

**ITEM NUMBER: 5f**

<b>24/01797/FHA</b>	<b>Single storey rear extension</b>	
<b>Site Address:</b>	<b>24 Merling Croft, Northchurch, Berkhamsted, Hertfordshire, HP4 3XB</b>	
<b>Applicant/Agent:</b>	<b>Mr Tim Marchant</b>	<b>Mr James Doherty</b>
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>	<b>Northchurch Parish Council</b>	<b>Northchurch</b>
<b>Referral to Committee:</b>	<b>Contrary views of Northchurch Parish Council</b>	

**1 RECOMMENDATION**

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

**2. SUMMARY**

- 2.1 The application site is located within Northchurch wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).
- 2.2 The overall size, scale and design of the extension is acceptable, relates well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. Whilst visible, the rear extension is not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy when compared to a permitted development extension which can be built without formal planning permission.
- 2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress.
- 2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2023), Policies CS1, CS4, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

- 3.1 The application site is located on the west side of Merling Croft partly facing an area of amenity land within a residential area of Northchurch. The site comprises a modern two storey attached dwelling.
- 3.2 The immediate character area comprises similarly designed dwellinghouses of relatively identical build, age, height and size; the overall character of the area is evident.

**4. PROPOSAL**

- 4.1 This application seeks permission for a single storey rear extension.

Background

- 4.2 The application site forms part of the larger development approved under planning reference 4/01227/81.

4.3 The planning officer has carried out a site history search and according to the available DBC records the site retains permitted development rights relating to Class A (enlargement, improvement or other alterations of a dwellinghouse) of Part 1 of the Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (GDPO). As such a single storey rear extension could be constructed on this site without formal planning permission if the scheme was carried out within the limits set by the GDPO.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

23/02053/FHA - Demolition of conservatory. Single storey rear extension including loft conversion and dormer to rear.

*WDN - 20th October 2023*

24/01796/LDP - Roof extension

*PCO -*

Appeals (If Any):

## **6. CONSTRAINTS**

BCA Townscape Group

CIL Zone: CIL1

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

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

Residential Character Area: BCA20

Parking Standards: New Zone 3

Town: Berkhamsted

## **7. REPRESENTATIONS**

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (December 2023)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies

Dacorum 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  
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas  
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Parking SPD (November 2020)

## **9. CONSIDERATIONS**

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality and design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking

### Principle of Development

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

### Quality of Design / Impact on Visual Amenity

9.3 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.4 The proposal would result in single storey rear extension under a part mono-pitch part dual pitched roof with roof lights over. The approximate dimensions are 3.30m in depth with a height of 3.34m, (2.50m to the eaves). Given its size, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building.

- 9.5 Due to its positioning at the rear of dwelling, the extension will not be visible from the front of the property and whilst it may be seen across rear gardens above the existing boundary treatment from the south (towards the end of Merlin Croft) the extension would not appear unduly dominate on the street scene.
- 9.6 Further, sympathetic external materials to match the existing dwelling will be used.
- 9.7 Therefore it is considered that the proposal would be sympathetic and in keeping with the surrounding area, respect the parent dwelling and adjoining properties, and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual amenity. This accords with the local and national policies mentioned above.

#### Impact on Residential Amenity

- 9.8 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.

#### *Impact on No. 26 Merlin Croft (attached property to the south east)*

- 9.9 Whilst already demolished it is important to note that there was previously a rear conservatory at the application site, and its base foundation can still be seen extending from the base of the rear elevation as existing. The proposed extension will largely be located on the same footprint of this existing base
- 9.10 There are no side windows proposed, in the extension which would result in a loss of privacy to the neighbouring property.
- 9.11 During the planning officers site visit it was noted that the rear elevation (first floor) of No.26 is set back from the rear elevations of both attached neighbours i.e. Nos. 24 (the site) and 28, but that at ground floor level there is a single storey structure under a mono-pitched roof which extends out roughly to the same depth as the existing rear elevation at No.24 (the site).
- 9.12 The proposed extension sits under a mono-pitched roof on this side of the addition and is set in a little from the boundary. The addition extends out close to the fence line between the two properties.
- 9.13 The approximately dimensions of the extension are:
- 3.30m depth
  - 3.34m height
  - 2.50m height to eaves

- 9.14 It is acknowledged that the extension will be visible from the neighbour's side, and that No.28 on the other side of No.26 has previously benefitted from a rear addition which extends along the shared boundary with No. 26.
- 9.15 However as set out above, the site retains permitted development rights for class A such that a rear extension with a depth of 3m, a height of 4m and eaves no greater than 3m due to the fact that the extension would sit within 2m of the site boundary, can be constructed without formal planning permission if in accordance with the GDPO including within the height restrictions which this addition would meet.
- 9.16 Whilst not illustrated on the submitted drawings, with a depth of approximately 3.3m deep, the extension would breach a 45-degree line from the middle of the neighbours closest ground floor window serving a habitable room towards the extension on plan and likely in elevation too, but so would a 3m deep rear extension that would not require permission. The harm in terms of loss of light and visual intrusion caused by the additional 0.3m is not concluded as significant when compared to the PD extension or 2m boundary wall which would also not require consent. Further whilst the extension will be visible along the north-western shared boundary, the rear of No.24 benefits from a favourable aspect, facing towards the south west.
- 9.17 In conclusion whilst not ideal in terms of harm to residential amenity when considering the above it is not concluded that the extension would appear unduly prominent or result in a significant loss of light to such a degree as to warrant a refusal, especially when compared to what could be constructed without the need for permission.

*Impact on No. 22 Merling Court (link detached property to the north west)*

- 9.18 the proposed addition also extends to the side, under a dual pitched roof (retaining access to the side door tucked behind the extension) towards the shared boundary with this neighbour. A gap of approximately 1m will be retained between the side of the extension and shared boundary (thereby retaining pedestrian access). Whilst the extension will be visible from the neighbouring property it is considered that it will not result in any significant loss of light or appear unduly visually intrusive or overbearing to No.22. There are no side windows proposed which would result in a loss of privacy.
- 9.19 Overall, due to the height, positioning and separation distance between the single storey addition and surrounding dwelling houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight, privacy or visual intrusion when compared to a PD extension to such a degree as to warrant a refusal on this site. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Impact on Highway Safety, Access and Parking

- 9.20 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure

that new development provides safe and sufficient parking provision for current and future occupiers.

- 9.21 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.
- 9.22 No changes have been proposed to the existing site access.
- 9.23 The proposal is for a single storey rear extension and as such would not result in residual harm to the safety or operation of the adjacent highway network.

#### Tree and Hedges

- 9.24 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

#### Archaeology

- 9.25 The site is located within an Area of Archaeological Significance. The NPPF and Policy CS27 require the conservation of heritage assets. The County Archaeologist has been consulted and whilst final comments have not been received to date, given the modest size of the proposal, its position in relation to existing building and the fact ground works have already taken place for the previous conservatory, it is concluded that there would be no harm to heritage assets. The proposal complies with Policy CS27 in this regard.

#### Response to Neighbour Comments

- 9.26 Objection received from a neighbour, however the comments refer to a separate application for roof extension (dormer) under planning reference 24/01796/LDP and not this application for a single storey rear extension.

#### Response from Parish Council

- 9.27 The initial response from Northchurch Parish Council highlighted errors in the drawings, which have subsequently been rectified on the amended drawing 240701/PL101C.
- 9.28 Further consultation response following re-consultation:  
Objection due to loss of light and privacy to neighbouring properties – this is addressed within the report.

#### Community Infrastructure Level (CIL)

- 9.29 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.
- 9.30 **No** (below 100sqm)

## Chiltern Beechwood Special Area of Conservation (SAC)

- 9.31 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.
- 9.32 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

## Conclusion

- 9.33 It is not felt that the works would significantly impact the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties to such a degree to warrant a refusal especially when compared to what could be constructed without the need for planning permission. The proposal would not adversely affect highway safety or car parking. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework 2023 and Policies CS11CS12 and CS27 of the Core Strategy 2006-2031.

## **10 RECOMMENDATION**

- 10.1 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

**240701/PL101C existing and proposed plans and elevations.**

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

## Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
BCA Townscape Group	N/A
Historic Environment (HCC)	<p>Re: A rear extension and removal of conservatory.- 24 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB</p> <p>ARCHAEOLOGICAL IMPLICATIONS</p> <p>Thank you for consulting us on the above application.</p> <p>After reviewing the application, we are unable to make comment due to insufficient information. If the applicant could provide additional information detailing specifics of the proposed development, we can then provide comment.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Parish/Town Council	<p>Amended comments received 12.09.2024</p> <p>Objection due to loss of light and privacy to neighbouring properties.</p>
Parish/Town Council	<p>Original comments received 13.08.2024</p> <p>Northchurch Parish Council was unable to give this application proper consideration due to errors and omissions in the application:</p> <ol style="list-style-type: none"><li>1. The Application Form mentions a 'dormer to rear' but this is not shown in any of the drawings.</li><li>2. The drawing entitled 'Existing &amp; proposed elevations' contains a number of errors:<ol style="list-style-type: none"><li>a. The proposed first floor plan and proposed roof plan show a cutout in the roof of the rear extension which does not match the skylights &amp; roofline shown in the proposed rear elevation.</li><li>b. The proposed front elevation shows a window in the roof but it does not appear in the proposed roof plan.</li><li>c. The side elevations do not indicate which side they are showing although this can be inferred.</li><li>d. The existing side elevation from the west shows a conservatory which has already been removed according to a member of the public. Please confirm.</li></ol></li></ol>



	<p>e. A member of the public claims that the side elevation from the west has a uPVC fully glazed door which was fitted last year but is not shown in the drawings and asks if this will this be removed and replaced with the window shown in proposed side elevation? (We were unable to confirm).</p> <p>f. The existing first floor plan does not show the above-mentioned side doorway.</p> <p>g. A member of the public claimed that the rear boundary of the properties is shown incorrectly but we were unable to confirm.</p> <p>A neighbour of this property spoke at the meeting to complain that the letter notifying him about this application only arrived on Friday 16th August leaving little time to comment. He immediately noticed the many errors noted above but he was unable to get through to the contact named in the letter. He was given an alternative contact but that person was on holiday. He feels that he has not been given enough time to respond to this application.</p> <p>We request that this application is deferred until correct &amp; complete documentation has been submitted.</p>
BCA Townscape Group	N/a

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

### Neighbour Responses

Address	Comments
22 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB	Objection received referred to an application for a loft Conversion (dormer) under separate planning reference 24/01796/LDP on site but not for this application for a single storey rear extension.