

ITEM 5.12

**4/00822/15/FHA - REAR GROUND AND LOWER GROUND FLOOR EXTENSION.
60 CHARLES STREET, BERKHAMSTED, HP4 3DJ.
APPLICANT: MR AND MRS J HEMLIN.**

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The proposals are for a single storey ground and lower ground floor extension that are to comprise of materials and detailing that is sympathetic to the existing dwelling. Overall it is considered that the proposed extensions would have a positive impact on the character and appearance of the conservation area. Furthermore the proposals seek to utilise an overshadowed garden and courtyard area that would otherwise be redundant. Access to outdoor amenity space would also be improved. As a single storey extension part of which would be positioned at a lower level, it has been demonstrated that the proposals would not have any adverse impacts on the amenities of adjoining properties.

Site Description

The application site is a two storey, Victorian terraced dwelling located on the north side of Charles Street within the Berkhamsted Conservation Area. The property is the penultimate dwelling before the junction with Middle Road. It has a small frontage to Charles Street and a rear garden that slopes down towards Berkhamsted High Street. An alleyway runs along the bottom of the gardens of this terrace providing access from Middle Road to Cross Oak Road.

No. 60 Charles Street is constructed in Luton grey brickwork with a slate roof and a single rear dormer. Many of the windows to the rear elevation have been replaced with UPVC windows and the opening sizes enlarged. The external access to the rear garden is from the side elevation of the rear off-shoot and down a series of steps.

The built form of this terrace remains largely unaltered to the rear however a number of modifications have been made including the installation of UPVC windows, rooflights and rear dormers. Planning permission was granted for rear extensions for both Nos. 62 and 64 Charles Street in 2011 (ref. 4/01450/11/FUL) however the proposals have not been implemented.

The property falls within an area of Charles Street that has an Article 4 Direction which restricts permitted development rights to alterations to the front facade of a building facing onto a street or public footpath.

Proposal

The proposals are for a ground and lower ground rear extension. The applicant seeks to extend the existing kitchen at ground floor level by infilling the side courtyard area with glazed rooflights supported by a side wall, constructed in facing brickwork to match the house.

Additional living space is to be provided at lower ground level accessed by a new internal stair from the kitchen. Bi-folding doors that open out to a paved garden area is

proposed in order to create a level link from the internal space into the existing garden.

A slate mono pitch roof with conservation style rooflights was originally proposed for the lower ground extension. Following comments by Conservation and Design the scheme has been amended to extend the roof glazing proposed over the existing courtyard area to the lower ground floor mono pitch roof. The roof glazing of the mono-pitch roof will follow the line of the off-shoot with the remaining area in slate.

Referral to Committee

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

Planning History

4/00848/08/FH REAR DORMER WINDOW AND FRONT ROOF ESCAPE
A WINDOW
Granted
13/05/2008

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 120
Appendices 7

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Conservation Area Character Appraisal for Berkhamsted

Summary of Representations

Berkhamsted Town Council

Object.

By virtue of its scale, mass and bulk the proposal is out of character with the parent dwelling and neighbouring properties in this part of the Conservation Area.

The scale, mass and bulk will have a detrimental impact on the amenity of neighbouring properties.

As the development will be highly visible from Middle Road and the footpath to the rear of the property between Middle Road and Cross Oak Road, it will by virtue of its design, scale mass and bulk detract substantially from the Conservation Area in this part of Berkhamsted.

Contrary to Core Strategy Policies CS 12 and CS 27 and Saved Local Plan Policy 120.

The Berkhamsted Town Council considered the application on the 27th May 2015 following the submission of revised proposals and made the following comments:

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Conservation and Design

Number 60 Charles Street is subject to an Article 4 Direction and is located within the Berkhamsted Conservation Area.

The scheme is for a rear ground and lower ground floor extension

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF point 63 states: In determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

NPPF 131: In determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that heritage assets can make to sustainable communities including their economic vitality

- The desirability of new developments making a positive contribution to local character and distinctiveness

National Planning Policy F Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... Significance can be harmed or lost through alteration or destruction of the heritage asset ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF core principles firstly are to always seek to secure high quality design and second, conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

17.6 High quality design and proper maintenance can prevent the loss of original character in buildings. Conversion of buildings to alternative uses can extend the life of buildings and is preferable to demolition. Infilling and replacement with new characterless buildings and public realm should be avoided. This applies to both designated and undesignated historic assets.

DBLP 120 Development in Conservation Areas; new development or alterations or extensions to existing buildings in the conservation area will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, In particular infilling proposals will be carefully controlled; use materials and adopt design details which are traditional to the area and complement its character; be of a scale and proportion which is sympathetic to the scale, height and overall character of the building to be extended; and in the case of alterations and extensions be complementary and sympathetic to the established character of the building to be altered or extended.

The property forms part of a terrace of late Victorian buildings which have a regimented form to both the front and rear facades. The land falls away to the rear therefore steps are required to reach garden level.

The proposed extension is at the rear of the building appears discordant with the parent building and lacks any cohesion with it. There may be a viable scheme and I would welcome discussions with the agent but I consider that this scheme fails to preserve or enhance the conservation area, that the design details are not traditional to the area nor complement its character and fail to be sympathetic to the established character of the building that is being extended and fails the above policies and therefore I recommend it for refusal.

Hertfordshire Historic Environment Team

In this instance, there is unlikely to be an impact on significant heritage assets of archaeological or historic interest; therefore, I will be making no comment at this time.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

58 Charles Street - Object:

The following comments were received from the residents at 58 Charles Street on 16th March 2015:

We are neighbours of this property, living at 58 Charles Street, and believe that should the development proceed as detailed in the application it will result in considerable loss of amenity to ourselves.

In particular our dining room enjoys an elevated and light aspect encompassing the pleasant and extensive townscape of west Berkhamsted. This amenity will be substantially compromised should the proposed development proceed; particularly if the new kitchen wall is built on the boundary of the properties.

In addition the area between the existing rear extensions of 58 and 60 Charles Street is light and not unpleasant. A reduction in width of this space by half will result in a darker and less pleasant "alley" between our house and the proposed wall on the boundary.

We note that the Design and Access statement states that "the most similar" (precedent) is an extension at 58 Ellesmere Road, Berkhamsted. Ellesmere Road is situated towards the bottom of the Bulbourne valley between the canal and railway line. Given the difference in location and amenity it is difficult to see how development at 58 Ellesmere Road sets a precedent for the current application.

The following comments were received from the residents of 58 Charles Street on 20th May 2015 following the submission of revised drawings:

I note that the applicants have submitted revised plans as part of the above application.

We are concerned that the revised application does not address our concerns that should the development proceed as detailed, it will result in considerable loss of amenity to ourselves. We note that Berkhamsted Town Council have expressed similar concerns regarding the application.

In particular the revised application does not address concerns that our dining room enjoys an elevated and light aspect encompassing the pleasant and extensive townscape of west Berkhamsted. This amenity will be substantially compromised should the proposed development proceed; particularly as it is proposed that the new kitchen wall is built on the boundary of the properties.

In addition the area between the existing rear extensions of 58 and 60 Charles Street is reasonably light and not unpleasant. A reduction in width of this space by half will result in a darker and less pleasant "alley" between our house and the proposed wall on the boundary.

We note that the revised Design and Access statement includes an extension at 20 Cross Oak Road as a precedent. Perusal of the accompanying materials indicates that the positioning of this development vis a vis neighbouring properties is markedly different from the situation at 60 Charles Street and that loss of amenity is different and considerably less.

Considerations

Effects on appearance of building

Conservation and Design raised initial concerns that the extension at the rear of the building appeared discordant with the parent building and lacked cohesion with it. However, it was noted that a viable scheme was possible and discussions have taken place with Conservation and Design officers to achieve this through the revised proposal.

The character of the building is based on a traditional Victorian mid-terrace property with modern elements that include replacement enlarged UPVC windows; a rooflight and a single dormer to the rear. As such the rear elevation is characterised by a mix of both contemporary and traditional elements, similar to the other rear elevations in this terrace.

A contemporary design is proposed which incorporates traditional materials of slate and facing brickwork to relate to the parent dwelling. The glazed roof to the side and lower ground floor reinforces the historic building line of the off shoot with the unbroken slate area of the roof replicating the solid element. The proposals serve to differentiate the historic open courtyard area from the dwelling.

Concern was raised by the Berkhamsted Town Council that the scale, mass and bulk the proposal is out of character with the parent dwelling. Due to the downwards slope of the site the extension is at a much lower level than the dwelling. Together with the slope of the mono pitch roof and the drop in levels a reduction in the bulk and associated visual impact is achieved. The use of glazing over the courtyard area is considered to give the proposals a lightweight appearance that further reduces a feeling of bulk and mass.

The depth of the extension in relation to the dwelling is not excessive at 3375mm and is similar in scale to other extended terrace dwellings within the conservation area.

The proposals would result in the removal of the existing windows that do not relate to each other or the dwelling and replace them with an extension that responds to the materials and historic form of the dwelling. The result is a coherent response that is sympathetic to the existing parent dwelling.

Impact on Street Scene / Conservation Area

The proposed extension is located to the rear of the property and would not be seen from Charles Street. It would however be visible from Middle Road and the alleyway that runs to the rear of the property.

As outlined above the rear elevations to this terrace is characterised by a range of modern replacement windows and various forms of roof interventions. The proposed extension is considered to improve the appearance to the rear of No. 60 Charles Street through the use of materials and reference to the traditional built form of the dwelling. It is proportionate to the existing dwelling. On this basis the proposals are considered to enhance the character and appearance of the conservation area.

Impact on Neighbours

The applicant has submitted additional information in accordance with BRE guidance which demonstrates that the proposals are within the 45 degree line from the window on the rear elevation of 58 Charles Street. With regard to the window facing the development the information submitted indicates that the proposals would not worsen the visible sky angle achievable over and above the existing situation due to the two storey offshoot from No. 60 Charles Street. Furthermore the side elevation window to No.58 is a secondary window with the principle window located on the rear elevation of the off-shoot. The proposals comply with the BRE guidance and as such the adjoining occupiers would not experience a loss of light over and above the existing situation.

The adjoining neighbour has raised a concern about an impact on their outlook over the townscape of Berkhamsted. Whilst impacts on views are not normally a material planning consideration, it is noted that the proposals step down with the topography of the site thereby reducing the bulk and mitigating any potential impact on the neighbouring property's outlook.

The height of the wall that would support the extended kitchen would be 3.6m high. Given that the floor level of the off-shoot to No. 58 is also positioned at a higher level above ground it is not considered that a wall of this height would create a sense of enclosure to this property, particularly as the visible sky component from this property would remain as existing.

Given the relatively limited height and depth of the extension there is no significant concern regarding the impact of the proposals on the amenity of 62 Charles Street.

Other Material Planning Considerations

The applicant has submitted that the proposed extensions are sought to enable a connection between the indoor and outdoor space of the dwelling which cannot be achieved with the existing arrangement. The gardens to this terrace are north facing with the dwellings at a higher level to the south blocking a significant amount of light. In particular the side courtyard areas of the terraced dwellings very rarely achieve light and as such are underutilised.

The proposals seek to rectify this by improving access to the outdoor amenity space and utilising the side courtyard area for accommodation that would otherwise be redundant.

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 and in the interests of the visual amenities of the Conservation Area in accordance with adopted Core Strategy Policies CS12 and CS27.

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

Site Location Plan;

P- Prop 01 Rev C;

P- Elev 01 Rev B.

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead 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 2012.