

ITEM NUMBER: 5d

23/00767/FHA	Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window.	
Site Address:	43 Highfield Road Berkhamsted Hertfordshire HP4 2DD	
Applicant/Agent:	Mr Edward Blake	Mr William Howes
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposed extensions would have limited visibility within the public realm and would integrate with existing and surrounding dwellings by virtue of their sympathetic design, scale and materials. Whilst visible from surrounding units, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it have a significant impact upon local parking provision.

2.2 The proposal is therefore in accordance with Saved Appendix 3 and 7 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Highfield Road in Berkhamsted. The site comprises a two storey Victorian terraced dwelling that is located within Berkhamsted Conservation Area. The surrounding area is predominantly residential in character, comprising mainly Victorian properties, and includes several listed buildings within close proximity, including 47 Highfield Road which is Grade II Listed.

4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear dormer window.

4.2 The application is a re-submission following a previously refused scheme (ref. 22/01771/FHA), which was refused for the following reason:

- 1. By virtue of its scale and design, particularly at roof level, the proposed extensions would have a detrimental impact on the character and integrity of the original dwelling and the surrounding Conservation Area. There are no public benefits that would outweigh the identified harm and the proposal therefore fails to comply with Core Strategy (2013) Policies CS11, CS12 and CS27, Saved Appendix 7 and Policy 120 of the Dacorum Borough Local Plan (2004) and the NPPF (2021).*

4.3 The application has subsequently been amended. The full-width dormer on the previously refused scheme has been replaced by a narrow casement dormer.

5. PLANNING HISTORY

Planning Applications:

22/01771/FHA - Proposed demolition of the existing ground floor rear outrigger to allow the Construction of a new rear ground floor extension, alongside a rear first floor and roof extension.
REFUSED - 16th August 2022

Appeals:

23/00062/NONDET - Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window.
*LODGED – 18th August 2023**

**An appeal has been lodged against the non-determination of the current application. However, the Local Planning Authority is required to make a recommendation to the Planning Inspectorate to inform what the LPAs decision would have been.*

6. CONSTRAINTS

Area of Archaeological Significance: 21
BCA Townscape Group
CIL Zone: CIL1
Berkhamsted Conservation Area
Parish: Berkhamsted CP
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA2
Parking Standards: New Zone 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan (DBLP) 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction

Appendix 3 - Layout and Design of Residential Areas
Appendix 7 - Small-scale House Extensions
Policy 120 - Development in Conservation Areas

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Conservation Area
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The site is situated in a residential area of Berkhamsted, wherein appropriate residential development is encouraged in accordance with Core Strategy Policy CS4. The application site also falls within Berkhamsted Conservation Area where development is expected to positively preserve and enhance the established character and appearance of the conservation area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Dacorum Borough Local Plan and the NPPF.

9.3 The main issues of relevance to the consideration of this application relate to the impact of the proposed extensions on the character and appearance of the existing building, wider street scene, Conservation Area and impact on residential amenity of surrounding properties.

Quality of Design / Impact on Conservation Area

9.4 Core Strategy Policies CS11, CS12 and Saved Appendix 7 of the Local Plan seek to ensure that development within settlements respects the typical density in the area, respects surrounding properties and harmonises with the existing house and surrounding area. As outlined above, the site falls within Berkhamsted Conservation Area where development should preserve or enhance the character and appearance of the area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and Section 16 of the NPPF. Regard is also given to the statutory tests of preserving or enhancing the character or appearance of Conservation Areas under Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990.

9.5 In accordance with paragraph 202 of the NPPF, where a development proposal will lead to harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.6 The proposed development comprises the demolition of the existing single storey rear outrigger extension and its replacement with a larger, full-width single storey rear extension with dual-pitched

roof along with a first floor flat-roofed extension and casement dormer within the roof slope. As outlined above, the scheme is a re-submission and has been reduced in scale at roof level.

9.7 The Council's Conservation and Design Officer has been consulted and provided the following representation:

"No. 43 is a small flat fronted terraced house constructed of plum and red brickwork with a slate roof. It lies on the east side of the street within the Berkhamsted Conservation Area with the boundary running along the rear garden. No 47 two doors to the north (and part of the same terrace) is grade II listed and there are a number of locally listed buildings in the vicinity. The rear of this terrace can be partially seen from the cul-de-sac behind, Curtis Way.

An application to demolish the existing rear outrigger and build a two storey extension and loft extension was recently refused (22/01771/FHA) by virtue of its scale and design particularly at roof level which would have a detrimental impact on the character of the house and surrounding Conservation Area.

The current application is essentially the same application but instead of a full mansard or large wide dormer for the loft extension, a narrow casement dormer is proposed and the roof slope maintained. This is welcome and ensures that the conservation area is preserved. The detrimental uPVC windows to the front will be replaced with timber windows, which is considered a conservation gain to offset the two-storey extension to the rear. It also appears that the existing solid door will be replaced with a door with a diamond window to increase light levels internally. Recommendation: Acceptable with materials condition and full details of windows."

9.8 The surrounding area comprises predominantly Victorian terraced properties, some of which have undergone extension or alteration. The most notable examples include the two-storey rear extensions at nos. 41 and 39, as well as the new build flats of 37 and 37A, which comprise a two storey gable-end rear wing. These are the four adjoining neighbours to the northeast of the application site.

9.9 The proposed single storey element would comprise a glass gable-end and at first floor level there would be a sedum roof. The casement dormer window would be positioned centrally within the original roof slope. The proposed materials of matching brickwork and slate roof tiles would complement the original dwelling. As mentioned above, the existing uPVC windows on the front elevation would be replaced with timber frames, which would have a positive impact on the street scene.

9.10 Taking all of the above into account, it is considered that there would be no harm to designated heritage assets, therefore the balancing exercise set out in paragraph 202 of the NPPF need not be undertaken. The proposed design, scale and form of the extensions will not have a detrimental impact upon the character and appearance of the existing house or surrounding area. The proposal therefore complies with Core Strategy Policies CS11, CS12 and CS27, Saved Appendix 7 and Policy 120 of the Local Plan and the NPPF.

Impact on Residential Amenity

9.11 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon neighbouring properties by way of visual intrusion, loss of light or privacy.

9.12 There are no significant concerns in relation to the single storey rear extension, which would project from the main rear wall of the original dwelling by 6m, comprising a gable-end roof with a ridge height of 3.5m and an eaves height of 2.6m.

9.13 In terms of the first floor element, this would project from the original rear wall by 3.3m. This would match the projection of the existing first floor extension for no. 41 and as such will not have a significant impact in relation to this neighbouring dwelling.

9.14 In relation to no. 45, the proposed first floor extension would be visible, however there is an existing single storey rear extension at no. 45 with a tiled roof, therefore the majority of light provision to this neighbouring dwelling is provided by the rear patio doors. The proposed first floor extension would not project any further beyond the rear elevation of no. 45's single storey rear extension. Nor would it project beyond the existing single storey rear wing on the application property, which comprises a 3.8m-high flank wall. As such, the proposed extensions would be visible, however when compared to the existing built form of the single storey outrigger, the proposed extensions would not have a significant increase in visual impact nor would it result in significant loss of light. 45-degree drawings have not been provided, however these measurements have been approximated by the case officer. It is considered that, in relation to the neighbour's ground floor patio doors, the proposed extension would pass the 45-degree test in elevation. In relation to the neighbour's first floor window, the proposed extension would pass the 45-degree test in plan.

9.15 Concerns have been raised by neighbouring residents in relation to the scale and bulk of the proposal and the impact on light provision and being visually overbearing. Concerns were also raised regarding a side-facing window within the ground floor extension of 41 Highfield Road that would be blocked by the proposed adjoining wall. It is understood that the window serves a passageway into the neighbour's kitchen. The blocking of the window would restrict all light to this window, however as it is not a primary window serving a habitable room there it is not considered that the application could be refused on those grounds. Further, an agreement relating to the window and adjoining wall, such as a party wall agreement, would be a civil matter.

9.16 Overall, as outlined above, whilst the proposed development would be visible from surrounding residential units, it is not considered that the bulk and mass would be significantly overbearing, nor would it result in a significant loss of light. Furthermore, there are several examples of similarly scaled rear extensions along the row of properties on Highfield Road, which is fairly constricted and characteristic of Victorian terraced streets. To conclude, it is not considered that a reason for refusal on residential amenity grounds could be substantiated. The proposal complies with the above-mentioned policies in that regard.

Impact on Highway Safety and Parking

9.17 The NPPF, Policies CS8 and CS12 of the Core Strategy, Saved Policy 58 of the Local Plan and the Parking Standards Supplementary Planning Document (SPD) (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.18 There would be an increase in the number of bedrooms from two to three as a result of the proposed development. The parking requirement set out in the Parking Standards SPD states that within Zone 3 a two-bedroom house should have 1.5 spaces and a three-bedroom house should have 2.25 spaces. As such, the increase in parking requirement as a result of the proposed development equates to 0.75 spaces.

9.19 There is no off-street parking provided or proposed for the dwelling. The site resides within an historic Victorian street wherein very few houses are able to provide off-street parking. As such, there is a shortfall in parking for the proposed development, however taking into account the accessible location within close proximity to Berkhamsted town centre and the apparent lack of

parking restrictions on Highfield Road, it is not considered that the proposal could be refused on the grounds of parking.

9.20 There are no changes that would affect the adjoining highway, therefore the proposal would have a neutral impact on highway safety.

Other Material Planning Considerations

Area of Archaeological Significance

9.21 The site resides within an area of archaeological significance. The County Archaeologist has been consulted but has not provided a response. It is considered that, owing to the modest scale of the proposal and existing built development in close proximity, it is unlikely that there would be a significant archaeological impacts.

Chiltern Beechwood Special Area of Conservation (SAC)

9.22 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.

Community Infrastructure Levy (CIL)

9.23 Policy CS35 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 (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site resides within CIL Zone 1, however the application is not CIL liable as it would not result in more than 100 square metres of new residential floor space.

10. CONCLUSION

10.1 By virtue of its sympathetic design, it is considered that the proposal would not have a detrimental impact on the character and integrity of the original dwelling or the surrounding Conservation Area. The proposed extensions would be visible from neighbouring properties, however the layout, scale and bulk would not be significantly harmful to the living conditions of neighbouring properties. The proposal is therefore in accordance with Saved Appendix 3 and 7 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy and the NPPF.

11. RECOMMENDATION

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

Conditions and Reasons:

- 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. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Details to include:**

- **Brickwork**
- **Roof tiles**
- **Glazing**
- **Dormer window cladding material**
- **Rainwater goods**
- **Joinery details and finish.**

Development shall be carried out in accordance with the approved details.

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

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

- LP01 Location Plan**
- 201 Ground & First Floor Plan**
- 202 Second Floor & Roof Plan**
- 203 Section 02 & 03**
- 204 Section 03, 04 & 05**
- 205 Front & Rear Elevation**

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
Conservation & Design (DBC)	No. 43 is a small flat fronted terraced house constructed of plum and red brickwork with a slate roof. It lies on the east side of the street within the Berkhamsted Conservation Area with the boundary running along the rear garden. No 47 two doors to the north (and part of the same terrace) is grade II listed and there are a number of locally listed

	<p>buildings in the vicinity. The rear of this terrace can be partially seen from the cul de sac behind, Curtis Way.</p> <p>An application to demolish the existing rear outrigger and build a two storey extension and loft extension was recently refused (22/01771/FHA) by virtue of its scale and design particularly at roof level which would have a detrimental impact on the character of the house and surrounding Conservation Area.</p> <p>The current application is essentially the same application but instead of a full mansard or large wide dormer for the loft extension, a narrow casement dormer is proposed and the roofslope maintained. This is welcome and ensures that the conservation area is preserved.</p> <p>The detrimental UPVc windows to the front will be replaced with timber windows which is considered a conservation gain to offset the two storey extension to the rear. It also appears that the existing solid door will be replaced with a door with a diamond window to increase light levels internally.</p> <p>Recommendation: Acceptable with materials condition and full details of windows.</p>
Parish/Town Council	<p>The Committee agreed with the comments made by objectors and Conservation and Design and objected to the proposal. The amended scheme has been submitted with minimal changes from the original refused application and by its scale, mass and bulk, remains incongruous and does not harmonise with the original dwelling, nor with its setting in the Conservation Area.</p> <p>CS12, CS27</p>
BCA Townscape Group	<p>Objection</p> <p>This small cottage is in the conservation area and adjacent to listed and locally listed buildings.</p> <p>The proposed extension is disproportionately large and takes up too much of the garden. Its addition to the house would neither conserve nor enhance the conservation area.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
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5	4	0	4	0

Neighbour Responses

Address	Comments
45 Highfield Road Berkhamsted Hertfordshire HP4 2DD	<p>This proposal almost replicates the plans which were submitted (and denied by Dacorum Planning) in 2022. I am concerned about the revised plans for a number of reasons. Firstly, the plans are not in keeping with the aesthetics of the local conservation area, which needs to be protected. Furthermore, a two storey extension will have have a negative impact upon allowing light into both neighbouring properties (including my own). As I said when the previous plans were submitted in 2022, I have no objection to replacing the single storey outrigger (bathroom extension) with one of a similar size and which is more aesthetically pleasing. I see no need for a large two storey extension which will tower over my garden when the property is used for rental purposes and the owners are not in need of extra family space themselves. It will detract from both neighbouring properties, and is an unnecessary development as the properties are so close together.</p> <p>This proposal almost replicates the plans which were submitted (and denied by Dacorum Planning) in 2022. I am concerned about the revised plans for a number of reasons. Firstly, the plans are not in keeping with the aesthetics of the local conservation area, which needs to be protected. Furthermore, a two storey extension will have have a negative impact upon allowing light into both neighbouring properties (including my own). As I said when the previous plans were submitted in 2022, I have no objection to replacing the single storey outrigger (bathroom extension) with one of a similar size and which is more aesthetically pleasing. I see no need for a large two storey extension which will tower over my garden when the property is used for rental purposes and the owners are not in need of extra family space themselves. It will detract from both neighbouring properties, and is an unnecessary development as the properties are so close together.</p>
41 Highfield Road Berkhamsted Hertfordshire HP4 2DD	This would completely block a rear door access to 41 Highfield Road.
1 Cross Oak Road Berkhamsted Hertfordshire HP4 3EH	<p>Reading the planning application received by my mother living at 41 Highfield Road, the proposed extension to the rear of the property will effectively block off what was a back door way to her kitchen, which has a temporary wooden panel installed. There is a small window in this panel allowing light into the passageway of her kitchen. This was done, because the access to the rear of the properties was cut off by successive new owners moving into various properties in the row. 43, 45, 47, 49 Highfield. It is also to be noted, on 43 Highfield road's rear of property where they plan to build over, there is a man hole cover for the sewers for all of these properties. There is also another man hole cover on the other side of the temporary panel of the "rear old door way" of 41 Highfield. At no point has my mother been contacted about a party wall agreement or an enclosure agreement as she will no longer have</p>

access to her wall. At no time have I been able to speak to anyone at the planning office. I have left a message, but no one has rung me back. In your planning you state that any comments made will be made public. Whilst I understand the reasons for this, my mother is elderly and she doesn't need her name being published. Will you ring me to discuss further as I have hit a wall with communicating with planning and I need to ascertain clarification as to what will be sorted to seal this doorway permanently and the man hole sewer access as the sewer turns left for this row of houses and runs under 41 Highfield road, if this application is approved.

Further to this, it looks like the 2nd level of the proposed level is to extend out further than my mother's 2nd level and therefore not keeping in line with 41 Highfield Road. Also the slop on the roof for the lower level would shed water directly onto the flat roof of my mother's bathroom as I cannot see from the plans where the guttering is being positioned.

Looking at the photos sent of the rear of the property (for some reason taken at night), do not show the access to my mother's property at the side of the building as they have taken the photo from behind a tree that blocks the view of the side of my mother's house. This tree was however removed several weeks ago prior to them renting out the property to a new tenant.

After reviewing the planning application for 43 Highfield Road, it appears the new plans are to create a single storey and two storey extension at the rear of 43 Highfield Road.

The second story part of the extension appears to stick out over a metre further than 41 Highfield Road's rear extension making it appear overwhelming and overbearing for the intended footprint and also having an impact on the current view and lighting on the bedroom window of 41 Highfield Road.

My other concern is on the side of 41 Highfield Road there is a temporary wooden panel which originally was an entrance to the property. This doorway was panelled up as the original right of way access to all of the row of cottages was blocked off by various extension builds and fences erected by new people moving into the row of cottages over the years. However, this panel has an external glass window in it allowing light into the passageway of the kitchen, WC, bathroom area of 41 Highfield Road. Therefore blocking this off will take away all natural light in this area.

There is one other point with regard to this entrance, there is a main sewer access cover within this small enclosed space that can be accessed if the panel is removed for service. Whilst I believe this would come under building regulations, I think it should be considered at this point if the area is to be blocked off completely by the new build, as this services all the cottages 41,43,45,47,49 and could prove a great inconvenience to all the cottages if there is a back up in the sewer.

The single storey extension because of the glass A framed roof would also stick up further than the single flat roof extension of 41, again a dominating look over the area. Once again this may be a building

	<p>regulations issue, but where do the gutters to take the rain water away go from this A framed roof? They will need to be within the footprint of 43 and not over sail 41 or 45 Highfield Road.</p>
<p>55 Highfield Road Berkhamsted Hertfordshire HP4 2DD</p>	<p>I object on the basis of obstruction of view, disturbance of valuable flora & fauna & erosion of the historic landscape of Highfield Road.</p> <p>It will also be an eyesore that will impinge upon the quiet enjoyment of my home as promised in my tenancy.</p> <p>I object on the basis of obstruction of view, disturbance of valuable flora & fauna & erosion of the historic landscape of Highfield Road.</p> <p>It will also be an eyesore that will impinge upon the quiet enjoyment of my home as promised in my tenancy.</p>