

**4/03492/15/FHA - REAR EXTENSION AND ROOF RIDGE RAISED TO CREATE LOFT  
CONVERSION.  
13 FIELDWAY, BERKHAMSTED, HP4 2NX.  
APPLICANT: Mr & Mrs MORRIS.**

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[Case Officer - Rachel Marber]

### **Summary**

The proposed single storey rear extension and raised ridge height to accommodate for a loft conversion through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendixes 3, 5 and 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

### **Site Description**

The application site is located to the west side of Fieldway, Berkhamsted. The site comprises of a detached bungalow which is externally finished in red brickwork with an interlocking concrete tiled hipped roof, and a projecting front gable feature. To the front of the property there is a driveway formed of hardstanding which leads to a single garage; parking provision would be sufficient to accommodate two domestic cars.

The property is part of a wider group of four similarly designed properties. Although these four properties are a clear group of similar size, architectural design and material, they differ in regards to height, build line and roof form. The wider road of Fieldway features detached dwellinghouses of various sizes, architectural styles and heights.

### **Proposal**

The application seeks permission for the demolition of the existing conservatory and construction of a single storey rear extension and loft conversion with a ridge height increase. The proposed alterations would result in the creation of an additional bedroom and en-suite at first floor level and an enlarged kitchen and dining room at ground floor. The proposed plans have been amended from the original submission, and are assessed below.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

### **Relevant History**

4/03906/15/TPO WORKS TO OAK TREE - TRIM BRANCHES  
Withdrawn  
26/01/2016

### **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Policy 13 - Planning Conditions and Planning Obligations  
Appendix 3 - Gardens and Amenity Space  
Appendix 5 – Parking Provision  
Appendix 7 - Small-scale House Extensions

**Summary of Representations**

**Comments received from consultees:**

Berkhamsted Town Council

**Objection**

*"The roof height proposed is out of keeping with adjacent properties. This would impact on the neighbours and result in loss of amenity space. The streetscape would be adversely affected contrary to CS 11, CS 12 and CS 29. The garden to the development would be less than 11.5 metres contrary to Policy 11 of the Local Plan."*

Trees and Woodlands

*"There are no trees or significant landscape features in the rear garden. The mature oak tree in the front garden will not be seriously affected by this development. However, I recommend that the grass area around the oak tree that is part of the Root Protection Area (RPA) of this tree, is protected by fencing to avoid storage of building materials and compaction."*

**Comments received from local residents:**

19 Hall Park Gate

**Objection**

*"I wish to object to the proposed development (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.*

- 1. The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my bedroom windows, kitchen and two reception rooms causing a major and substantial loss of privacy. The upstairs windows would be approximately 20m from my lounge window and a shorter distance to my existing private patio area which would become overlooked. See attached photos from my lounge rear patio window with the proposed development superimposed.*
- 2. The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*

3. *The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds over 3 metres in height to the downhill end of the bungalow and hence is entirely out of scale with its surroundings. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.*

4. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*

5. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of 2 rows of Velux roof windows on such a large roof space is both unattractive and not in character with its surroundings.*

6. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy.*

7. *Restrictive covenants are in place to prevent developments of this type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce them."*

**(15/11/15)**

19 Hall Park Gate

## **Objection**

*"I wish to object to the proposed amended development plans (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.*

1. *The planning illustrations submitted do not accurately reflect the impact to the existing neighbourhood. This may be an attempt to falsely understate the true adverse visual impact it will create. As an example the document labelled Elevation Plans 2/17/2016 shows a North Side elevation with illustrations of the existing and proposed property with a scale on the left hand side, however the proposed illustration appears to have been sunk into the ground. This can clearly be seen by looking at the height of the existing and remaining full length window together with the roof at the front of the building. Hence the real and actual increase in height of the property is not show correctly.*

*The drawings showing the Iso Street Scene and Iso Rear View appear to have the top of the proposed building omitted which therefore gives a false impression of the true relative proposed building height and impact to existing street scene and rear view. In addition 11 and 13 Fieldway are situated closer together than the Iso rear view diagram shows.*

2. *The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my bedroom windows, kitchen and two reception rooms causing a major and substantial loss of privacy. The new proposed upstairs windows would be very close to the boundary rear fence and would be approximately 20m from my lounge window and a shorter distance to my existing private patio*

area which would become overlooked. See attached photos from my lounge rear patio window with the proposed development superimposed.

3. *The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*
4. *The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds almost 2 metres in height to the main roof ridge of the property and hence is entirely out of scale with its surroundings. It will tower almost 3 metres over the closely adjacent number 15 next door. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.*
5. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*
6. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of Velux roof windows and timber cladding on the front is both unattractive and not in character with its surroundings.*
7. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy.*
8. *When the land was sold for the original construction of this bungalow, restrictive covenants were put in place and written into the title deeds to prevent developments of this type thereby preventing the proposed adverse effect on the residential amenity of neighbours and streetscape. Similarly the original planning permission was granted on this basis. The new occupiers would have been aware of this when they purchased the bungalow yet have still chosen to apply for planning permission to convert the property from a bungalow to a 2 storey house. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenant would be breached if this development proceeded and the beneficiaries would take action to enforce them."*

**(28/02/16)**

15 Fieldway

### **Objection**

*"I live at 15 Fieldway, next door to the above property and wish to lodge my objections for the above proposed works for the following reasons.*

*The loss of light to my property is a major factor and will overshadow my property as the elevation facing my property will be altered from the current hipped roof to a raised gable ended tiled elevation which will block light and overshadow my property and garden, including the conservatory, which I use a lot because of the natural sunlight it lets in. Also because of the vast difference in levels between my bungalow and 13, number 13 being a lot higher, the raising of the ridge will be overpowering to my property. We purchased the property from new in 1987, the scheme of numbers 11, 13 and 15 Fieldway was designed as 3 bungalows, as are*

*all properties on that side of Fieldway. With the proposed works this will turn the property into a 2 storey property which is out of keeping with that side of Fieldway.*

*My privacy will be lost to my rear garden due to the kitchen rear extension extending out into the rear garden. This will in turn push the patio area out into the rear garden of 13 and because of the vast difference in levels my neighbours will be able to overlook into my rear garden losing my privacy*

*Design of the proposed works. Currently the elevation facing my property is a hipped roof which as it is overshadows my property. By raising the ridge height and turning the elevation to a tile hung gable end will block my light. The dimension between my bungalow and number 13 is 2380mm, the distance shown on the elevations are not to scale and looks greater. Again because of the close vicinity of the proposed works this will add to the blocking of light and overshadowing my property.*

*Materials to the elevations include tile hanging and cedar cladding and face brickwork to the rear extension. The cedar cladding to the front elevation and tile hanging to the side is out of keeping as the bungalows either side, 11 and 15, which are totally face brickwork and part of the original planning which materials were approved by planners.*

*I trust you will take my reasons for my objections into account and appreciate if you would acknowledge receipt of my letter."*

**(16/11/15)**

15 Fieldway

### **Objection**

*"I wish to object to the proposed amended development plans (4/03492/15/FHA) for the following reasons.*

- 1. Slab level to the existing conservatory, which has now been demolished, had 2 steps down of approximately 600mm, and could not be seen from my property. The proposed single storey extension floor level will be the same as the existing bungalow and will be built right up to the north side elevation which will overlook my property and will block light/sunlight to both my bungalow and conservatory.*
- 2. The raising of the roof and the addition of tile hanging to the north side elevation will overpower my property and block light/sunlight.*
- 3. There will be a patio area outside the bi-fold doors to the kitchen/lounge. It is difficult to establish the level and extent of the patio, but would be overlooked because of the extensive difference in levels between both properties.*
- 4. Steps are indicated on drawing 1524017v1 023. It is not clear where these steps go to. Drawing 1524017v1 030 indicates something adjacent to the bedroom window to the right of the extension. It is not clear what this is.*
- 5. All properties on this side of Fieldway have been constructed as single storey bungalows. The proposed application will turn this property into the only two storey dwelling on this side of Fieldway which is out of character and could set a precedence for others to follow. Also the proposed elevation materials are not in keeping with neighbouring bungalows."*

**(09/03/16)**

17 Hall Park Gate

**Objection** (summarised)

1. *Covenant on land which prevents development/alteration. Bungalow will change into a house through raise in ridge height which would be totally out of character in the area.*
2. *Loss of privacy to number 17 and 19 Hall Park Gate.*

**(17/11/15)**

17 Hall Park Gate

**Objection**

*"I object to the proposed amended development plans (ref: 4/03492/15/GHA) to add an additional storey to 13 Fieldway, Berkhamsted.*

1. *I have a covenant in place which is written into the title deeds of 13 Fieldway stating no building or structure shall be erected on the land hereby transferred other than bungalows and garages. By adding an additional floor to the property my outlook and privacy would be severely impacted and this covenant would be breached. If necessary, I intend to take action to enforce the covenant.*
2. *The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.*
3. *The planning illustrations submitted do not accurately reflect the impact to the existing neighbourhood. This may be an attempt to falsely understate the true adverse visual impact it will create. As an example the document labelled Elevation Plans 2/17/2016 shows a North Side elevation with illustrations of the existing and proposed property with a scale on the left hand side, however the proposed illustration appears to have been sunk into the ground. This can clearly be seen by looking at the height of the existing and remaining full length window together with the roof at the front of the building. Hence the real and actual increase in height of the property is not shown correctly.*

*The drawings showing the ISO Street Scene and Iso Rear View appear to have the top of the proposed building omitted which therefore gives a false impression of the true relative proposed building height and impact to existing street scene and rear view. In addition 11 and 13 Fieldway are situated closer together than the Iso rear view diagram shows.*

4. *The proposed modification would have an adverse effect on the residential amenity of neighbours. The modifications would mean the property would both overshadow and overlook my property and garden. The proposed upstairs windows would look directly into my house and garden causing a major and substantial loss of privacy.*
5. *The property would become overdeveloped for the site as it involves loss of some garden land and loss of the open aspect of the neighbourhood.*
6. *The proposed development is out of character in terms of its appearance compared with the existing properties in its vicinity. The existing dwellings on the same side of Fieldway are bungalows and are dug into the hillside to minimise impact. The existing low roofline profile*

*of this and adjacent properties is parallel with the profile of the hill. In contrast, this proposed development adds almost 2 metres in height to the main roof ridge of the property and hence is entirely out of scale with its surroundings. It will tower almost 3 metres over the closely adjacent number 15 next door. As a result visual impact of the proposed development is unpleasant, over-bearing, out of scale and not in character with the neighbourhood.*

7. *The loss of sunlight, light and view would have an adverse impact on the residential amenity of mine and neighbouring properties.*

8. *The proposed design is ugly especially when viewed from the properties on Hall Park Gate including my own. The proposed use of Velux roof windows and timber cladding on the front is both unattractive and not in character with its surroundings.*

9. *The proposed modifications would contravene CS11 and CS 12 of the Dacorum's Local Planning Framework Core Strategy."*

**(Received 05/03/16)**

21 Hall Park Gate

### **Objection**

*"I refer to the above application and have set out below my observations. I wish to object to the planning application.*

*Due to the steep incline of Fieldway, properties 11, 13 and 15 were built as low profile buildings to keep the impact to neighbouring properties to a minimum. There are restrictive covenants in place to prevent developments of the proposed type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce a design.*

*In the event this application were successful it sets a precedent for a neighbouring property to take a similar design approach. This would impact my property as follows:*

- *Raising the roof line by 1.8 m does not constitute a low profile building;*
- *Windows of a similar design would look in to my garden reducing privacy. The planting of trees could reduce impact but reduce sunlight;*

*General observation:*

- *The proposed plan will be over-bearing to a number of properties and a visual intrusion to the street scene. CS 11, CS 12 and CS 29.*
- *Loss of privacy and sunlight to 15 Fieldway;*
- *The DBC space separation standards of 23m between back walls of properties would appear to be contravened. Policy 11 of the Local Plan;*
- *Timber cladding out of keeping;*
- *An assessment of the impact on the oak tree does not appear to have been included;"*

**(18/11/18)**

21 Hall Park Gate

## Objection

*"I refer to the above application and have set out below my observations. I wish to object to the planning application.*

*Due to the steep incline of Fieldway, properties 11, 13 and 15 were built as low profiles buildings to keep the impact to neighbouring properties to a minimum. There are restrictive covenants in place to prevent developments of the proposed type. Whilst I understand that the existence of restrictive covenants may not be considered as material planning considerations, it should be noted that more than one restrictive covenants would be breached if this development proceeded and the beneficiaries would take action to enforce a design.*

*In the event this application were successful it sets a precedent for a neighbouring property to take a similar design approach. This would impact my property as follows:*

*Raising the roof line by 1.8 m does not constitute a low profile building;  
Windows of a similar design would look in to my garden reducing privacy. The planting of trees could reduce impact but reduce sunlight;*

*General observation:*

*The proposed plan will be over-bearing to a number of properties and a visual intrusion to the street scene. CS 11, CS 12 and CS 29.  
Loss of privacy and sunlight to 15 Fieldway;  
The DBC space separation standards of 23m between back walls of properties would appear to be contravened. Policy 11 of the Local Plan;  
Timber cladding out of keeping;*

*An assessment of the impact on the oak tree does not appear to have been included;"*  
**(02/02/16)**

11 Fieldway

*"We wish to raise the following comments detailing our concerns in relation to the proposed development of 13 Fieldway (ref: 4/03492/15/FHA)*

- 1. The privacy of our garden, patio area and conservatory at the rear would be compromised. Our garden is small and it would be difficult to find a spot that is not overlooked.*
- 2. Both our conservatory and garden would be overshadowed affecting daylight at the rear of our property. Due to the hill, our garden already has a high bank to the opposite side, the increase in height and mass outlined in the proposed plans would create a feeling of being hemmed in.*
- 3. The proposed increase in height and surface area of the roof at the rear would be overbearing and dominant in relation to neighbouring properties. Furthermore, the open space between and around neighbouring properties is already minimal.*
- 4. The proposed roof height would be out of keeping with neighbouring properties, the current roof line of bungalows on this side of Fieldway, is staggered downhill to mirror the natural slope of the hill and to also minimise visual impact.*
- 5. The proposed plans would be out of keeping with other bungalows in Fieldway, none at present have loft/roof conversions."*

**(18/11/15)**

11 Fieldway

## Objection

*“Although the plans for the proposed development of 13 Fieldway (ref: 4/03492/15/FHA) have been revised, our concerns remain unchanged, namely:*

- 1. The privacy of our garden, patio area and conservatory at the rear would be compromised. Our garden is small and it would be difficult to find a spot that is not overlooked.*
- 2. Both our conservatory and garden would be overshadowed affecting daylight at the rear of our property. Due to the hill, our garden already has a high bank to the opposite side, the increase in height and mass outlined in the proposed plans would create a feeling of being hemmed in.*
- 3. The proposed increase in height and surface area of the roof at the rear would be overbearing and dominant in relation to neighbouring properties. Furthermore, the open space between and around neighbouring properties is already minimal.*
- 4. The proposed roof height would be out of keeping with neighbouring properties, the current roof line of bungalows on this side of Fieldway, is staggered downhill to mirror the natural slope of the hill and to also minimise visual impact.*
- 5. The proposed plans would be out of keeping with other bungalows in Fieldway, none at present have loft/roof conversions.”*  
**(09/03/16)**

23 Park Hill Gate

### **Objection**

*“I object to the proposed development to add an additional storey and extend the footprint at 13 Fieldway.*

- 1. The dwellings built in the gardens of Hall Park Gate, fronting onto Fieldway, were specifically restricted to bungalows dug into the hillside with low rooflines to minimise the impact on the amenity of neighbours. There are restrictive covenants in place - it would be of serious concern if these were disregarded in planning decisions.*
- 2. Fieldway has a substantial slope so that there is a significant drop at the boundary between each of the properties. The proposed roofline would exacerbate this and will also protrude above the rooflines of the adjacent bungalows, adversely affecting the streetscape and dominating neighbouring properties.*
- 3. The proposed plans are overbearing. Neighbouring properties on all sides will be adversely affected by the increased height and footprint of the proposed plans. I support the objections already made by neighbours. They will be overlooked and suffer intrusion on their privacy.*
- 4. Extending the footprint reduces the garden to less than 11.5 metres and contravenes the Local Plan. The significant reduction in garden size would be out of keeping with the gardens of properties in the area.*
- 5. Design features such as the timber cladding and inclusion of rows of velux windows are at odds with surrounding properties and would have a negative impact on the character of the neighbourhood.”*  
**(22/11/15/)**

## 23 Hall Park Gate

### **Objection**

*"I wish to continue my objection to the proposal to add an additional storey to 13 Fieldway, Berkhamsted following the publication of the amended development plans (ref: 4/03492/15/FHA)*

*The Amended plans illustrate the detrimental effect that the proposed extension will have on the neighbouring houses and on the street scene in Fieldway.*

*The Plans and Drawings showing the elevation looking South illustrate how overbearing it would be in terms of height and mass with the adjoining properties. Number 15 Fieldway (on the north side of No 13) will be particularly adversely affected by way it will dominate their property, with an immense shadow cast for the majority of the day and a severe loss of amenity. Other neighbours will suffer from loss of privacy as the new windows in the raised section will overlook properties to both the front and the back.*

*The proposed design including use of Velux roof windows and timber cladding on the front is totally out of character with the surrounding houses in Fieldway.*

*The proposed plan fails to comply with guidance in the Local Plan as identified by other objectors, especially in terms of garden space and is out of character with existing development. It would be an overdevelopment of the site and will have a negative impact on the privacy and amenity of neighbour due to excessive bulk, height and mass and the overshadowing of neighbouring property."*

**(Received 07/03/16)**

### **Key Considerations:**

#### Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

#### Effect on Appearance of the Existing Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of brickwork walls with tile hang and timber cladding, an interlocking concrete tiled hipped roof and redwood colour UPVC windows and doors. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

The proposed single storey rear extension would have an approximate depth of 3.5 metres, width of 9 metres and height (to ridge) of 3.6 metres. This would result in a total proposed additional floor space of 31.5m<sup>2</sup>. Subsequently the proposed is considered of a size that would not require planning consent, complying with Class A of the General Permitted Development Order (2015).

Furthermore, no aspect of the proposed rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

The proposed loft conversion would result in a maximum 1.7 metre (approximately) ridge height increase. Although this is a significant height increase, the proposed hipped roof form and subsequent pitch would distribute this additional volume. Further to this the properties within the street scene are staggered in regards to both height and typography level. As a result this increase in ridge height would not appear out of character with the varied street scene. Further to this number 11 Fieldway is a two storey dwelling house and therefore the conversion of the proposed into a two storey property would not appear alien within the group of dwellings.

The two proposed front velux roof lights and one rear velux roof light would not require planning consent under Class C of the General Permitted Development Order (2015).

Furthermore, the objections received in regards to the proposed materials of the dwellinghouse cannot constitute a reason for refusal, due to the varied character of the street scene and the nature of limited planning control over such a material change; exterior cladding and type of material can be changed without planning consent under Class A of the General Permitted Development Order.

Overall, it is considered that the single storey rear extension and increase in ridge height would not severely detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

#### Effect on Amenity of Neighbours

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 (1991) 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 visual intrusion, loss of light and privacy.

The single storey rear extension would extend beyond the rear of the neighbouring property 15 Fieldway, however due to the limited depth of the rear extension and the Permitted Development fall-back position, which would allow a slightly deeper (4 metre) single storey extension, grounds for refusal on this aspect could not be sustained.

The proposed increase in ridge height would not result in loss of daylight or outlook to the neighbouring property No. 15 Fieldway (to the north east of the application site) as the flank

elevation features only secondary side windows; further to this the resultant loss of light to the rear garden and rooms as a result of the increase in ridge height would be mitigated further by the pitch of the hipped roof.

A 5.8 metres deep garden would be preserved as a result of the proposed rear extension. Although this would fall short of the 11.5 metres guideline outlined in the saved Local Plan, the permitted development fall-back position of a rear extension and the existing conservatory (which was of identical depth) need to be taken into account and for these reasons grounds for refusal on garden depth could not be sustained.

No invasion of privacy would occur as a result of the rear extension and loft conversion due to no windows proposed on the side elevations. In addition, the proposed loft conversion would not result in a loss of privacy due to a 23 metre separation distance from the property opposite (19 Hall Park Gate) being maintained therefore adhering to the 23 metres rear to rear separation distance outlined in saved appendix 3 and 7 of the Local Plan (1991).

Concerns have been raised in regards to loss of privacy to the rear patio of number 15 Fieldway. Although, there is currently a degree of existing overlooking a condition has been attached to this grant permission for 1.8 metre high boundary treatment to run along this boundary. This fence height should ensure that the privacy of neighbouring residents is restored.

Many objections received have also made reference to covenants attached to the land which prevent a first floor extension. It is important to note that covenants are not a planning material consideration.

Thus, the proposal would not significantly further impact upon the residential amenity and privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendixes 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Impact on Protected Trees

Saved policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

DBC Tress and Woodlands were consulted on the proposal due to the Protected Tree within the front curtilage of the application site. Subsequent to their consultation response a Tree Protection Condition has been attached to the grant permission.

#### Impact on Car Parking Provision

The Council's parking guidelines within saved appendix 5 of the Local Plan (1991) requires a maximum of 2.25 off street parking spaces for three bed dwellings within Residential Zones 3-4. The provision of 2 spaces accord with this maximum guideline and is considered acceptable for a unit of this size. Subsequently, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development; in accordance with policy CS12 of the Core Strategy (2013).

- 3 **In this condition the mature TPO Oak tree in the front garden of the application site shall be retained in accordance with the approved plans and particulars; and paragraphs (a) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.**

**(a) The erection of fencing for the protection of the retained tree and surrounding grass area shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

Reason: To ensure the vitality of the protected tree and to safeguard the visual character of the immediate area; in accordance with policies 99, 100, 101 of the Dacorum Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

- 4 **Prior to the construction of any decking / patio area/sitting area to the rear of the extension hereby approved full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials for the proposed sitting out area;**
- **proposed finished levels or contours;**
- **a plan indicating the positions, design, materials and type of boundary treatment to be erected.**

**The approved works shall be completed before the construction of the extensions hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 of the Core Strategy (2013).

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

002  
006  
023  
030  
032  
033  
034  
035  
031

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

Article 35 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.