

**ITEM NUMBER: 5e**

<b>24/01360/FHA</b>	<b>Proposed part two-storey rear extension; loft conversion; new front porch; new windows and doors and extended terrace.</b>	
<b>Site Address:</b>	<b>Angle Place Cottage, Montague Road, Berkhamsted, Hertfordshire, HP4 3DZ</b>	
<b>Applicant/Agent:</b>	<b>Mr &amp; Mrs Rick and Vicky Bodhani</b>	<b>Mr Haakon Gittins</b>
<b>Case Officer:</b>	<b>Harry Coleman</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted East</b>
<b>Referral to Committee:</b>	<p><b>Berkhamsted Town Council voiced objections to the scheme on the basis that it results in over development and harm to residential amenity – particularly overlooking and privacy.</b></p> <p><b>The view of the Town Council was contrary to the recommendation of the case officer.</b></p>	

**1. RECOMMENDATION**

That planning permission be **GRANTED**.

**2. SUMMARY**

2.1 The positioning, scale, mass, bulk and design of the proposed elements would not result in development which harms the character and appearance of the site and street scene, nor would there be a significant impact to the setting of the adjacent heritage asset – the Berkhamsted Conservation Area.

2.2 The proposed terrace balcony would not detrimentally impact the privacy amenity of adjoining neighbours or development to the rear. Sufficient overlooking mitigation (1.80 metre screening) techniques have been employed and will be conditioned to minimise any potential impacts.

2.3 The height of the patio has been appropriately reduced, and moved away from the boundary with the easterly neighbour – Westgate, following neighbour concerns. Privacy amenity from this elements has been retained.

**3. SITE DESCRIPTION**

3.1 The application site comprises a two-storey detached dwellinghouse positioned on a generous plot with parking provision to the front and a moderate garden to the side and rear. The site is situated within an area characterised by residential development and is located on land which sits adjacent to the Berkhamsted Conservation Area, but is not a part of it.

**4. PROPOSAL**

4.1 Planning permission is sought for several key elements, those include; a single storey front extension and new porch with two storey dual pitched roof; fenestration alterations to the front façade; a part two and part single storey rear extension; a new terrace on the roof of the single

storey rear extension; a loft conversion including two dormers and a roof light; an extended and raised terrace outside the rear ground floor doors, and; the widening of the existing driveway.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

22/00017/TPO - Tree works  
*GRANTED - 7th February 2022*

4/00014/04/FHA - Two storey side extension and loft conversion  
*GRANTED - 13th February 2004*

4/01019/01/FHA - Single storey side extension, conservatory, chimney and two rear dormers  
*GRANTED - 2nd August 2001*

4/01715/91/FHA - Single storey side & rear extensions  
*GRANTED - 24th February 1992*

Appeals (If Any):

## **6. CONSTRAINTS**

BCA Townscape Group

CIL Zone: CIL1

Conservation Area: BERKHAMSTED

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

Tree Preservation Order: 471, Details of Trees: T1 False Acacia

## **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 1999-2011 (adopted April 2004)

Relevant Policies:

### **Core Strategy**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

### **Local Plan**

Policy 120 – Development in Conservation Areas  
APPENDIX 3 – Layout and Design of Residential Areas  
APPENDIX 7 – Small Scale House Extensions

### **Supplementary Planning Documents/Guidance**

Area Based Policies - Residential Character Area – BCA12: Shootersway  
BRE - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)

## **9. CONSIDERATIONS**

### **9.1 Main Issues**

9.1.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on character and appearance of the area;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### **9.2 Principle of Development**

9.2.1 The application site is located within the town of Berkhamsted, wherein in accordance with Policy CS4 of the Core Strategy (2013), the principle of residential development is appropriate and therefore acceptable subject to compliance with the relevant national and local policies.

### **9.3 Quality of Design and Impact on Character and Appearance of Area**

9.3.1 Saved Appendix 7 of the Dacorum Local Plan (2004); Policies CS11, CS12 of the Core Strategy (2013); and the NPPF (2023), all seek to ensure that any new development/alteration

respects or improves the character of the site and surrounding area in terms of scale, massing, materials, layout, bulk and height.

9.3.2 Policy CS27 of the Dacorum Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. In particular, it states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

9.3.3 Policy 120 of the Local Plan (2004) sets out the requirements for development within conservation areas and also development outside of conservation areas which affect its character and setting. The proposal must therefore ensure that traditional materials and design details are utilised to compliment the established character of the area, as well as being of a scale and proportion which is sympathetic to the existing scale, form and height of the original dwelling.

9.3.4 This planning application seeks permission for several key elements to the front, rear and side elevations of the dwelling; an analysis of these components and their impacts, if any, on the character and appearance of the dwelling and surrounding area will be provided within this section.

9.3.5 Focusing firstly on the front façade, it is considered that the altered and new fenestration, and the single storey front extension and storm porch with two storey gable end roof form, are appropriate and acceptable with regard to their size, scale, mass, bulk and appearance. The design, size and positioning of the amended fenestration establishes a more symmetrical and uniform appearance and is regarded as an improvement over existing. The front extension and storm porch are not felt to adversely impact the character and appearance of the front façade; the adoption of the gable end and cat slide roof form is felt to harmonise with the character of the existing dwelling and other properties found in the Residential Character Area BCA12: Shootersway. Whilst these components would be marginally visible from the public realm, particularly as you walk along the public footpath forward of the dwelling, it is not considered that there would be adverse impacts to the visual amenity of the public due to the harmonious design and adoption of matching/similar materials as existing. It is important to note that amended plans were requested to omit the front facing roof lights as they were considered too large and visually distracting, particularly as they faced the Berkhamsted Conservation Area. The amended plans maintain the appearance of the front roof scape and there are no longer concerns relating to the impact on the designated heritage asset. Overall, there are no concerns over the impact of development positioned to the front of the dwelling on the character and appearance of the site and surroundings.

9.3.6 The works to the rear include: a single storey extension; a new terrace on the flat roof of the proposed single storey rear extension; a first floor dormer extension; a loft conversion including two dormers and a roof light, and; an extended and raised patio to the rear. The single storey rear extension is considered appropriate and acceptable by virtue of its size, scale, mass, bulk and appearance when compared to that of the existing dwelling. Additionally, the adopted external material, namely timber cladding, is not felt to detract from the character of the rear façade. Moreover, the altered and new fenestration at ground and first floor level are considered appropriate in their scale, size, positioning, and material. Crucially, while the ground floor fenestration is larger than that of the existing, it would not be visible from the public realm and would therefore have limited impact on the character of the site. The proposed first floor terrace over the single storey rear extension is concluded as not having adverse impacts on the character and appearance of the application dwelling due to its relatively-small size and scale and subsequent minimal visibility. The first floor gable end dormer extension is considered to respect the character of the existing front and rear dormer through the adoption of a steep dual-pitched roof form and additional architectural

detailing – timber panelling. Additionally, the window on this dormer respects the adjacent window in terms of size, scale, and positioning, and is therefore a suitable addition.

9.3.7 The loft conversion, including the two box dormers and a roof light, is considered appropriate in this instance. It is noted that the dormers appear relatively large in terms of height and width, however, it is acknowledged that they are set in from the ridge, eaves and edge and can therefore be considered subordinate additions despite their large overall size. Additionally, it is felt that the dormers are appropriate given the size of the existing roof space and they would not appear unduly prominent due to the matching tile-hung finish which ensures that they appear similar to the main roof scape. Moreover, the fenestration adopted on the dormers is small, respects the existing first floor fenestration, and does not overly dominate the rear elevation of the dormers. The dormers will support the installation of photovoltaics on their roof, which protrude marginally higher – 0.07 meters, than the main ridge. Despite the height exceeding the ridge, the impact on character is felt to be nil due to being non-visible and the benefit of sustainable design and carbon emission reductions are considered to outweigh the very minimal increase in height above the ridge. The rear facing roof light is minor in scale and therefore acceptable in this case. Overall, there are no concerns over the impact of development to the rear on the character and appearance of the site and adjacent neighbours.

9.3.8 It is important to note that there are alterations and amendments to the existing ground floor fenestration on both side-facing elevations. On the south-west elevation, the two existing windows are to have their cills lowered which would not drastically harm the appearance of this façade. Similarly, the repositioning of the north-east facing side door is appropriate and acceptable and can be done through the exercise of Class A Permitted Development rights.

9.3.9 The proposed materials have been considered and their impact on the setting of the adjacent conservation area assessed. From this, the case officer affirms that there would be no detrimental impact to the adjacent heritage asset and the materials, overall, are concluded as respecting the existing dwelling whilst also improving the overall aesthetic. Architectural design themes and details seen on the existing dwelling have been adopted on the proposed elements which further ensures limited harm to the character and appearance of the site despite the changes and upgrades. It is also crucial to note that no identified harm to the character and setting of the Conservation Area has been identified within the case officer's assessment.

9.3.10 During the site visit and subsequent analysis of the submitted plans, it was found that the rear and side facing elements proposed as part of this application would not be readily visible from the public realm and would therefore have no impact on the visual amenity of the public. Despite this, even if the applied for works were visible it is felt that the adoption of sensitive design and matching/similar materials ensures that the development would respect and harmonise with the existing character of the site and not detract from its appearance.

9.3.11 As such, the application is considered to adhere to Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013); Saved Policy 120 and Appendix 7 of the Dacorum Borough Local Plan (2004); and the Area Based Policies SPG (2004).

## **9.4 Impact on Residential Amenity**

9.4.1 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004), and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed

should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

#### *Light Loss and Visual Intrusion*

9.4.2 In this instance, there was no requirement for the applicant to submit a 45 or 25 Degree Line Test as supporting evidence for this application with regard to the impact of development on light loss and visual intrusion of the adjacent neighbours. There are contextual factors that negate the need for either test. Of relevance is the staggered and informal layout of the site in relation to adjoining dwellings, and their differing orientations and positioning. It is such that the proposed single storey rear extension and first floor dormer extension would not be visually intrusive to the southerly neighbour – Riiskov, because the existing dwelling breaches the 25 Degree Line Test meaning there would be no net increase in visual intrusion harm. On the other hand there is no new development proposed to the east of the dwelling, adjacent to Westgate, which would impact upon their visual amenity.

9.4.3 Moreover, there are no adjacent habitable room windows of either neighbour which would experience a loss of light as a result of the proposed development works. In terms of the single storey rear extension, considering; the staggered and informal build line, the size and scale of the extension, and its siting and positioning away from the neighbours, ensures that there would be no loss of light stemming from its construction. Overall, there are no concerns with regard to light loss and visual intrusion as a result of the proposed works.

#### *Privacy Loss*

9.4.4 Following analysis of all submitted plans and documents, in conjunction with the site visit, it was acknowledged that increased views/overlooking could be established from the introduction of a terrace balcony atop the single storey rear extension and the dormer windows. The impact of these elements, in terms of residential amenity, shall be discussed within the following four paragraphs of this section of the report.

9.4.5 Firstly, it is important to note that amended plans were submitted by the agent for this application following comments received from the initial neighbour consultation relating to overlooking/privacy stemming from the terrace balcony and the case officer's concerns over its general size and scale. The amendment included reducing the depth of the terrace by 1.65 metres to be in line with the eaves of the easterly cat slide extension. From this, it is considered that the existing first floor dormer in combination with the slope of the cat slide roof would act to shield/skew the view of the north-westerly neighbour – Westgate, and its private amenity space from the south-easterly corner of the proposed terrace balcony. Moreover, it is noted that the terrace balcony is positioned centrally and is set in by (approximately) 4.80 metres and 6.80 metres from the boundary with the easterly and westerly neighbour, respectively. Therefore, it can be said that the design of the terrace is such that limited overlooking of immediate garden amenity space of the adjacent neighbours would arise as a result of the separation distance between the terrace and their boundaries. As such, it is considered that there would be no detrimental overlooking of the first, or ground floor habitable rooms at Westgate. This is further emphasised by the fact that even if the first floor windows could be visible, the angle of sight is so oblique that the expected loss of privacy would be considerably less than substantial. Despite the case officer's thorough review and subsequent conclusion drawn above - that any overlooking there would be considerably less than substantial – it is difficult to have absolute certainty that there would be no harm without standing on the terrace and assessing it first-hand. Therefore, it is considered reasonable, necessary and relevant to impose a condition requiring a minimum of 1.8 meters of obscure glazed balustrade/privacy screening (measured from the floor level, which is hidden behind the parapet wall of the ground floor extension) be installed prior to the first use of the balcony and retained thereafter

to mitigate any potential consequences related to the loss of privacy for the neighbouring residents. The case officer has therefore considered the neighbour concerns and the condition is felt to confidently mitigate potential privacy loss.

9.4.6 The positioning and orientation of the site and adjacent dwellings is such that views could be afforded toward their garden amenity spaces from the terrace balcony. However, it is acknowledged that due to the topography of the site and immediate surrounding area, and the informal layout of dwellings, that there is already some level of mutual overlooking of gardens from first floor windows and this is not expected to be drastically different from the existing situation. The potential issues relating to privacy – potential referring to the level of uncertainty without assessing overlooking first hand from a completed terrace - are confirmed to be mitigated by the condition and the appropriate positioning of the terrace balcony centrally. It is also key to note that Riiskov has an existing single storey rear extension which further limits the overlooking potential from the terrace. The case officers analysis of the submitted plans concluded that the impact on privacy would be less than substantial such that refusal is not warranted in this instance.

9.4.7 It is acknowledged that increased views of neighbouring gardens could be afforded from the proposed second floor dormer windows. In order to consider the south-westerly neighbours objection to the dormers, specifically the comment relating to overlooking, it is necessary to analyse the potential impacts on residential amenity. The proposed dormer fenestration is not considered to be overly large in terms of scale and they do not dominate their rear elevations such that detrimental privacy loss would occur. It is recognised that there are other examples of dormer windows seen within the surrounding area which have fenestration similar in size to the proposed, therefore, it is not expected that the impact on privacy would be detrimental.

9.4.8 As part of Westgate's objection response to the neighbour consultation, they outlined that privacy loss would arise from the repositioning of the easterly side elevation door. The repositioning includes changing from a solid timber door to an obscure glazed one, as shown on plan (1064-P06 rB). To maintain the existing privacy that Westgate has, it is necessary, reasonable and relevant to this case to impose a condition requiring the door to be obscure glazed and retained thereafter.

#### *Separation Distance and Garden Space*

9.4.9 The remaining separation distance between the rear elevation of the ground floor extension and the closest residential dwelling to the rear – Lilliput, Doctors Commons Road, would be (approximately) 65 meters which is more than sufficient to conclude that there would be no harmful impact on separation distance or privacy loss as a result of the proposed development. It is also confirmed that the application site consists of a generous plot, and consequently, there would be no adverse impact on the retention of garden space for the application site.

9.4.10 The application is therefore in accordance with Saved Appendix 3 of the Local Plan (2004); Policy CS12 of the Core Strategy (2006-2031), and; the NPPF (2023).

## **9.5 Impact on Highway Safety and Parking**

9.5.1 Policies CS8 and CS12 of the Dacorum Core Strategy seek to ensure that development provides sufficient and safe parking.

9.5.2 In this instance, the proposed development would not have an impact on net parking requirements as no additional bedrooms would be added to the property. Similarly, there would be no alterations to the public highway as a result of the construction works.

9.5.3 It is important to note that the proposed front extension and storm porch do protrude into space currently used for the parking of vehicles. An analysis of the submitted site and floor plans revealed that the existing hedge, adjacent to the front boundary, is to be trimmed back to allow the widening of the driveway. As such, the amendments to the driveway are recognised as providing additional space for vehicles. However, it is of the view of the case officer that even if the driveway was not widened, there is a sufficient area of hardstanding to facilitate the parking of three vehicles - as required for a four bedroom property in accessibility zone three under the Parking Standards SPD (2020). As such, the site is considered to have sufficient off-street parking facilities in association with the demands of the proposed development.

9.5.4 The application is therefore in accordance with Policy CS8 and CS12 of the Core Strategy (2006-2031) and the Parking Standards SPD (2020).

### **Other Material Planning Considerations**

#### **9.7 *Impact on Trees and Landscaping***

9.7.1 Section 6 of the application form states that there are trees or hedges within falling distance of the proposed development. The site plan (1064-P01-rC) shows the position of these trees along, and within, the curtilage boundary. The north-easterly tree is identified as TPO471 – T1: False Acacia whilst the other is not recognised as a protected tree. Following an informal discussion with our internal Trees and Woodlands Officer (DBC), it is concluded that the works to widen the driveway are minimal and do not involve changing the material of the driveway or extensive ground works such that there would be a detrimental impact to the protected tree. Additionally, the works relating to the proposed front extension are not considered to harm or weaken the two identified trees due to the distance from them, subsequently; a Tree Management Plan is not required in this instance.

#### **9.8 Response to Neighbour Comments**

9.8.1 The concerns and objections submitted by the neighbours have been addressed above other than Westgate's comment regarding the extended and raised terrace to the rear and subsequent privacy consequences. The agent submitted an amended proposed block plan and rear elevation plan which lowered the terrace by one step (on the east side) and moved it away from the boundary with Westgate by (approximately) 5.10 meters. Included within this amendment is the repositioning of the east side of the terrace from directly adjacent to the boundary, to be in line with the side elevation of the dwelling (approximately 1.15 meters from the boundary). As such, it is not considered that the level of overlooking demonstrated on Figure 1A submitted by the occupant of Westgate would be achieved. The height of the boundary fence, measured from the closest first step of the terrace, would be (approximately) 1.95 meters – a height which is more than sufficient to protect the privacy amenity of this neighbour.

### **10. CONCLUSION**

10.1 To conclude, it is not considered that this proposal would result in adverse impacts on the character and appearance of the site and street scene, nor would it impact the setting of the adjacent designated heritage asset – the Berkhamsted Conservation Area. The residential amenities of the adjoining neighbours, and residential development to the front and rear, have been considered within this assessment and it is concluded that there would be no detrimental harm to them such that a refusal would be warranted in this instance. Additionally, this report has demonstrated that there is sufficient parking provision to facilitate the development and there would be no changes of access or



alterations to the highway as a result. Overall, the elements proposed under this application are considered appropriate and acceptable in this location and would not cause harm to character, residential amenity or highway safety and car parking.

## 11. RECOMMENDATION

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

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

#### **Site Location Plan**

**Amended Existing and Proposed Roof-Site Plan - 1064-P01 RC**

**Amended Proposed Plans - 1064-P03 RB**

**Amended Existing and Proposed Front Elevation - 1064-P04 RA**

**Amended Existing and Proposed Rear Elevation - 1064-P05 RB**

**Amended Existing and Proposed Side Elevations - 1064-P06 RB**

**Planning Design and Access Statement - 1064-PS01 rev0**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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).

4. **The repositioned door at ground floor level in the east-side elevation of the existing dwelling hereby permitted shall be permanently fitted with obscured glass with a minimum of privacy level three.**

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).

5. **Prior to the first use of the terrace balcony over the new single storey rear extension hereby approved, a minimum of 1.80 metre obscure glazed balustrade shall be permanently installed on the north-east and south-west sides of the terrace balcony and retained thereafter.**

Reason: To accord with the approved plans and in the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Dacorum

**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)	<p>Angle Place Cottage is a modern detached house set back from Montague Road and accessed off an untarmacked lane. The Berkhamsted Conservation Area runs both in front of the house and to the rear, although it is not actually situated within it, the house therefore contributes to its setting. There are no listed or locally listed buildings nearby.</p> <p>The proposal seeks to build a large glazed porch to the front, build a two storey rear extension with a built up terraced area and roof terrace, convert the loft and replace the windows and doors.</p> <p>The front elevation will be transformed by the new porch. This aspect of the proposal is not considered to impact the conservation area. The rooflights are on the front roof slope facing the conservation area boundary, they are large and break up the roof slope and are considered visually distracting, they should be removed. This would not affect the applicant's permitted development rights.</p> <p>To the rear the ground floor extension is in a modern idiom and would not be seen from the wider conservation area. Where there is concern is with the form of the dormers, these are a tile hung box type dormer which are mostly solid wall. Although not visible from the public realm they would be visible from the gardens of the houses on Doctor's Common Road which are part of the conservation area. They are quite bulky and top heavy and the right hand dormer appears to collide with the pitched roof of the first floor extension. It is suggested that they are amended to pitch roof dormers similar to the first floor extension and dormer of the rear cat slide.</p> <p>The neighbour's comments about overlooking are noted and would be a planning issue.</p>

	Recommendation: Amendments required in order to preserve the setting of the conservation area.
Berkhamsted Town Council	<p>RE-CONSULTATION - Objection</p> <p>The committee noted the neighbours' comments regarding overlooking the loss of amenity.</p> <p>There has been no material change to the application.</p> <p>The proposed use of a flat roof as a balcony results in a loss of amenity to the immediate neighbour to the rear and side. CS12, BCA12</p>
Berkhamsted Town Council	<p>ORIGINAL CONSULTATION - Objection</p> <p>The committee noted the strong objection from the immediate neighbour regarding overlooking to the east and loss of amenity.</p> <p>The proposed use of a flat roof as a balcony results in a loss of amenity to the immediate neighbour to the East. CS12, BCA12</p>
BCA Townscape Group	No comment

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	2	0	2	0

### Neighbour Responses

Address	Comments
Westgate Montague Road Berkhamsted Hertfordshire HP4 3DZ	<p>RE-CONSULTATION</p> <p>As the direct neighbour of Angle Place Cottage we wish to register our concerns regarding the proposed development 24/01360/FHA. Our house, Westgate, is the immediate neighbour to the east of Angle Place Cottage, on the downhill side. The application has been revised following earlier comments by neighbours and interested parties. On the whole, we do not object to the bulk of our neighbours' proposals, with regards footprint, massing, dormers etc. However, we understand that we need to restate points we still have concerns with, as our comments relating to the earlier set of plans will no longer be relevant in</p>

their entirety.

We are pleased that two aspects of the proposal have been revised.

(1) The new garden terrace on the east side has been lowered by one step and moved away from our boundary. The original plans reduced the 6 foot fence between our properties to a de facto 3 foot fence (marked X). The new terrace reduces the overlooking, though the blue figure on our plans shows that the privacy afforded by our boundary fence is still considerably reduced.

(2) The glazing in the formerly unglazed east face of Angle Place Cottage. The window in the first draft of the application has been removed, which we appreciate. The current solid utility room door, which is moving closer to our patio, has been replaced with a glazed door. This would cause overlooking of our property and loss of privacy, if clear glazed, but it has now been marked as obscured glass, which we also appreciate. The East side of Angle Place Cottage is an extension built in two stages between 2001 and 2004. The space between the two houses is consequently less than two metres at the closest point (marked W). This is not typical of the area. Dacorum's own Character Appraisal for our area, BCA12: Shootersway, states 'wide spacing (5m to 10m) will normally be required.' When the extension was built the implications on privacy from any glazing in the east face of the extension were strongly recognised by the Dacorum planning department. The application in 2001, 4/01019/01/FHA, for a single storey conservatory, was only granted with the following condition - '3.

*The windows at ground floor level of the eastern elevation.....shall be permanently fitted with obscured glass.*

*Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.*

We therefore would hope that any planning decision stipulates that this glazed utility room door remain permanently obscured, in line with the earlier decision when the extension was originally built.

There is, however, one aspect of the plans that has not materially changed, that we object strongly to, namely a new roof terrace planned atop the proposed extension.

Though it has been reduced slightly in size in the new plans, the alteration has not materially changed any of the privacy issues. Due to the natural fall-off of the land this would still completely overlook our garden, patio area and indeed enable people on the roof terrace to stare straight into our habitable spaces.

The plans submitted in the application do not give a true picture of the overlooking issues. So to illustrate our concerns we have drawn up the plans we have submitted with these comments, superimposed over the application plans, along with a photo to show the full relationship between our house and Angle Place Cottage.

Figure 1 (amended) is a rear elevation showing the fall-off of the land and proposed sight lines. As you can see, our house is lower than Angle Place Cottage. The submitted plan has placed a figure for a sight line demonstration on the uphill side, but not on our side, the downhill side. To help visualise this, the attached plans show two figures to

scale (in red), standing on our patio and on the proposed new roof terrace. It can be seen that the proposed one storey extension has the impact of a much taller structure to someone standing on the downhill side. A figure positioned on our 6ft fence has a completely uninterrupted view of the proposed roof terrace. Worse still, a figure standing on the roof terrace has a direct sight-line over our fence, across our whole garden and into our habitable rooms.

With the land fall-off, as well as the high internal ceiling of the ground floor extension, the proposed one storey has the impact of a one and a half storey building from our perspective and is very destructive of privacy. The adopted Dacorum Core Strategy states as policy CS12 (c) that development should 'avoid visual intrusion,....loss of privacy and disturbance to the surrounding properties'.

Figure 2 (amended) shows a plan of the relationship between the two houses. 'The Planning Statement', that comes with the proposed plan, says that 'the rear extension at ground floor is deliberately less deep than the neighbouring house' (Massing section). This may be true for Riiskov, the house on the uphill side, but the block plan of the site shows how untrue it is for our house. Angle Place Cottage is set well to the rear of Westgate and the proposed extension will set it even further back relative to us. As a result, a roof terrace would, given the slope of the east roof of Angle Place, be able to look directly over the entirety of our garden and directly into our rear windows on both floors. To demonstrate just how imposing it will be from our patio and garden we have mocked up an image to show the massing of the balcony from our point of view ( photo 1 amended).

The Planning Statement that accompanies the application states that 'the garden has significant mature planting and fences that....will continue to shield each neighbour....and will therefore remain private' (Privacy section). As you can see from photo 1 (amended), this is just not true on the boundary between our two houses. The boundary between Westgate and Angle Place consists of nothing but shrubs and two dwarf cherry trees offering little privacy. We would strongly welcome a site visit from Planning, as it is difficult to state just how all-encompassing the overlooking from a balcony terrace would be.

Quite apart from overlooking and loss of privacy, the proposed balcony is also out of keeping with the surrounding area. As far as we are aware, no house on the entire southern section of Montague Road, from 4, Ilex Court to number 31 Montague Road, has a rear facing roof terrace. In the 14 years we have lived at Westgate, four single storey extensions have been granted planning on this section of road; at 31 Montague Road (21/01809/FHA), 4 Ilex Court (24/00387/FHA), Riiskov (4/03952/15/FHA) and Westgate (4/01455/11/FHA). Not one of these plans asked for a roof terrace on their flat roofs, realising how detrimental it would be to their neighbours' privacy. Both neighbouring houses of Angle Place Cottage, Westgate and Riiskov, have built extensions with rear facing flat roofs. Neither house has placed balconies on them because, as the applicant's own planning statement paradoxically states, 'the gardens currently have considerable privacy' (Settings section). That privacy would be instantly lost if the houses had balconies.

The planned balcony terrace seems entirely counter to the spirit of

	<p>Policy CS12 (g) 1, that development should 'respect adjoining properties in terms of layout....and amenity space'. In principle, we do not have any issue with the vast bulk of the proposals and we wish our neighbours very well with their endeavours. However, as the plans currently stand, we have no alternative but to voice our objections, in order to preserve the existing privacy levels between our houses. To sum up, we want to use some of the application's own 'Planning Statement' on our behalf –</p> <p>The balcony/ roof terrace is not 'small' and it will hugely impact the privacy of our garden, our patio and our living spaces. It is out of character with the surrounding area. We do not accept that it is 'only intended to provide some outdoor space' in a property that already has a very large, beautiful and south facing garden. And the statement that 'the garden has significant mature planting that....will continue to shield each neighbour' is demonstrably false. We would strongly welcome a planning visit to observe this from our garden. We hope any visitor would agree to uphold the privacy concerns that Dacorum planners voiced back in 2001, when they restricted a previous Angle Place Cottage extension, 4/01019/01/FHA , 'Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.</p>
<p>Westgate Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>ORIGINAL CONSULTATION</p> <p>As the direct neighbour of Angle Place Cottage we wish to register our concerns regarding the proposed development 24/01360/FHA. Our house, Westgate, is the immediate neighbour to the east of Angle Place Cottage, on the downhill side. Three aspects of the proposal concern us, all associated with overlooking of our property and loss of privacy. Our concerns are –</p> <p>(1) A new roof terrace planned atop the proposed extension. Due to the natural fall-off of the land this would completely overlook our garden, patio area and indeed enable people on the roof terrace to stare straight into habitable rooms.</p> <p>(2) Considerable raising of the ground level for a new garden terrace. On the whole that is fine, but on the east side it would reduce the 6 foot fence between our properties to a de facto 3 foot fence.</p> <p>(3) A new window and glazed door in the formerly blank east face of Angle Place Cottage. This wall is just 2 metres from our house and will enable people to see straight into habitable rooms and over our garden fence. This wall has been subject to previous planning controls for this very reason.</p> <p>The plans submitted in the application do not give a true picture of the overlooking issues. We have had plans drawn up which show the full relationship between our house and Angle Place Cottage and the implications of the proposed works on our privacy. There seems no way to add these to the planning portal, but we would very much like to share them with Planning. If that is not possible, we would strongly like to request a site visit to our property where the implications would become clear. In the meantime, we will try to explain the problem using the submitted plans.</p> <p>Starting with the proposed rear elevation (plan marked 1064-P05r0). Our roofline on the right/ East side shows how significant the fall-off of</p>

the land is and how much lower Westgate sits compared to Angle Place Cottage. The roof of the proposed ground floor extension will be higher than our first floor window sills.

The plans have a figure on the left hand side boundary, to show proposed sight-lines to the balcony. However, no figure is shown on our boundary, on the more adversely impacted, downhill side. A figure positioned on our 6ft fence would have a completely uninterrupted view of the proposed roof terrace. Worse still, if a figure were placed standing on the roof terrace, there would be direct sight-lines over our fence, across our whole garden and into our habitable rooms. With the land fall-off, as well as the high internal ceiling of the ground floor extension, the proposed one storey has the impact of a one and a half storey building from our perspective and is very destructive of privacy. The adopted Dacorum Core Strategy states as policy CS12 (c) that development should 'avoid visual intrusion, ...loss of privacy and disturbance to the surrounding properties'.

The rear elevation plans also show our second concern; raising the ground level across the entire rear of the house, to produce a new garden terrace. On our boundary this will result in a ground level raise of nearly a metre. Had the architect put a reference figure on the right edge of the proposed garden terrace, it would show how the current six foot boundary fence would become a de facto three foot fence from their side. Our outdoor seating space and our living room, kitchen and dining room will all become totally overlooked, with anyone on that terrace standing head and shoulders above our fence. Dacorum's Supplementary Planning Guidance on Development in Residential Areas states, at 2.5.5 under Privacy, that 'satisfactory levels of privacy between dwellings should be maintained and protected' and we do not see this is in compliance.

Our third issue can also be seen on the rear elevation. The right hand side of Angle Place Cottage, that has the triangular dormer, is an extension, built in two stages between 2001 and 2004. That extension brought the space between the two houses down to less than two metres at the closest point. This is much closer than the distance to the neighbour on the left and it is not typical of the area. Dacorum's own Character Appraisal for our area, BCA12: Shootersway, states 'wide spacing (5m to 10m) will normally be required.'

At the time, the implications of privacy from any windows in the east face was strongly recognised by the Dacorum planning department. The application in 2001, 4/01019/01/FHA, for a single storey conservatory, was only granted with the following condition - '3. The windows at ground floor level of the eastern elevation.....shall be permanently fitted with obscured glass. Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'. In 2004 the application 4/00014/04/FHA, for a replacement two storey brick structure, was only granted with no east facing windows or glazing.

The submitted new side elevation plans ( plan marked 1064-P06r0) show two proposed glazed openings ( a door and a window) on the currently non-glazed east wall. These elevations are highly misleading, as they do not contain the customary indication of the current boundary fence height. A fence line, six foot from the current ground level, leaves the proposed new window way above the fence. The current utility room door is already well above the fence, but as the door is solid it is

not a serious issue. But the new plans show a glazed door that is also moving along the wall with an attendant rise in the ground level. The top half of this new door would then be well above the fence level. It is also worth pointing out that the plans are not clear at all about how the ground level of the side passage will join the new raised terrace at the rear; we fear the intention is to raise the ground level of the whole side passage. Three steps that have moved on the side passage in the elevation have not moved in the plan view, which is surely an error? The window is particularly intrusive, being only 2 metres from our boundary. The room is listed as a 'playroom' and we are concerned that an opening window would lead to the channeling of TV noise etc into our private terrace and rear rooms.

The new glazing would also impact the window of a first floor habitable bedroom on the west side of our house. The submitted plans do not show this impact; our daughter's bedroom window would be less than 5 metres from the first of these glazed openings in a direct line of sight; the Government's Better Places to Live Guide (2002) suggested a distance of 21m from new windows to existing habitable room windows. Policy CS12 (c), that development should 'avoid loss of privacy', must surely apply in this instance. We cannot see how a wall, made windowless in 2004 for privacy reasons, should now have windows. Nor do we see the need for our existing privacy to be so compromised by a window, just to add light to a room that already has a whole, south facing wall of floor-to-ceiling glazing.

The elevation also shows how far the proposed new extension extends beyond the existing rear of the house.

'The Planning Statement', which comes with the proposed plan, says that 'the rear extension at ground floor is deliberately less deep than the neighbouring house' (Massing section). This may be true for the house on the uphill side, but the block plan of the site (plan marked 1064-P01r0) shows how untrue it is for our house. Angle Place Cottage is set well to the rear of Westgate and the proposed extension will set it even further back relative to us. As a result, a roof terrace would, given the slope of the east roof of Angle Place, be able to look directly over the entirety of our garden and directly into our rear windows on both floors. The Planning Statement that accompanies the application also states that 'the garden has significant mature planting and fences that....will continue to shield each neighbour....and will therefore remain private' (Privacy section). This is just not true on the boundary between our two houses. The boundary between Westgate and Angle Place consists of nothing but shrubs and two dwarf cherry trees offering little privacy. We would strongly welcome a site visit from Planning, for it is difficult to state just how all-encompassing the overlooking from a balcony terrace would be.

Quite apart from overlooking and loss of privacy, the proposed balcony is also out of keeping with the surrounding area. As far as we are aware, no house on the entire southern section of Montague Road, from 4, Ilex Court to number 31 Montague Road, has a rear facing roof terrace. In the 14 years we have lived at Westgate, four single storey extensions have been granted planning on this section of road; at 31 Montague Road (21/01809/FHA), 4 Ilex Court (24/00387/FHA), Riiskov (4/03952/15/FHA) and Westgate (4/01455/11/FHA). Not one of these plans asked for a roof terrace on their flat roofs, realising how



	<p>detrimental it would be to their neighbours' privacy. Both neighbouring houses of Angle Place Cottage, Westgate and Riiskov, have built extensions with rear facing flat roofs. Neither house has placed balconies on them because, as the applicant's own planning statement paradoxically states, 'the gardens currently have considerable privacy' (Settings section). That privacy would be instantly lost if the houses had balconies.</p> <p>The planned balcony terrace seems entirely counter to the spirit of Policy CS12 (g) 1, that development should 'respect adjoining properties in terms of layout....and amenity space'.</p> <p>In principle, we do not have any issue with the vast bulk of the proposals and we wish our neighbours very well with their endeavours. There are things that could be done to remove our concerns. An easy example would be a stepped down lower section to the garden terrace on the east side, in order to maintain the 6 foot height of the fence. The original extension to Angle Place, in 2004, stepped down to achieve 'subservience' and that would surely be easy to mimic in the terracing. However, as the plans currently stand, we have no alternative but to voice our objections, in order to preserve the existing privacy levels between our houses.</p> <p>To sum up, we want to use some of the application's own 'Planning Statement' on our behalf –</p> <p>With regards the addition of a window and glazed door into the east face, less than 2 metres from our house, it does not seem to 'respect the existing spaces between the neighbouring properties', nor to respect previous planning decisions.</p> <p>With regards the raising of the land for the garden terrace on the eastern boundary, it does not 'follow the natural topography of the site', resulting in an extreme loss of privacy.</p> <p>Lastly, the balcony/ roof terrace is not 'small' and it will hugely impact the privacy of our garden, our patio and our living spaces. It is out of character with the surrounding area. We do not accept that it is 'only intended to provide some outdoor space' in a property that already has a very large, beautiful and south facing garden. And the statement that 'the garden has significant mature planting that....will continue to shield each neighbour' is demonstrably false. We would welcome a planning visit to observe this from our garden. We hope any visitor would agree to uphold the privacy concerns that Dacorum planners voiced back in 2001, when they restricted a previous Angle Place Cottage extension, 4/01019/01/FHA , 'Reason: in the interests of the residential amenities of the occupants of the adjacent dwelling'.</p>
<p>Riiskov Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>RE-CONSULTATION</p> <p>We are the direct neighbour to the right of Angle Place Cottage.</p> <p>We note the amended plans, and the reduction in the size of the balcony, but our previous comments (submitted on 9th July 2024) still stand:-</p> <p>Loft conversion rear dormers - too large and disproportionate to the rest</p>

	<p>of the roof, and out of character with the property (and surrounding properties). They would look out over our rear garden, especially our primary outdoor spaces, which are not overlooked at present.</p> <p>Although we accept we are in a residential area, our property is a bungalow and adding a further floor would impact detrimentally on our privacy, beyond which already exists. If accepted, the dormers should be substantially reduced - subordinate to main roof and ridge height and windows reduced to minimise overlooking.</p> <p>Balcony - we appreciate that this has been reduced in depth, but will still overlook our garden. Our previous comments regarding the setting and privacy/overlooking still stand.</p>
<p>Riiskov Montague Road Berkhamsted Hertfordshire HP4 3DZ</p>	<p>ORIGINAL CONSULTATION</p> <p>We are the direct neighbour to the right of Angle Place cottage and have concerns with certain aspects of the submitted plans.</p> <p>Loft conversion rear dormers The dormers are too large and disproportionate to the rest of the roof, and are out of character with the property (and surrounding properties). They would look out over our rear garden, especially our primary outdoor spaces, which are not overlooked at present. Although we accept that we are in a residential location, our property is a bungalow and adding a further floor would impact detrimentally on our privacy, beyond which already exists. If the dormers are accepted they should be reduced substantially - they should be subordinate to main roof and ridge height, and windows reduced to minimise overlooking of our garden.</p> <p>Balcony above rear single storey extension This is also too large and will overlook our garden, especially considering during the Winter and Spring months, the beech hedge that separates our gardens (which was planted by the previous owners of Angle Place Cottage), has no foliage on it. It is unacceptable to have an area where a neighbour this close could look down into a rear garden from the first floor.</p> <p>Furthermore we would disagree with the following comments on the Planning Statement, which accompanies the plans:-</p> <p>Setting States 'gardens are generous in size... providing considerable privacy' - our privacy would be drastically reduced if the rear loft dormers were approved.</p> <p>Style States 'a small roof terrace...' - the roof terrace is not small.</p> <p>Privacy/overlooking States that the roof dormers '...won't create any unusual overlooking...' the roof dormers are very imposing and will overlook our primary outdoor spaces and much of the rest of our garden. Also states that 'the garden has significant mature planting and fences that already and continue to shield each neighbour...' - as already mentioned the beech</p>

	<p>hedging that separates our gardens has no foliage for around 6 months of the year. This comment is therefore false.</p>
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	<p>We would welcome a planning visit to observe our points of concern.</p>
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