

ITEM NUMBER: 5d

24/00866/FHA	Hip to gable loft conversion with rear dormer and front roof lights & new first floor side window.	
Site Address:	16 Dellfield Avenue, Berkhamsted, Hertfordshire, HP4 1DX	
Applicant/Agent:	Mr & Mrs Richard & Emma Brand	Ms Alison Phillips
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposed development through design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Core Strategy Policies CS4, CS10, CS11 and CS12, Saved Appendices 3 and 7 of the Dacorum Local Plan and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the east side of Dellfield Avenue in Berkhamsted. The site comprises a two-storey semi-detached dwelling that has undergone previous extension. The site is in an established residential area, with similarly sized and styled properties in the vicinity.

4. PROPOSAL

4.1 The application seeks full planning permission for a hip to gable loft extension with rear dormer, front roof lights and a new first floor side window.

5. PLANNING HISTORY

Planning Applications:

- 4/03138/18/FHA - Single storey rear extension, replacement first floor roof and loft conversion with rear and side dormer and front roof Lights. *GRANTED - 11th February 2019*

The above permission has been implemented and the single storey rear extension element has been constructed. As such, the above extant permission is a fall-back position that is a real prospect and should be given due weight in the planning balance.

6. CONSTRAINTS

BCA Townscape Group

CIL Zone: CIL1

Parish: Berkhamsted CP

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

Residential Character Area: BCA14

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2
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 (December 2023)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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 Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The application site is located in a residential area of Berkhamsted, wherein appropriate residential development is encouraged in accordance with Core Strategy Policy CS4.

Quality of Design / Impact on Visual Amenity

9.3 Core Strategy Policies CS10, CS11 and CS12 seek to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendix 7 of the Local Plan, which seeks to ensure that extensions maintain the common design characteristics of the surrounding area.

9.4 The site resides within character area BCA14: Chiltern Park, according to Dacorum's Area Based Policies Supplementary Planning Guidance, which is described as a post-war estate of mainly semi-detached houses based around a series of interconnecting roads and culs-de-sac. There is a wide variety of architectural styles, with many properties having undergone previous alterations or extensions.

9.5 The immediately surrounding area comprises predominantly semi-detached dwellings, with varying roof forms including both hipped, gable-end and flat roofs. The application property has an existing two-storey flat-roofed side extension that does not contribute positively to the street scene. The proposed development comprises a hip-to-gable roof extension with front roof lights that would be visible within the street scene, however given that there is similar built form in the vicinity it is not felt that the proposal would have a significantly harmful effect on the character and appearance of the area. Furthermore, the fall-back position of extant permission ref. 4/03138/18/FHA comprises a hipped roof extension with front roof lights and rear/side dormers. It is felt that the current proposal would be more in keeping with the surrounding area than the previously approved scheme.

9.6 The proposed extension would result in a full height two-storey gable-end extending up to the common boundary with 18 Dellfield Avenue. Given that the host property already has a two storey side extension up to the boundary, albeit with a flat roof, it is considered that the resultant built form would not be harmful to the character of the area. Furthermore, by virtue of the difference in levels in addition to the separation distance, an acceptable gap would be retained between the two properties. In terms of the rear dormer, this would not be readily seen from public vantage points and, whilst it would be a full-width box dormer, it is not felt that it would harm the character and appearance of the parent property or the surrounding area.

Impact on Residential Amenity

9.7 Policy CS12 of the Core Strategy states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Local Plan states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings. Paragraph 135 f) of the NPPF seeks to ensure that planning decisions create places with a high standard of amenity for existing and future users.

9.8 The adjoining site to the north comprises three maisonettes (18, 18A and 18B Dellfield Avenue). No. 18A is at first floor level and comprises a hallway and bathroom window on the south elevation, i.e. facing the application site. 18B, which is at ground floor level, comprises a bedroom window facing the application site. In terms of light provision to the first-floor windows, these do not serve habitable rooms and it is therefore not felt that there would be a significant harmful impact to the living conditions on 18A Dellfield Avenue. In relation to the ground floor bedroom window, there would not be a significant reduction in light provision due to the presence of the existing two-storey flat-roofed extension at no. 16.

9.9 A side-facing window is proposed at first floor level, however this would serve a bathroom and is indicated on the proposed plans as obscure glazed. It would be reasonable to impose a condition ensuring that the window is retained as such in perpetuity. In terms of visual impact, the proposed roof extension would result in an increase in built form, however it would be mostly seen from within the side access area.

9.10 The rear dormer would increase the level of outlook from the rear of the host property, however the separation distance from Egerton Road is sufficient and it would thus not result in any significant loss of privacy to properties to the rear of the site.

9.11 There are no significant concerns regarding loss of light, visual impact or loss of privacy. It is considered that the proposal is acceptable in terms of residential amenity and in accordance with Policy CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

Impact on Highway Safety and Parking

9.12 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers. The development would increase the number of bedrooms from four to five.

9.13 The parking requirement set out in the Parking Standards SPD states that within Accessibility Zone 3, a five-bedroom house should be assessed on an individual case-by-case basis. For reference, in Zone 3 a four-bedroom house would be expected to provide three off street parking spaces. The existing driveway to the front of the dwelling would be retained and can accommodate two vehicles. The garage space would be retained, however it does not meet the dimension requirements set out in in the Parking Standards SPD. Nonetheless, the application site is located within an accessible location, within walking distance to Berkhamsted town centre and with no parking restrictions evident on Dellfield Avenue. It is therefore considered that the proposed development would not have such a detrimental impact on local parking provision to warrant refusal on those grounds.

Other Material Planning Considerations

Habitats Regulations Assessment – Chilterns Beechwoods SAC

9.14 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.

Response to Neighbour Comments

9.15 An objection has been received from 18A Dellfield Avenue with concerns relating to light, overshadowing, visual intrusion, and overlooking/loss of privacy. The main concerns are the impact on the hallway and bathroom windows. As outlined above, these rooms are not considered to be 'habitable' rooms, therefore whilst there will likely be an impact on light provision to these windows it is not considered that the impact would result in significant harm to the living conditions of the occupants of 18A. It is understood that habitable rooms within no. 18A, i.e. the kitchen, lounge/dining room and bedrooms, have windows on the front or rear of the property, which would not be affected by the proposed development.

Community Infrastructure Levy (CIL)

9.16 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 this application is not CIL Liable.

10. CONCLUSION

10.1 The proposed development through design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan, Policies CS4, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**

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 window at first floor level in the 'side elevation proposed' shown on drawing no. 646-A1-603 rev B of the development hereby approved shall be non-opening, permanently fitted with obscured glass and retained as such in perpetuity.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (December 2023).

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

Location Plan; 646-002; 646-A1-603 rev B; 646-A1-602 rev C

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
Parish/Town Council	<p>Objection</p> <p>The proposed full-depth rear dormer will appear as a two-storey building storey if approved as it is only 8 feet away from the adjacent neighbour.</p> <p>The scale, height mass and bulk of the proposal will result in a significant loss of amenity to the neighbouring property.</p> <p>This is an overdevelopment of the existing property to the detriment of the adjacent neighbour.</p> <p>CS12</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

Neighbour Responses

Address	Comments
18A Dellfield Avenue Berkhamsted Hertfordshire HP4 1DX	<p>I wish to object to the application for planning permission relating to the proposed loft conversion for 16 Dellfield Avenue - 24/00866/FHA. My objections to the application are because it is contrary to the Dacorum Core Strategy (2013), in particular the Dacorum Spatial Awareness Framework, as follows:</p> <p>POLICY CS11: Quality of Neighbourhood Design Within settlements and neighbourhoods, development should: (a) respect the typical density intended in an area and enhance spaces between buildings and general character;</p> <p>POLICY CS12: Quality of Site Design On each site development should: c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; g) respect adjoining properties in terms of: i. layout; iii. site coverage; iv. scale; v. height; vi. bulk</p> <p>It is also contrary to the Area Based SPG 2004 for Berkhamsted</p>

(specifically area BCA14 which Dellfield Avenue is sited within) which states that housing policy for this area requires that:

- Residential character is maintained
- Low rise characteristic of town should be maintained
- Height should not exceed two storeys
- A minimum gap of 2-5 m should be maintained between properties

- Extensions : should normally be subordinate in terms of scale and height to the parent building

Background

I own and live in 18A Dellfield Avenue and have done so since 2011. 18A is a purpose built first floor flat which has been the case since the property was built in 1939. Its sole access both to its front door, the front door of the downstairs property (18B Dellfield Avenue) and the gardens for both 18A and A8B is at the side of the property, facing the proposed loft conversion of 16 Dellfield Avenue - there is only an 8 foot (2.5m) space between 16 and 18 Dellfield Avenue.

My property is unusual in that there are no other purpose-built flats on Dellfield Avenue other than those in number 18 - all other properties on the street comprise semi-detached residential homes on a steep hill where my property is almost at the top of the road.

My property, 18A, has its main frontage, and only access, on the side of the property (facing south) rather than facing the road. It is accessed by a ground floor front door but is then spread over two further floors, with most of the accommodation on the first floor. It has two large windows on the first floor (one clear glazed first floor hall window which faces south and provides light to the lounge and dining room, and one frosted glazed window which provides the sole light to the first floor bathroom) - both of these windows directly face and overlook the proposed loft conversion of 16 Dellfield Avenue. The ground floor property (18b), also has its main access on the side of the property, and has a clear glazed bedroom window which directly faces the proposed loft conversion and proposed new side window of 16 Dellfield Avenue.

The existing flat roofed double height extension on number 16 (which due to the gradient of Dellfield Avenue shows as a single storey extension when observed from 18A and 18B Dellfield Avenue) is built right up against the shared boundary between the two properties - it was built prior to 2011 when I purchased 18a Dellfield Avenue. The existing flat roof extension and the hip roof of the original house sloping down to the flat roof extension means that the impact of the existing extension is currently limited to a one storey wall, and so this still enables significant space and light to the side access/the interior and the garden of my property.

Detailed Grounds for objection

The proposed hip to gable roofline extension of number 16 will have a very considerable negative impact on light, overshadowing, visual intrusion, and overlooking/loss of privacy on my property, all of which are contrary to the Dacorum Spatial Awareness Framework within the

Dacorum Core Strategy (2013), in particular POLICY CS11: Quality of Neighbourhood Design and POLICY CS12: Quality of Site Design. It is also contrary to the Area Based SPG 2004 for Berkhamsted (specifically area BCA14).

This is because if the planning application were granted and the work undertaken, the final building would be the equivalent of a 2 storey extension, with a significantly altered roofline and additional windows, right on the boundary of my property. The property was originally a 3 bedroom semi-detached house with one bathroom - the proposal would result in a 5 bedroom house with 3 bathrooms, a study, and a dressing room - given the negative impacts on my property as described in this objection, this seems to be an over development of the current site of number 16.

Rather than enhancing the space between our two buildings there would be:

- excessive visual intrusion due to the scale, height and bulk of the development (as stated above there is only 8 feet (2.5 metres) between the property boundary of number 16 and my property);
- it will significantly block light through my two first floor south facing large windows and cause permanent shadowing to the interior of my property;
- it will cause significant loss of privacy due to the proposed positioning of the window onto the accessway to my property and garden;
- it will cause significant loss of privacy due to the proposed position of windows in the new dormer, including the proposed new dressing room window at end of the dormer, directly overlooking my garden, resulting in overlooking/loss of privacy
- it will cause complete loss sunlight from Western aspect to my garden from 5pm onwards each day (currently I have full sunlight from the West in my garden from 5pm until sunset at around 8pm during the summer. I am a very keen gardener - I installed a specific flower bed 11 years ago to take advantage of this westerly sunshine, and I currently very much enjoy sitting in the late afternoon sunshine in my garden when I get home from work in the afternoon - I would lose this light and therefore enjoyment of my garden).

The planning application consequently shows no respect whatsoever to any of the detrimental impacts to me in 18a Dellfield Avenue or those living at 18b Dellfield Avenue.

There is no precedent on Dellfield Avenue or surrounding roads for two storey hip to gable extensions right up to the boundary of properties. If approved the proposal would lead to overdevelopment of this plot, where the original dwelling has already been significantly extended. The resulting mass and scale of the property at 16 would have negative impacts on the residential amenity of my property and would be out of keeping with the scale of the original building at number 16 and, because of this, would also be out of keeping with the character of this residential neighbourhood.

I presume that to build the loft conversion, the builders will need to place scaffolding on my property as there is no land at the side of 16 to place the scaffolding on (due to the existing extension of number 16

being built up to the boundary with number 18) and so would need my agreement to do this - no request has been made to me to give this permission, and I am not minded to give permission given this is my main access area to my house and garden, and also that of 18b, and so would have significant impact on my use of this space over an extended period of time.

I am very concerned that the significant scale, height and mass of the proposed loft conversion in such close proximity to my property (only 8 feet/2.5 metres away), causing visual intrusion, loss of sunlight and daylight, and loss of privacy will have a significantly detrimental impact both my quality of living and therefore residential amenity within my property and its garden, and also on its eventual resale value. For all the reasons outlined above I therefore object to this planning application.

I have a number of photo's which I would like to submit which demonstrate current views of number 16 from the interior and garden of my house, and a second set of photos which demonstrate, through super-imposing the proposed gable end, new roofline, dormer and additional windows, the significant negative impact that this proposal would have due to visual intrusion, loss of sunlight and daylight, loss of privacy. This portal does not seem to support the provision of this important visual evidence to support the objection - I would be grateful for guidance on how to provide this additional evidence.