

**4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION.  
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY.  
APPLICANT: MR M AHMED.**

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[Case Officer - Rachel Marber]

### **Summary**

The proposed two storey side extension and part single, part two rear extension would not detriment the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), and the NPPF (2012).

### **Site Description**

The application site features a two storey semi-detached dwelling located on the west side of Chambersbury Lane which falls within the Nash Mill Area Character Appraisal (HCA19). Chambersbury Lane curves to adjoin Meadow Road, Pond Road, Highbarns Road and Bunkers Lane. The immediate section of Chambersbury Lane is predominantly characterised by semi-detached properties of similar character, build line, size and architectural detailing; the overall character of the area is evident.

### **Proposal**

The application seeks permission for the construction of a part single, part two storey rear extension and two storey side extension. The proposed alterations would increase the dwelling size from a three to four bed property.

The proposal has been amended to set the first floor of the side extension away from the side boundary by 0.5 metres and reduce the single storey rear extension's depth by 2 metres to 3.5 metres.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Nash Mills Parish Council.

### **Planning History**

4/01729/16/FHA DETACHED GARAGE  
Granted  
23/08/2016

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

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

Saved Policies of the Dacorum Borough Local Plan (2004)

Appendix 3- Gardens and Amenity Space  
Appendix 5- Parking Provision  
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance (2004)

Nash Mills Area Character Appraisal (HCA19)

**Constraints**

Established residential area of Hemel Hempstead  
Highbarns (inner and outer zones)

**Summary of Representations**

**Comments received from consultees:**

Nash Mills Parish Council

'**object**' as they consider:

1. That the site would be overdeveloped due to the proposed layout, height and bulk.
2. The finished development would have a detrimental impact on the street scene and of the existing character of the road.
3. The finished development would have a detrimental impact on neighbouring properties with the proposed layout, height and density. Please note that the property on side of the proposed development is significantly lower due to the road sloping away.
4. The finished development would overlook neighbouring properties.

Contaminated Land

Historical maps show that the property is situated within the vicinity of potentially contaminative former land uses (plastics factory and mill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

## **Comments received from local residents:**

15 Chambersbury Lane

### **Objection**

I would like to express my concerns about the size of the proposed extension next door. These are small semi detached houses and I am concerned that a massive wall 3.7m high and 5.5m long could be built on our boundary. This would blot out all the light from the South to our main living room and turn the outlook dank and dark. I think that the size of the extension is inappropriate to a small semi.

No other house in the street has such a large extension and in no other house in the street does a double story extension extend beyond the line of the original rear wall.

Our houses are attached on the living room walls and we share flues making the natural orientation of the rooms towards this party wall. The view from our living room windows therefore will be dominated by the side of the proposed single storey extension. The height of this extension, raised to just below the upstairs window will be 3.7 metres and the length extending to 5.5 metres. The size of this extension will blot out a large amount of our sky view which in turn provides the light into our living room.

### **Key Considerations:**

#### Principle of Development

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

#### Effect on Appearance of Existing Building

Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

The proposed side extension would be set down 1 metre from the existing ridge height and measure a maximum 1.5 metres in width and therefore would look subordinate in relation to the parent property; this would be in accordance with side extension design requirements outlined within Saved Appendix 7 of the Local Plan (2004) and the Nash Mills HCA19 Area Character Appraisal (2004).

Furthermore, the proposed scheme has been amended to feature a 0.5 metre first floor set in from the boundary with No. 11 Chambersbury Lane. This will maintain the separation distances

between properties and henceforth the open and suburban character appearance of the immediate area.

Due to the steep fall in land level the proposed rear extension would be marginally visible from the street scene of Mill Close. Nonetheless, the hipped roof form of the rear extension would remain subordinate in height in relation to the parent property and is considered an improvement in appearance to the existing single storey flat roofed extension.

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or immediate street scene. The proposal is therefore in accordance with saved appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013), the NPPF (2012) and Nash Mills (HCA19) Area Character Appraisal SPG (2004).

#### Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), all seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposal should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy. Moreover, Saved Appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The first floor rear extension would not breach the 45 degree line as drawn from the rear habitable windows of Nos. 11 and 15 Chambersbury Lane. As such the proposal would not result in a significant loss of daylight or outlook to neighbouring residents. Similarly, due to no flank elevation windows on property No. 11 Chambersbury lane the proposed two storey side extension would not result in loss of outlook or light to any flank elevation windows. Due to the marginal proposed 3.5 metre depth and 4 metre ridge height the single storey rear extension is not considered to result in significant loss of outlook or daylight to No.15 Chambersbury Lane ground floor rear habitable windows.

No further loss of privacy or overlooking will result from the proposed extension due to no flank elevational windows proposed. Further overlooking to neighbouring rear gardens may result from the first floor rear extension however, this is an existing situation and an element of overlooking from first floor windows is expected in built up residential areas.

A 25 metre (approximate) deep garden would be preserved as a result of the rear extension, far exceeding the 11.5 metre deep standard outlined within Saved Appendix 3 of the Local Plan (2004).

As a result, in regards to residential amenity, the proposal is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Car Parking Provision

Policy CS12 of the Core Strategy (2013) seeks that to ensure developments provide sufficient parking. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards. The Council's Parking Standards outlined within Saved Appendix 5 of the Local Plan (2004) requires three off street parking spaces for four bed dwellings within Residential Zone 3-4. The application seeks to increase the number of bedrooms from three to four, which would require an increase in parking provision. Nonetheless, on site provision is sufficient to accommodate at least two domestic cars. Furthermore, permission granted for a detached garage in August 2016 (4/01729/16/FHA) would provide three off street parking spaces, meeting maximum standards. As a result it is not considered that the proposal would impact upon the safety and operation of the adjacent highway. The proposal meets the requirements of Policy CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Other Planning Material Considerations

##### *i) High Barns Chalk Mines*

Ground Conditions: High Barns Chalk Mines / National Planning Policy Framework Approach to Land Stability/ Recent Change to DBC's approach to the Consideration of Applications located in the Inner High Barns Area

The recently published Highbarns Treatment Report is an overarching report which covers the area directly affected by the former chalk mine. The report summarises the treatment work carried out by BAM Ritchies and provides evidence that the works have been effective in stabilising the ground which had been disturbed by the chalk mine.

Based upon the content of the Highbarns Stabilisation Treatment Report there were no remediation works at no. 13 Chambersbury Lane.

The Area Treatment Reports set out the detailed treatment works carried out at a particular set of properties and in a letter from DBC Assistant Director ( Chief Executive's Unit) it is explained that this should read should be read in conjunction with the overarching report for High Barns. All the reports are published on the Council's website under [www.dacorum.gov.uk/home/planning-development/planning-news/highbarns-chalk-mines](http://www.dacorum.gov.uk/home/planning-development/planning-news/highbarns-chalk-mines)

Until the publication of the NPPF the LPA was reliant upon the robust and now superseded PPG 14 ( Development on Unstable Land).

With the recent publication of the Area Treatment Reports and the main report there is no longer a case to withhold the grant of planning permission for extensions in the Highbarns Inner Area due to unknown land stability issues.

##### *ii) Consultation Response*

Several concerns were received as a result of the application. The main concerns are addressed below:

*Overdevelopment of site* - Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, relationship to site boundaries and number of car parking spaces. As a result of the proposed works the separation distance to neighbouring boundaries would be retained to a level expected for semi-detached properties within a urban area with a 0.5 metre distance retained at first floor level to property No. 11 Chambersbury Lane, parking provision would remain sufficient to meet maximum standards and external amenity provision of a approximately 25 metres deep garden would be retained. The proposal cannot be described as overdevelopment of the site.

*Visual impact to street scene*- this has been addressed in visual amenity above.

*Impact to neighbouring properties, in terms of overlooking and loss of outlook*- this has been addressed within the residential amenity section above.

*Loss of outlook and daylight to No.15 Chambersbury Lane as a result of the ground floor rear extension*- The proposed single storey rear extension has been amended to project 3.5 metres. It is important to note a rear extension 0.3 metres shorter in depth would be permitted without formal planning consent under Class A of the GDPO (2015).

**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 carried out in accordance with the following approved plans/documents:**

**1619/1B**

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

Informative 1 - Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informative 2 - Contaminated Land

It is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Informative 3 - Carrying out Development in the Highbarns Chalk Mines Outer Area and Land Stability Informative

The Government advice confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner.

The carrying out of development in the Highbarns Outer Area is at the risk of the developer as the Council does not have any information relating to ground stability in the Outer Zone. If the developer / landowner is concerned about possible ground instability, consideration should be given by the developer / landowner in commissioning a ground stability report.

- 3 **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 (2013).