

ITEM NO: 6.7	<u>Location:</u>	1 The Birches, Codicote, SG4 8UL
	<u>Applicant:</u>	Mr C Walsh
	<u>Proposal:</u>	Two and single storey rear extension following demolition of existing conservatory.
	<u>Ref.No:</u>	08/00356/ 1HH
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period : 28 April 2008

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee

Objection raised by Parish Council contrary to officer recommendation.

1.0 Relevant History

- 1.1 Planning permission was granted for single storey front and rear extensions in 1988.
- 1.2 Planning permission was refused for a two storey rear extension with two dormer windows following demolition of existing conservatory in January 2008 for the following reason:
 1. The proposed two storey rear extension would cause a significant loss of daylight received by the side facing living room window of No 211 Valley Road South, to the detriment of the residential amenities of the occupiers of that property.

2.0 Policies

- 2.1 North Hertfordshire District Local Plan No 2 with Alterations
Policy 28 - House Extension
Policy 57 - Residential Guidelines and Standards.

3.0 Representations

- 3.1 Codicote Parish Council - "The situation has not improved sufficiently concerning the light to the adjoining property (see objection to 07/02813/1HH).
- 3.2 Local Residents - letters of objection have been received from the occupiers of 211 Valley Road South and 2,3,4 and 6 The Birches on the following grounds:
 1. would have a detrimental effect on the light received by the bedroom and dining room of 2 The Birches,
 2. would still cut out light to the living room of 211 Valley Road South
 3. would cause a loss of privacy to 211 Valley Road South due to a proposed balcony; and
 4. would set an undesirable precedent for similar extensions on other properties in The Birches, possibly creating a tunnel effect on neighbouring properties.

- 3.3 Thames water - advise that there is are public sewers crossing the site and any work within 3 metres requires Thames Waters' approval.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 1 The Birches is an end of terrace 1960s/70s house, adjoining No 2 and to the south east of 211 Valley Road South. Open fields lay to the rear.

4.2 Proposal

- 4.2.1 The proposal seeks to overcome the objection raised to the earlier proposal by reducing the width of the first floor extension to approximately half the width of the house. The ground floor of the extension would provide an enlarged kitchen/family room the full width of the house and at first floor level it would enlarge an existing bedroom, with a Juliet balcony. The extensions would project 3 metres to the rear. The form of the first floor extension would be a continuation of the existing roof slope with dormer roof over the glass doors/windows of the first floor bedroom.
- 4.2.2 I am, however, in receipt of an e-mail from the applicant advising that they intend to amend the proposal to omit the first floor extension, retaining only the ground floor extension. This is intended to overcome the concern raised by neighbours. Members will be advised orally upon whether the amended drawings have since been received.

4.3 Key Issues

- 4.3.1 The key issues relate to whether the objection to the previous proposal has been overcome and whether the amendments raise any new concerns relating to effect upon neighbouring residential amenity or visual amenities of the locality. No increase in the number of bedrooms is proposed, so there are no parking issues to consider.
- 4.3.2 The property currently has a conservatory to the rear which would be removed to accommodate the proposed extension. It is virtually the full width of the house, 2.75 metres deep and 3.3 metres to the highest part of the roof where it abuts the house. The single storey part of the proposed extension would be 3 metres deep and 3.9 metres to the highest point. I consider this part of the proposal would have no significant effect on the sunlight or daylight received by the side facing window to the living room of No 211 valley Road South.
- 4.3.3 The first floor part of the proposal would be 5.1 metre from the side wall of No 211. project 3 metres to the rear of the application property. The main roof to the extension would be 4.8 metres high rising to 5.65 metres high. The dormer feature would be a maximum height of 6.3 metres. The relationship between the proposal and the side facing living room window of the neighbouring property is shown on drawings that will be displayed at the meeting. I consider that the distance and angle between the first floor extension and the side facing living room window is such that a significant loss of sunlight or daylight would not be caused. I, therefore, feel that the objections raised to the previous proposal have now been overcome.
- 4.3.4 With regard to the effect upon the neighbouring property on the other side, No 2 The Birches, the proposed extension would be the same depth as before with the main part of the roof being the same height. There is a difference in the size of dormer window as the current proposal shows it to be a little larger. For this reason I consider that this proposal would have a very slightly greater effect upon the daylight received by the rear dining room window. Although I feel the increase would be negligible with regard to the bedroom window. However, I consider this

would not be sufficient to justify withholding permission.

4.3.5 The rear extension would not be publicly visible from the street. Although the dormer window is not a typical feature of these properties, I can see no sustainable planning objection to this part of the proposal.

4.3.6 There is concern that this proposal would set an undesirable precedent for other properties in the terraces. Each case would of course be considered on its own merits. There is concern that a tunneling effect could be caused should a similar extension be proposed for the other neighbour adjoining No 2. The granting of permission for this proposal does not necessarily mean that permission must be granted for another in the terrace if a significant loss of residential amenity would result.

4.4 **Conclusion**

4.4.1 That as the application stands the objections to the previous proposal would be overcome and that there are no sustainable objections to raise. Should the anticipated amended drawings be received showing the first floor extension to be omitted, subject to all things being equal, I would also see no sustainable objection to the reduced scheme. However, this matter will be reported orally at the meeting.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Reason for Decision

The extension would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan, as summarised below.

North Hertfordshire District Local Plan No 2 with Alterations
Policy 28 - House Extension

Policy 57 - Residential Guidelines and Standards.