

**4/01323/15/FHA - PART SINGLE-STOREY, PART TWO-STOREY REAR EXTENSION.
28 ORCHARD AVENUE, BERKHAMSTED, HP4 3LG.
APPLICANT: MRS B WILKINS.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a town and residential area. The original scheme conflicted with the guidelines set out in saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011 (DBLP) regarding loss of light to neighbouring properties. However, after several amendments, the scheme is now acceptable.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is acceptable. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy; and saved Policy 58 and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The application site comprises a two-storey semi-detached dwelling located on the northern side of Orchard Avenue, within the urban area of Berkhamsted. The property is set back from and below the road with levels falling to the north. The surrounding area is primarily characterised by semi-detached properties, with detached properties to the north. The property has a paved front drive and a medium-sized rear garden, enclosed by close-boarded fencing and shrubs. Levels fall to the rear, allowing views of the valley below. The site is located within the Durrants Character Area (BCA16).

Proposal

The application seeks planning permission for a part single-storey, part two-storey rear extension. The proposed extension projects 3.7m from the rear wall and has a full width of 7.425m. The first-floor element has a depth of 5.925m and extends westward from the eastern flank wall. The first-floor element has been set down from the main ridge of the dwelling by approximately one metre and has a maximum height of 6.83m. The proposed two-storey extension would include a Juliette balcony and a pitched roof to match the parent building. The single-storey element includes two small roof lights.

Referral to Committee

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

Planning History

4/02258/02/FH SINGLE STOREY FRONT EXTENSION AND CONSERVATORY
A

Granted
30/12/2002

Relevant Policy

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004) - Residential Character Area [BCA16: Durrants]

Summary of Representations

Neighbouring Properties

26 Orchard Avenue (17-Apr-15)

We have submitted our objections to Planning Application 4/01323/15/FHA. This is our statement: My wife and myself are concerned that the proposed two-storey extension to 28 Orchard Avenue will much reduce light to our patio and to the upper seating area in our garden. Light into the kitchen will also be reduced. It would appear from the plans that the extension is deeper than any of the other extensions to the rear of houses in Orchard Avenue, by approximately three feet.

Comments on amended plans

"Having seen the amended plans, we note that the proposed 2-storey extension to 28 Orchard Avenue, Berkhamsted, has been reduced in depth. However, it remains very large and our objections on the grounds of shading to our patio and our garden seating area, and the loss of light to our kitchen, remain. As the line of the building changes from the line of numbers 26, 24 Orchard Avenue, etc., the proposed extension also appears to "stick out" noticeably (see amended plan)."

30 Orchard Avenue (17-Apr-15)

We object to the plans in their present form on the following grounds:

1. Loss of light

There would be loss of light to the first floor rear bedroom window of our property nearest to the proposed extension. The 45-degree angle rule accepted for "Right to Light" seems to have been exceeded by about 5 degrees on the current plans; the proposed first floor extension projects too far across the back of the house towards our property and projects too far rearwards from the existing building

2. Loss of privacy and amenity

The large window (full height) with balcony would overlook our patio on the back of our property, especially as it is on the right of the proposed extension as seen from the rear. It would be more appropriate above the kitchen area of the proposed plan.

3. Boundary of our property

There are no boundary lines marked on the plan but the boundary line of number 30 (our property) lies at the far side of the retaining wall between the two curtilages and there is a strip of land approximately 60 cm wide belonging to number 30 which must not be encroached upon.

4. Design

Excavation for building the side wall nearest to our property could endanger the stability of our retaining wall, which is only one metre from the proposed wall and is at one point three metres high.

Comments on amended plans

The revised plans are a step in the right direction. There is a slight reduction in the rearward projection and a changing of the windows, but the bulk and mass are still excessive, principally because this is a two-storey extension. The aim of having a kitchen-diner across the back of the existing building and extra accommodation could be met by having a one-storey extension and rooms in the roof. This would lessen the impact on neighbouring properties and the locality.

19 Orchard Avenue (17-Apr-15)

21 Orchard Avenue (17-Apr-15)

10 Finch Road (17-Apr-15)

12 Finch Road (17-Apr-15)

No comments received.

Berkhamsted Town Council

Object.

The bulk and mass of the rear extension is excessive and there is inadequate car parking provision for a 4-bedroom dwelling. Contrary to Core Strategy Policy CS12 and Saved Local Plan Policy Appendix 5.

Comments on amended plans

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Considerations

Core Strategy Policy CS4 encourages appropriate residential development in towns. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy Policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved Appendix 7 of the DBLP - Small Scale House

Extensions.

Effect on Appearance of Building and Street Scene

An assessment of the impact of the proposed works has considered the impact on the appearance of the building. Under the development guidelines of the Residential Character Area BCA16 (Durrants), extensions should be subordinate in scale and height to the parent building. This is reinforced by saved Appendix 7 of the Local Plan (DBLP), which states that in terms of scale, development should not dominate the existing house. Saved Appendix 7 also suggests that extensions should be lowered to remain subservient to the parent dwelling. In this case, the agent has lowered proposed extension to remain a subordinate addition to the dwelling.

Policies CS11 and CS12 of the Core Strategy are primarily concerned with the quality of design but do emphasise the need for development to integrate with the streetscape character and respect the general character of the area. Guidance set out by Policy CS12 states that development should respect adjoining properties in terms of layout, scale and materials (amongst other things).

The street comprises a variety of medium-sized properties, many of which have been previously modified and enlarged. A recent application for 22 Orchard Avenue (three doors down) granted permission for a larger part single-storey, part two-storey rear extension (4/00124/14/FHA). Numerous other properties along the street have also received permission for two-storey rear extensions, including 3, 6, 7, 14, 23, 32 and 34 Orchard Avenue. Therefore, it is not considered that the proposed extensions would depart from what has already been allowed in the area.

The proposed extension would be constructed from matching materials, as stated in the application form. Therefore, in terms of design and materials, the proposed extension would harmonise with the parent building in accordance with Policies CS11 and CS12 of the Core Strategy and saved Appendix 7 of the Local Plan.

The proposed extensions are set back from the front elevation and views from the public realm are obscured. Given the location of works, it is considered that the proposal will not have a detrimental impact on the street scene. Therefore, it is not considered that the proposal would detract from the character of the street scene in accordance with Policy CS11 and CS12 of the Core Strategy.

In conclusion, the proposal would not have a detrimental impact on the building appearance or street scene in accordance with Policies CS11 and CS12 of the Core Strategy, and saved Appendix 7 of the Local Plan.

Effect on Amenity of Neighbours

Consideration has been given to the impact that the proposed extension would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The application site currently has two directly adjoining properties, 26 and 30 Orchard Avenue, both of which have objected to the proposal. It should be noted that both neighbouring properties have previously extended to the rear. It should also be noted

that an amended scheme was submitted following the original objections from the neighbours. The main grounds for objection are as follows:

- Loss of light

The original plans conflicted with the 45° guidance set out by saved Appendix 7 of the Local Plan regarding loss of light, as mentioned in the original objection from 26 Orchard Avenue. The neighbours at 30 Orchard Avenue echoed this concern. The architect was approached early in the determination period and a new plan was submitted, reducing the depth to now comply with the lighting guidelines set out in Dacorum's Local Plan.

The neighbours at 30 Orchard Avenue were still concerned with the plans, stating that *"it remains very large and our objections on the grounds of shading to our patio and our garden seating area, and the loss of light to our kitchen, remain"*. This neighbour and the application dwelling are angled away from each other and are both set back from the curtilage boundary. Furthermore, there is a large (2-3m) hedge on the boundary between the properties. This, reinforced by the guidance set out in saved Appendix 7, reveal that there would be no significant impact with regards to loss of light to this property.

- Loss of privacy

The neighbour at 30 Orchard Avenue also raised concerns over the Juliette balcony and loss of privacy to their garden area. The amended plan also dealt with this issue by moving the proposed balcony to the other side of the property. It should be noted that there is limited planning control over the installation of Juliette balconies. The neighbour removed their concerns over loss of privacy when commenting on the amended plans.

The original plans also included a flank window, which may have had a negative impact to the neighbours at No. 26. The amended plan removed this element from the proposal. The proposed works would not have an adverse impact with regards to loss of privacy or overlooking in accordance with Policy CS12 and saved Appendix 7.

- Design (bulk and mass)

Both of the neighbours commented on the bulk of the proposal. No. 26 said that the proposed extension appears to *"stick out noticeably"* and No. 30 stated that the *"bulk and mass are still excessive"*. As mentioned previously, there are many examples of larger extensions on the street and considering what could be constructed under permitted development rights, it is felt that the size of the extension has been kept marginal. Therefore, in terms of visual intrusion, the proposal is deemed acceptable in accordance with Policy CS12.

In conclusion, there would be no harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed extension would not impact the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

Access and Parking

The need for and ability to provide additional off-street parking should be taken into account when considering proposals for extra bedroom accommodation (saved Appendix 5 of the DBLP). The application site currently provides two off-street parking spaces, leaving a shortfall of 0.25 for the existing three-bedroom dwelling. There are no parking restrictions on the road and it does not suffer from over crowded parking.

The proposal would involve the creation of one additional bedroom, transforming the existing three-bedroom dwelling to a dwelling with four bedrooms. A dwelling of this size would generate a maximum requirement of 3 on site car parking spaces; 0.75 above the existing requirement for the existing three-bedroom dwelling on the application site. However, the site is located proximate (walking distance) to the local centre within Berkhamsted. Therefore, it is not considered that the shortfall of one car parking space would place undue stress on the surrounding road network. It follows that the parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 and saved Appendix 5 of the Local Plan.

RECOMMENDATION - That planning permission be **GRANTED** 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.

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

DD 15/003.1(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 during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

