

Reference No: 5/19/1412

Valid Date: 04/06/2019

End of Stat Period Date: 29/07/2019

Case Officer: Andrew Rudlin

Report Written Date: 15/08/2019

Applicant: Mr & Mrs Patel

Proposal: Part single, part two storey rear extension with rooflights following demolition of shed, new openings and alterations to openings

Site Address: 42 Nelson Avenue St Albans Hertfordshire

Ward: CUNNINGHAM

Parish: N/A

Constraints:

Area of Special Control for Adverts

BACKGROUND

Site / Surroundings: No. 42 is a two storey, semi-detached property located on the south side of Nelson Avenue. The area is predominantly residential.

Proposal: Planning Permission is sought for the following:

- Part single, part two storey rear extension with rooflights
- New openings and alterations to openings
- Demolition of shed

Relevant Plan History:

No relevant planning history.

PLANNING POLICY

National Planning Policy Framework 2019

St. Albans District Local Plan Review 1994:

POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 72	Extensions in Residential Areas

Supplementary planning Guidance/Documents:

Revised Parking Standards 2002

Emerging St Albans City and District Local Plan 2020-2036 – Limited weight for decision making:

Policy L20	New Development Parking Guidance and Standards
Policy L23	Residential Development Parking Standards
Policy L24	Development Amenity Standards

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994. The NPPF 2019 is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 212 and 213 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Given the age of the development plan, assessment of the proposal against the relevant policies will be limited to those which accord with the NPPF. The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

REPRESENTATIONS

Publicity: N/A

Expiry Date: N/A

Notifications: Nos. 37, 39, 40, 44 Nelson Avenue, and Nos. 152, 154 Drakes Drive were notified on 14/06/2019.

Four responses in support of the proposal were received from Nos. 14, 21, 33 and 40 Nelson Avenue, and 1 Weyver Court on the following grounds:

- The proposed extension is similar to others in the street.
- The proposed extension is innovative and will contribute to the Avenue's general appeal.
- The proposed extension is in keeping with the current building and surrounding areas.

Two responses were received from Nos. 44 and 46 Nelson Avenue, objecting to the proposal on the following grounds:

- Loss of light to No. 44 Nelson Avenue.
- Overshadowing and loss of outlook and residential amenity to No. 44's rear windows and rear garden amenity space.
- Overlooking and loss of privacy to No. 44
- The proposed extension is not in keeping with the size and scale of its surroundings.
- The design at first floor level is not in keeping with its surroundings.

The issues raised are considered in the report below.

Town / Parish Council: N/A

Consultations: N/A

DISCUSSION

Main Issues:

The main issues in the determination of this application are the impact of the proposal in terms of scale and character, amenity impact, and car parking.

Scale and Character

Paragraph 127 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity. In this regard, Policies 69 and 72 of the Local Plan are consistent with the NPPF, and substantial weight should therefore be attached to the provisions of these policies.

Policy 72 (Extensions in Residential Areas) states that extensions to dwellings in residential areas "*shall relate to the domestic scale, character and appearance of the street*".

The proposed part single, part two storey rear extension is large in size, extending 5.2m beyond the rear elevation of the property at ground and first floor level. However, overall the proposed extension is considered acceptable in terms of its size and scale, leaving the existing building predominant and respecting the size and scale of its surroundings. No.42 also benefits from a plot which is of a size that would not be unduly diminished by the proposal.

The proposed materials to be used are considered appropriate to the existing building and the residential setting of the property. It is noted that the proposal features an unusual design with large amounts of glass fenestration to the rear of the property, at ground and first floor levels, which will introduce a more contemporary appearance to the dwelling compared to existing. However, the application site is not located within a Conservation Area and overall this aspect of the proposal is considered to achieve an adequate standard of design. The extension would be located to the rear of the property, and as such the impact on the character and appearance of the local area will be minimised.

The proposed widening of the front canopy and alterations to the front door would not be detrimental to the character or appearance of the existing building or streetscene.

In view of the above, the proposed development is considered acceptable in terms of its scale and character and impact on the street scene. The proposal is therefore compliant with the aims of Policy 69 and Policy 72 of the St. Albans District Local Plan Review (1994), and the core principles set out in the National Planning Policy Framework 2019.

Neighbouring Amenity

Paragraph 127 of the National Planning Policy Framework seeks to ensure a high standard of amenity for all existing and future users. This principle is reflected in the provisions of Policies 69 and 72 of the Local Plan Review (1994). Policy 72 (v) states, “*the light, privacy or amenity of adjoining property shall not be unacceptably harmed*”.

Policy 72 (vi) of the Local Plan, states that “*two storey rear extensions shall not normally intrude into a 45 degree visibility zone of a neighbour’s ground floor windows*”.

Policy 72 (viii) of the Local Plan states that “*single storey rear extensions shall not normally extend more than 3 metres rearward along a party boundary*”.

Impact on No. 40 Nelson Avenue

Nos. 40 and No. 42 are attached and share the same rear building line, and No. 40 has a ground floor window located close the boundary between the two properties. The proposed part single, part two storey extension will extend along the boundary with No. 40 by 3 metres at ground floor level, thereby complying with Policy 72 (viii) of the Local Plan. The overall depth of the extension will be 5.1m, however as the corner of the extension will be chamfered, and the first floor extension will be stepped away from the boundary between the two properties by 2m, the proposal will not intrude into the 45 degree visibility zone of No. 40’s ground floor windows and is thereby compliant with Policy 72 (vi) of the Local Plan. As a result it is not considered that the light or amenity of No. 40 will be unduly affected by the proposed extension.

The proposed angled window towards No. 40 could result in overlooking but as it is a secondary window it could be conditioned to be obscure glazed. The proposed new rear facing first floor windows would have an oblique angle of view towards this neighbouring property and it therefore not considered that any unacceptable harm would be caused to the privacy of No. 40 as a result of the proposed development.

Impact on No. 44 Nelson Avenue

No. 40 and No. 44 share the same rear elevation line, but are separated by a distance of 2.6m. The proposed part single, part two storey extension will maintain the separation distance of 2.6m between the properties.

The proposed rear extension will have a rearward depth of 5.1m and height to the eaves of 5m. In order to assess the impact of the proposed rear extension on the light and amenity of No. 44, the proposal will be assessed against BRE guidelines. The proposed extension would not fail the 45 degree test recommended by the BRE, as when assessed from the elevation view the centre of No. 44’s kitchen window would lie outside of the 45 degree angle of the proposed extension. The separation distance of 2.6m between the properties will also reduce the overbearing impact of the proposal and prevent an unacceptable loss of outlook to this neighbouring property. It is also noted that that No. 44 has an existing outbuilding which already impacts No. 44’s kitchen window at ground floor level.

As a result it is not considered that the harm caused by the proposed extension to No. 44 would be sufficient to warrant a refusal of this application. While it is noted that the proposal will affect the neighbouring property, it is not considered that unacceptable harm to the light or amenity of this neighbouring property will be caused by the proposal.

The proposed part single, part two storey rear extension will have a side facing window at first floor level which faces in the direction of No. 44. However it is noted that the Design and Access Statement states that this window will be obscure glazed and non-opening below 1.7m of the

internal floor level. In order to ensure the privacy of No. 44 is maintained, a condition will be attached to the planning permission hereby granted, stating that this window shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The proposed new rear facing first floor windows would have an oblique angle of view towards No. 44 and are therefore not considered to result in significant harm to this property by way of an overlooking impact.

In view of the above, it is not considered that the light, privacy or amenity of any neighbouring property will be unacceptably harmed by the proposed development. The proposal is therefore compliant with the aims of Policy 72 of the St Albans District Local Plan 1994 and the National Planning Policy Framework 2019.

Access and Car Parking Standards

The proposed development will result in the creation of one additional bedroom, increasing the total to four. According to Policy 40 (Residential Development, Parking Standards) a dwelling of this size shall have access to three on site car parking spaces.

However, Revised Parking Policies and Standards, January 2002 does allow for schemes below the required parking standard. Additionally national policies as set out in paragraph 105 of the NPPF 2019 note that accessibility of the development, availability of public transport and local car ownership levels should be taken into account when considering local parking standards.

Two parking spaces will be retained at the front of the property, and on street parking is also available. The application site is also located within a reasonably sustainable area near to the city centre with access to local shops, services and public transport networks. Taking account of these factors, the additional bedroom and loss of a garage is not considered to have an impact significant enough to justify a refusal.

The proposal is therefore compliant with the aims of Policies 39 and 40 of the St Albans District Local Plan 1994 and the National Planning Policy Framework.

Other Matters

The submitted plans show thermal solar panels on the roofslope of the original building however these were not referred to in the description on the application form and have not therefore been assessed. A notwithstanding condition can be added to any approval that this does not extend to the panels.

Comment on Town / Parish Council / District Councillor / Concern(s): N/A

REASONS FOR REFUSAL

To include justification for recommendation and relevant development plan policies

The proposed development is considered acceptable, as it is compatible with the style and form of the original building and with the scale and character of the street scene. There will be no adverse impact on neighbouring properties and car parking requirements are adequate. The proposal is in accordance with Policy 39 (Parking Standards, General Requirements), Policy 40 (Residential Development Parking Standards), Policy 69 (General Design and Layout), Policy 72 (Extensions in Residential Areas) and Revised Parking Policies and Standards, January 2002 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

HUMAN RIGHTS CONSIDERATIONS

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998

RECOMMENDATION: Conditional Permission

Decision Code: A1

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 159/NAV/001 received 03/06/2019, 159/NAV/110, 159/NAV/130 received 14/06/2019.

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

3. The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building, or as otherwise specified in the Planning Application Form.

To ensure that the finished appearance of the building is satisfactory. To comply with Policies 69 and 72 of the St. Albans District Local Plan Review 1994.

4. The window to be created in the first floor side elevation of the part single, part two storey rear extension, facing towards No. 44 Nelson Avenue, shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

5. Notwithstanding the details shown on the approved plans, this permission does not relate to the solar panels shown in drawing no. 159/NAV/130.

For the avoidance of doubt and in the interests of proper planning. So as to ensure the proposed development has a satisfactory appearance in accordance with Policy 69 and 72 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2018.

Informative(s):

1. This determination was based on the following drawings and information: Design and Access Statement, Drawing Nos. 159/NAV/001, 159/NAV/010 received 03/06/2019, Drawing Nos. 159/NAV/030, 159/NAV/110, 159/NAV/130 received 14/06/2019.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

3. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is

required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

4. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

5. The applicant's attention is drawn to the Party Wall Etc. Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

6. The applicant is advised that this application was accompanied by a Certificate stating that the applicant was the owner of all the land shown within the application site and therefore, this decision notice is issued on the understanding that no part of the development extends beyond the curtilage of the application premises.

7. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

8. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

9. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer **Andrew Rudlin**

Section 65 Parties

Plans on website http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning

Author:

Andrew Rudlin

Date: 15/08/2019
