

Planning, Design and Access Statement

Application Site

The application site comprises a two-storey semi-detached dwelling located on the eastern side of Highview Gardens which is residential in character. The dwelling has a part canopy structure above the front entrance door. There is a redundant side garage addition towards the side of no.37. A single storey side/rear extension has been constructed behind this without planning permission. A single storey rear extension at 6m in depth has been permitted via prior approval (19/0516/PD42) on 17/05//2019 of which was shortly implemented after. There has been a raised platform/patio added with steps leading centrally down to the garden. It is noted towards the side of no.41 there is a high fence panel covering the side of the platform with a high-level side boundary wall along the boundary of no.37 - covering the depth of the existing patio/platform with fencing covering the rest of the common boundaries. This high wall at no.74 which is over 4m in height was constructed in 2021 and does not benefit from planning permission.

A high platform has been constructed although this is has been in situ single the implementation of the single storey rear extension. Officers as part of the main approval stated that 'this has been in place for over 4 years, this would mean the addition is immune from enforcement action.' Furthermore, both the adjacent properties in particular no.37 have high patio/platforms with high boundary treatments and therefore this is a common feature of the road.

A pergola style structure has been constructed near the boundary of no.37 of which we are seeking to retain. There is a single storey rear outbuilding - end of the garden of which was investigated by the Planning Enforcement Team (reference - 21/0085/UAW). Enforcement officers concluded that this outbuilding was constructed via permitted development with the use and massing in accordance with Class E of the GPDO (2015) - this is mentioned in the officers report. In any case, the proposed block plan (including existing) shows this rear PD compliant outbuilding – as confirmed by officers.

The land levels appear to rise slightly from the south to the north meanings no.37 is situated slightly lower. The levels drop from the front (west) to the rear (east).

There are no heritage or policy constraints on the site although the site backs onto land which is protected for Open Space and Recreational Facilities.

Proposal

The application seeks householder planning permission for:

- Part single; part two-storey side/rear extension
- Demolition of the existing side garage and side/rear extension
- Retention of the detached side/rear pergola structure towards the side of no.37

The main difference from the main approval – 23/0286/HSE to the current scheme is the slight increase in width of the first floor rear element alongside retention of the pergola style structure. This is discussed below.

Planning History

23/0286/HSE | Part single; part two-storey side/rear extension (following demolition of the existing side garage and extension including detached rear pergola structure). (Amended plans received 16/05/2023, 28/06/2023 and 19/07/2023 to accurately reflect what is on site alongside amendments to the scheme). | 39 Highview Gardens Potters Bar Hertfordshire EN6 5PN – Granted 21/07/2023 (Not Implemented)

It should be noted that several concerns were raised by the occupiers of no.37 relating to the boundary and red line accuracy. However, officers as part of the approval stated – delegated report ‘that the proposed works fall within the site boundary outlined in red and that the plans accurately show the current additions on site and the proposed extensions.’ As such, the plans are accurate and should not be criticised in any way. We should only be focusing on the retention of the pergola and slight width increase at first floor (to the rear).

Planning Policy

National Policy/Guidance

- National Planning Policy Framework 2023
- National Practice Guidance

The Development Plan Adopted Hertsmere Local Plan:

Core Strategy 2013

- SP1 Creating Sustainable Development
- SP2 Presumption in Favour of Sustainable Development
- CS16 Environmental Impact of New Development
- CS22 Securing a High Quality and Accessible Environment
- CS25 Accessibility and Parking

Site Allocations and Development Management Policies Plan 2016

- SADM11 Landscape Character
- SADM12 Trees, Landscaping and Development
- SADM13 The Water Environment
- SADM14 Flood Risk
- SADM30 Design Principles
- SADM40 Highway and Access Criteria for New Development

Supplementary Planning Guidance / Documents

- Planning and Design Guide Part D 2016 (Draft for Interim Development Management Use) – Guidelines for High Quality Sustainable Development
- Planning and Design Guide Part E 2006 – Guidelines for Residential Extensions/Alterations
- Parking Standards SPD (2014)
- Draft Sustainable Transport and Parking SPD (2022)
- Draft Carbon Offsetting (2022)
- Draft Biodiversity Net Gain (2022)

Principle of Development

Planning permission has already been consented on site (23/0286/HSE) for the works listed in the proposal section of the report. As such, the ‘additional’ works beyond the approval should only be considered which is for the retention of the pergola (slightly higher the boundary wooden fencing –

not the high boundary wall at no.37) alongside slight width increase of the first-floor rear element. All other aspects would be as approved.

Condition 5, which was attached by officers, stated that:

'Within three months of the date of this decision, the existing single storey side/rear extension that has been recently constructed behind the existing garage addition and pergola structure towards the side of no.37 Highview Gardens shall be permanently removed unless otherwise agreed in writing by the Local Planning Authority.'

The below site photos show the pergola and 'side/rear extension of concern. You can also see the excessive high wall at no.37 which was built in 2021 (as confirmed by google maps) which does not benefit from planning permission. Enforcement officers should be investigating this.



The real question here is given the side/rear extension at no.37 and the unlawful 4m plus high wall at no.37 which appears to have been constructed in 2021, would the host side/rear extension behind the side garage (part of the house) be of a size to warrant refusal on design and neighbouring amenity grounds? The addition when comparing the works at no.37 and that of the locality is not considered to be of a size to be considered dominant, incongruous, intrusion or overbearing. It is simply a small scale extension behind the garage.

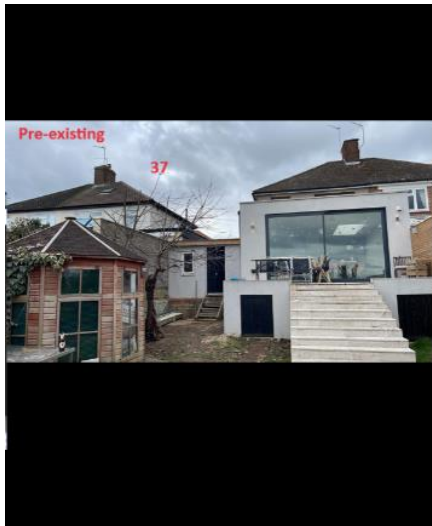
The below shows a pre-existing vs existing – there is barely a noticeable area of expansion to warrant significant harm to the visual amenities of the streetscene. As you can see, the neighbour of no.37 did not construct the 4m high wall in September 2020 - according to google maps and therefore the situation is still unlawful and not immune from enforcement action. We did not even construct this side/rear extension at the time of the high wall constructed but had no choice but to construct to what we believe was lawful (**now understood not to be**) a side/rear extension to minimise the visual harm. As you can see in the above photos, the side wall is domineering, excessive, overbearing and resulting in poor outlook for the host occupiers. We should really be reporting this unlawful wall to the Planning Enforcement Team although decided against doing so to respect the neighbours decision. However, this should be accounted for as part of the assessment of this application to which seeks to retain the pergola and extend wider at first floor (rear).



Whilst we appreciate officers had imposed Condition 5, there is no material harm from the side/rear extension and therefore we consider that this condition should be removed or amended to require the removal when works are start. Officers did not put a reasoned justification behind this condition and it is not practicable to just remove the side/rear element of concern and pergola without implementing the main permission. We will be commencing works straight after the approval of this application (if officers approve). Condition 1 requires a material start within 3 years. Whilst the applicants can start work in 2026, we will be doing so imminently but we consider the wording of the condition should be changed to reflect prior to the commencement of works, the side/rear extension shall be demolished etc (as shown on the plans). In any case, we have put a reasoned justification for the pergola and if officers are minded to support the retention, we can then pursue with the wider extensions approved (hopefully this application).

In terms of the pergola, there was already a previous form of outbuilding of which we had removed and replaced with a more 'open' style structure – it is approx. 0.4m higher than the boundary (see below in red) wooden fence of no.37. Given the size of the garden and pre-existing structure, it is considered this addition is not dominant, excessive or bulk to warrant refusal/removal.





In terms of the first floor rear element being wider, it is clear from the submitted approved plans that the first floor bedroom would be so narrow to even bother with constructing this element. We propose to make it slightly wider and within the '45 degree' zones as stated within the SPD 'should be within a line drawn 45 degrees from the nearest edge of any first floor neighbouring window.'

The additional width whilst it might be ever so slightly beyond the 'half the width of the main dwelling' would not be of a size to be imposing, incongruous or dominating. It would retain a sufficient distance from the common boundary of no.41 and set back from the tip of the ground floor rear element.

As such, it is considered unreasonable for the LPA to refuse the side/rear extension as there would be no material harm. No.37 have clearly constructed a 4m high wall from 2021 which requires planning permission. It is overly dominant from the garden (our amenity) and in any case needs planning permission – this matter needs to be investigated. Officers have already confirmed that the plans are accurate and reflective of the site during positive engagement of the main approval. The application concerns the retention of the pergola alongside making the first floor rear element wider. We will of course remove the side/rear extension and garage when we implement the permission – there will be a 1m gap retained.

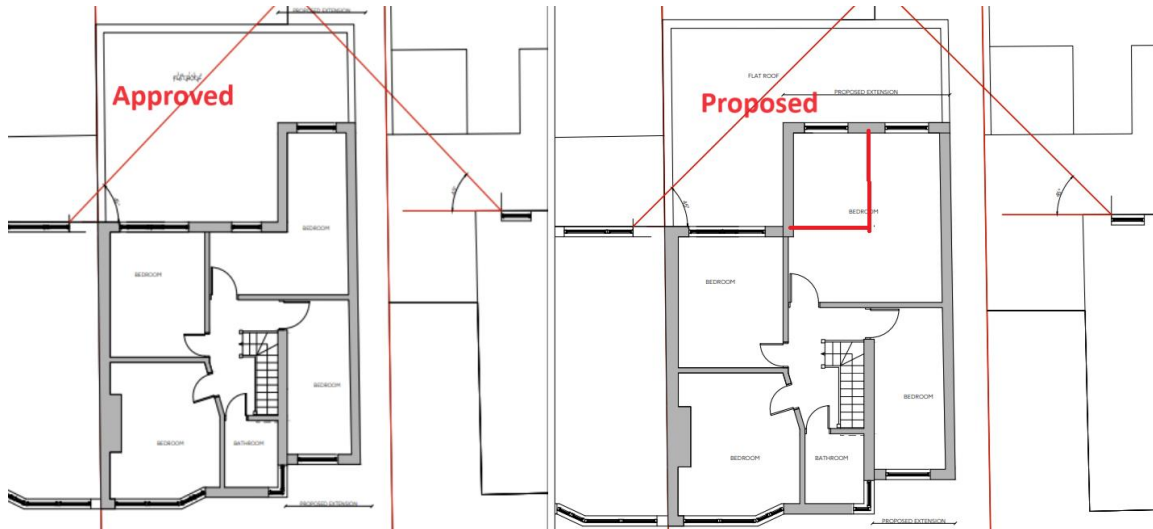
Character and Appearance

Officers as part of the approval stated that the proposal, following amendments would construct a two-storey side extension of which would be set back (both levels) from the established front building line by approx. 1m alongside set in from the side boundary of no.37 by 1m. The current side extensions, despite being at ground level are situated on the common boundary of no.37 of which the proposal would remove (improve relation despite being at two storeys) and retain a 1m side boundary. The addition would have a pitched/hipped roof of which would be set down from the ridge of the main roof by approx. 0.5m. When reviewed against the SPD, the proposed side element would be compliant. The majority of the properties along the road have not been extended in such a manner but that doesn't mean a form of side extension which is SPD compliant as proposed is unacceptable. The addition would be proportionate and subordinate to the main dwelling especially given the setbacks of which would allow the addition to be secondary. This scheme would retain the same layout.

In terms of the rear element, first floor in particular, it is noted that officers considered it to be proportionate to the main dwelling. Importantly, officers stated that 'the first floor rear element

would be in fact **narrow** when reviewed against the cumulative width of the dwelling although its massing and proportions would be acceptable.’

The proposed first floor rear element would be slightly wider and would retain a massive separation to the common boundary of no.41. The host site is relatively wider and deep and therefore can tolerate the further expansion beyond the approval. If officers consider a slight width reduction is needed, then we can explore and agree to this. However, the first floor rear element would be well set back from the tip of the ground floor and side common boundary of no.41. The roof form would be dual pitched – as approved but slightly wider. It is considered that the wider extensions would be proportionate and subordinate to the main property.



The proposal would not unbalance or disrupt the relationship with no.41 nor would it be detrimental to the character and appearance of the road.

The addition would be subordinate and proportionate and as such would not be detrimental to the visual amenities of the streetscene.

The materials would be similar to the existing dwelling. This is positive and a compliance condition can be attached. The windows and doors to the extensions would be acceptable.

In terms of the rear outbuilding, as mentioned by officers, the ‘existing rear outbuilding at the end of the garden has been constructed via permitted development of which the enforcement team have deemed to be compliant with Class E of the GPDO (2015). The use is incidental to the main dwelling.’

As such, the proposal would and is considered to be acceptable on character and appearance grounds.

Neighbouring Amenity

The host dwelling adjoins no.41 (north) and is adjacent to no.37 (south) of which are semi-detached two-storey dwellings along Highview Gardens. To the rear (east) is open space and to the front (west) are two-storey semi-detached dwellings – no.50 and 52 Highview Gardens.

In terms of no.41, the ground floor element currently in situ and patio/platform including boundary treatment would remain as existing. The ground floor ‘infill’ area would not extend beyond the current depth of the dwelling of which was permitted under prior approval (19/0516/PD42). The first floor rear projection would be approx. 2.8m in depth and sited 3.7m (previously 4.7m) from the common boundary of no.41 with the plans demonstrating 45 degree compliance. The side expansion would not be directly visible from the occupiers of no.41. No concerns would be raised to these occupiers.

With regards to the occupiers of no.37, as mentioned by officers, the two-storey side/rear extension would be sited approx. 1m from the common boundary with the single storey rear element approx. 3.35m beyond the neighbouring rear building line at ground level – the neighbours extension at ground level is ‘L-shaped’ meaning it is deeper towards the side of no.35. The first floor rear element would be approx. 2.7m beyond the neighbouring occupiers rear building line at first floor with an approx. 3.8m building to building separation (this separation being at first floor).

Officers did not previously raise any form of impact from the unlawful side/rear extension or pergola nor from the proposed side/rear extension. The overall massing beyond this neighbour would not be any different as the massing increase is proposed towards the side of no.41. We therefore consider that as justified above these elements should allow to be retained in particular the pergola.

As such, no concerns would be raised on neighbouring amenity grounds in regards to loss of outlook, visual impact, overbearing impact, sense of enclosure, overlooking/privacy or loss of daylight/sunlight. The retention of the pergola is causing no material harm. The use incidental to the main dwelling and not for the purposes of a business which would be out of character in this residential area.

Conclusion and Planning Balance

It is considered that the proposal is and would be acceptable on neighbouring amenity and character and appearance grounds. The key summary points are:

1. No material harm from the side/rear extension
2. Pergola is in place of an existing situation albeit slightly higher and wider – more open style
3. Unlawful 4m high boundary wall not even considered by Enforcement – this was constructed in 2021. This is very harmful to the host occupiers
4. Re-wording of Condition 5 to require side/rear extension removal when implementing the permission
5. No further neighbouring or character and appearance impact from the increase first floor side/rear element width
6. No further changes beyond the approval apart from the increase width of the first floor side/rear element and retention of the pergola
7. As confirmed by officers, the plans accurately show the current situation on site and with the proposed plans showing the intended development of which would be implemented straight away – not 3 years down the line