the development proposals is the Development Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 "the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise"

Because of the excessive height and mass and the incongruent design of the proposed development, significant harm would be caused to the established residential character and appearance of the area and amenity of the residents of No.7

Furthermore the LPA has established a precedent for the proposed development of the frontage of NO.8 by removing proposals to extend and alter the frontage of the property in consideration of application 4/02620/16/ROC (for variations to 4/01710/16/FHA)

The LPA have a duty to remain consistent in their decision making and there is no reason for the previous opinion of the Planning Authority to change since the determination of this case.