



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 15 OCTOBER 2015 AT 7.00 PM

COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC CENTRE

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Birnie	Matthews
D Collins (Chairman)	Riddick
Conway	Ritchie
Clark	R Sutton
Fisher	Tindall
Guest (Vice-Chairman)	Whitman
Maddern	C Wyatt-Lowe

## Substitute Members

Councillors Mrs Bassadone, Bateman, P Hearn, Peter, Link, Mills and Ransley

For further information please contact: Katie Mogan, Member Support Officer, on Tel: 01442 228221, E-mail [katie.mogan@dacorum.gov.uk](mailto:katie.mogan@dacorum.gov.uk) or visit our web-site [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## PART I

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## 1. MINUTES

To confirm the minutes of the meeting held on 24 September 2015 (these will be circulated separately).

## 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

## 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting.

## 4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@dacorum.gov.uk)

There are limits on how much of each meeting can be taken up with people having their say

and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

(i) The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

(ii)

(a) deferred planning applications which have foregone a significant or material change since originally being considered

(iii)

(b) resubmitted planning applications which have foregone a significant or material change

(iv)

(c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

## INDEX TO PLANNING APPLICATIONS

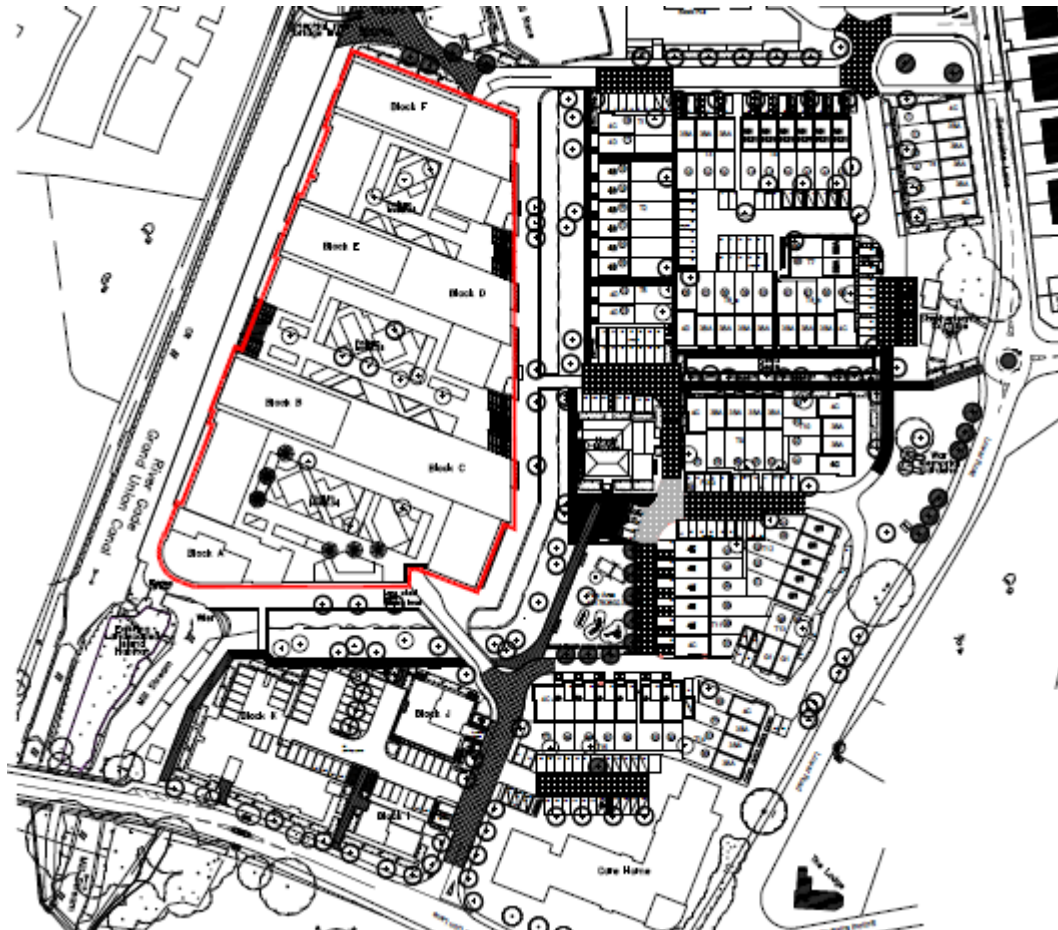
Item No	Application No.	Description and Address	Pg No.
5.01	4/02611/15/ROC	VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00339/15/FUL (ENLARGEMENT OF 13 NOS. TOP FLOOR APARTMENTS WITH ASSOCIATED ROOF TOP TERRACES, ASSOCIATED ELEVATION CHANGES AND INSTALLATION OF ROOF TOP VENTS). SAPPI GRAPHICS, LOWER ROAD, NASH MILLS, HEMEL HEMPSTEAD, HP3 9XF	6
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**ITEM 5.01 (4/02611/15/ROC)**

**VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00339/15/FUL (ENLARGEMENT OF 13 NOS. TOP FLOOR APARTMENTS WITH ASSOCIATED ROOF TOP TERRACES, ASSOCIATED ELEVATION CHANGES AND INSTALLATION OF ROOF TOP VENTS).**

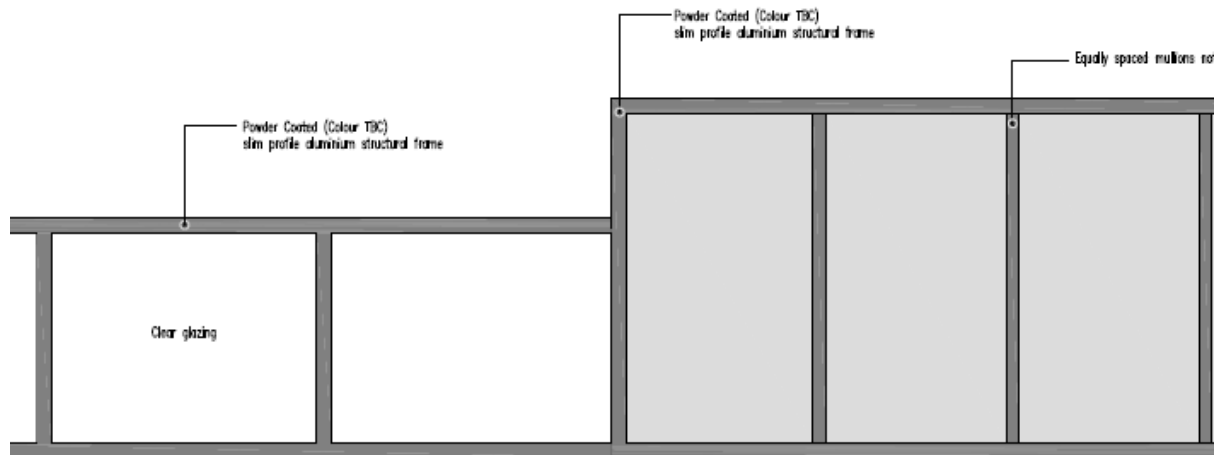
**SAPPI GRAPHICS, LOWER ROAD, NASH MILLS, HEMEL HEMPSTEAD, HP3 9XF**



**ITEM 5.01 (4/02611/15/ROC)**

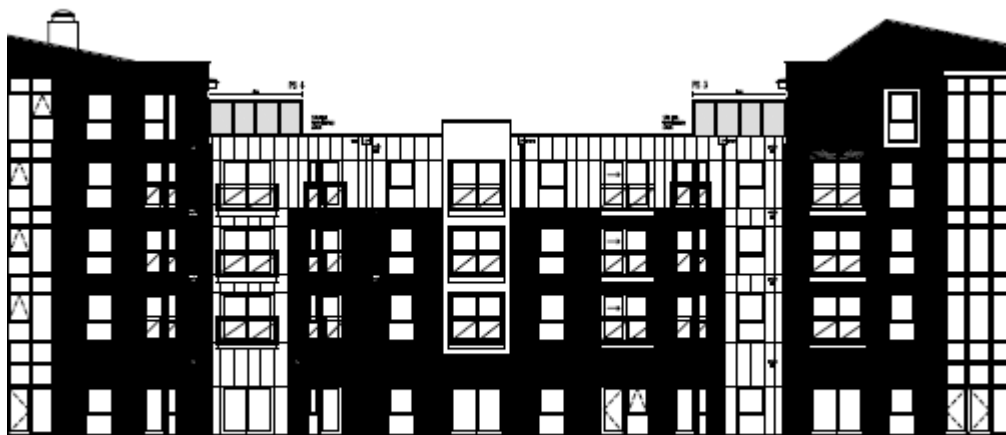
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**SAPPI GRAPHICS, LOWER ROAD, NASH MILLS, HEMEL HEMPSTEAD, HP3 9XF**



1.2m high clear glass screen located between 1.8m high privacy screen side panels

1.8m high frosted glass privacy screen



**4/02611/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00339/15/FUL (ENLARGEMENT OF 13 NOS. TOP FLOOR APARTMENTS WITH ASSOCIATED ROOF TOP TERRACES, ASSOCIATED ELEVATION CHANGES AND INSTALLATION OF ROOF TOP VENTS)..  
SAPPI GRAPHICS, LOWER ROAD, NASH MILLS, HEMEL HEMPSTEAD, HP3 9XF.  
APPLICANT: Mr Sandhu.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

Planning permission for the re-development of this former industrial site for mostly residential purposes was granted under 4/01382/09/MFA and amended under application 4/00339/15/FUL. It is now proposed to further amend the details of the roof terraces to the 'island site'.

The approved roof terraces all comprised 1.8m obscure glazed privacy screens, which were set at an angle to the sides. Upon construction it has become apparent that given the angle of the side screen and the position of the doors, access to the roof terrace is very confined. In addition, the rear screening at 1.8m in height and of obscure glaze provides little open aspect for future occupiers. It is therefore proposed to keep the height and obscurity of the screens, but to square them off (so they appear perpendicular to the building) to the sides. It is also proposed to reduce the height of the rear screens (which overlook the remainder of the roof) to 1.2m and replace the obscure glass with clear glass. This would provide future occupants with some aspect when using these amenity areas whilst ensuring the privacy of adjacent units is not significantly compromised.

In visual terms, given the scale of the overall residential development, the amendments are considered minor, and would not harm the overall character or appearance of the area or compromise the high quality design of the development. The approved roof terraces and their associated privacy screens would be visible from street level but would appear as subservient features. This would not change as a result of the proposal. Notwithstanding the 2m increase in depth on units 408 and 409, given their size and scale, and the fact they are set in from the flank of the building the terraces, and the privacy screens would continue to appear as subservient features to the buildings. As such there would be no significant overall visual harm.

With regard to privacy and overlooking between properties, the separation distances (with the exception of units 408 & 409 where the terrace is to be increased by 2m) remain as approved and the side screens albeit set at a slightly different angle, continue to be 1.8m in height and obscured. The level of overlooking would thus be almost identical to that of the approved scheme. In addition there are numerous non- obscured habitable windows at all levels of the 'island site' which are in closer proximity to adjacent dwellings than the roof terraces. A refusal could not be sustained.

With regard to size and the extent to which the terraces would be used. All but 2 of the terraces, remain as approved in overall size and as such likely usage levels



would not increase or intensify. Whilst 2 of the terraces (plots 408 & 409) would be increased in depth by 2m, the intensity and likely usage of these areas would not increase to such a level as to result in significant noise or disturbance issues. Should this become an issue in the future, this would be controlled by separate legislation (Env Health).

### **Site Description**

This application relates to the recently developed 'Sappi' site in Nash Mills. The site is predominantly residential and is nearing completion.

### **Proposal**

Planning permission for the re-development of this former industrial site for mostly residential purposes was granted under 4/01382/09/MFA. The development comprised three distinct residential elements; terraced and townhouses in private streets; blocks of flats at either end of the site (all complete); and two large blocks of apartments situated between the mill stream and the canal (known as the island site or Phase 2 Blocks ABC and DEF). Amendments to the island site, including the roof apartments and terraces were approved under condition 20 of the principle permission and subsequent changes approved under 4/00339/15/FUL.

It is now proposed to further amend the details of the roof terraces to the island site. The apartments themselves will not be altered just the roof terraces. The proposed changes involve minor increases in the size of the roof terraces, alterations to the height and position of the privacy screens and are summarised below;

- (v) 'Squaring off' of all previously approved roof terraces
- (vi) Lowering the height of the front privacy screens to 1.2m high clear glazing, (side screens remain 1.8m and frosted as approved).
- (vii) Increasing the roof terrace area on Block ABC / Plots 408 & 409 from the approved 2.5m to 4.5m in depth (the depth of all other terraces remain as approved)

In support of their application the applicants advance that *'the approved height, configuration and position of the screens has serious detrimental impacts on the residential amenities of future occupiers. The approved terraces are limited in size and the positioning of the 1.8m high obscure glazed screen only 2m away from the bi folding doors of the apartment openings creates both an overbearing and oppressive structure obliterating all views from within the apartment. In addition the obscure glazed nature of the screens seriously reduces the levels of light entering the apartments'*.

### **Referral to Committee**

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

### **Planning History**

Significant History - see anite.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA 3:Bank Mill ]

## **Summary of Representations**

### Nash Mills Parish Council

– Objection.

‘The planning history is confusing:

In Jan 2015 a new application was made Ref 4/00339/15/FUL indicating roof terraces much reduced in size with effective screening of frosted glass. This application was approved. However, in July 2015 a further application was made Ref 4/02611/15/ROC . This proposed larger areas of roof terraces with modified and less effective screening.

Construction had begun however, this has now been partially demolished and rebuilt to a design that does not appear to have planning permission.

NMPC would like the current July 2015 application refused and if resubmitted to indicate screening which effectively prevents overlooking directly into the house in Croxley Road ( Numbers 10 to 20, ) which face the proposed roof terraces.’

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### 16, 18, 19 & 20 Croxley Road - Object:

- Overlooking and Privacy
- Noise Nuisance
- Light Pollution
- The current proposal reverts back to previously unacceptable plans submitted under 4/0339/15/FUL, which itself was made following the withdrawal of

4/02135/14/NMA. This application sought amongst other things to utilise the roof space. The terraces were out of proportion to the size of the flats and gave rise to a loss of visual amenity and potential noise nuisance. The subsequent full plans proposed a more modest terrace and provided full screens. No objection was made to this. The current application seeks to increase the size again, albeit not to previous sizes but still bigger than approved.

- the size of the terraces now more than triples and could accommodate 30/40 people.
- the privacy screens would cause significant loss of visual amenity to the residents of Croxley Green and significantly alter the profile of the building and prevent views of the trees

## **Considerations**

### Effects on appearance of building / street scene

The roof top units of this residential redevelopment are already served by terraced / balcony areas, which are entirely surrounded by privacy screens. The repositioning of the screens and the lowering of their height to the front would have a minimal visual impact in terms of the overall scale and mass of the approved building form. The overall scale, mass and bulk of the Phase 2 'island' apartment blocks would remain as approved. Despite concerns being raised the privacy screens would not alter the overall profile of the building in a significant manner or prevent views of trees beyond.

### Impact on Neighbours

The residential amenities of surrounding dwellings would not be significantly affected by the amendments.

With regard to privacy and overlooking, the roof terraces are set in from the buildings edge and the privacy screens to the sides of the roof terraces would remain at 1.8m in height and of obscure glazing. It is only the angle of the side screens which is to be altered. There would not therefore be a significant increase in the level of overlooking as a result of these changes. It is acknowledged that the height of the screens to the front would be lowered, and switched to clear glass. However, given their position and height, this would predominantly facilitate views over the remainder of the roof only. The separation distance between the units in question and the nearest flats or dwellings is more than sufficient to ensure an acceptable level of privacy is maintained. The separation distance, together with the fact that there are habitable, non-obscured windows in closer proximity means any impact would be minimal / comparable to existing mutual overlooking levels.

With regard to the properties of Croxley Green specifically as these are the only units currently occupied, the separation distance exceeds 23m. This is considered more than sufficient to ensure no significant overlooking or loss of privacy and complies with saved policies of the Local Plan. In addition these dwellings themselves have balconies without privacy screens facing the proposed units. A refusal could not therefore be sustained.

With regard to size and the extent to which the terraces can be used, the areas were originally restricted so as to accommodate only 2-4 people. On all but 2 of the plots, the depth of the roof terrace area would remain as approved. The overall floor area would increase very marginally as the angled screens would be squared off. There would however be such a nominal increase that the likely level and intensity of usage would not alter. The terraces would continue to accommodate between 2-4 people and as such there would be no increase in noise or disturbance levels. It is proposed to increase the size of the roof terraces to plots 408 & 409 by an additional 2m but again the increase in the likely level and intensity of usage would not be so significant as to give rise to noise or disturbance issues. Concern has been expressed by local residents but the terraces would not be tripled in size or accommodate anywhere near the number of people asserted.

#### Impact on future occupiers

Having visited plots 408 & 409 the approved screens are not ideal and do compromise the residential amenities of future occupants. The provision of a 1.8m high privacy screen located 2m from the lounge windows not only obscures light to the room but does appear somewhat imposing. In addition given the angle of the screen and the position of the bi-fold doors (which sit externally) access onto the roof terraces is severely restricted.

The lowering of the front screens to 1.2m and introduction of clear glass would facilitate views out and improve light levels, both of which would improve the residential amenity of future occupants.

#### Other matters

Concern has been expressed by local residents that this application is reverting back to previously unacceptable plans. This is not the case. Application 4/02135/14/NMA was withdrawn as the changes being sought (including the use of the roof space) were not deemed to constitute non material amendments. The incorporation of the roof space would have an impact on surrounding properties and as such needed full consultation. A Full application was subsequently submitted. The current scheme proposes larger terraces to flats 408 and 409 only, and these terraces are exactly the same width but double the depth. The potential usage would also therefore double. This is not concluded as excessive.

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:**

**14/014/07A - Block ABC fourth floor**

**14/014/08A - Block ABC fifth floor**

**14/014/14A - Block DEF Third Floor**

**14/014/15A - Block DEF fourth Floor**

**14/014/18A - Elevations**

**14/014/20A - Elevations**

**14/014/21A - Privacy Screen Elevations**

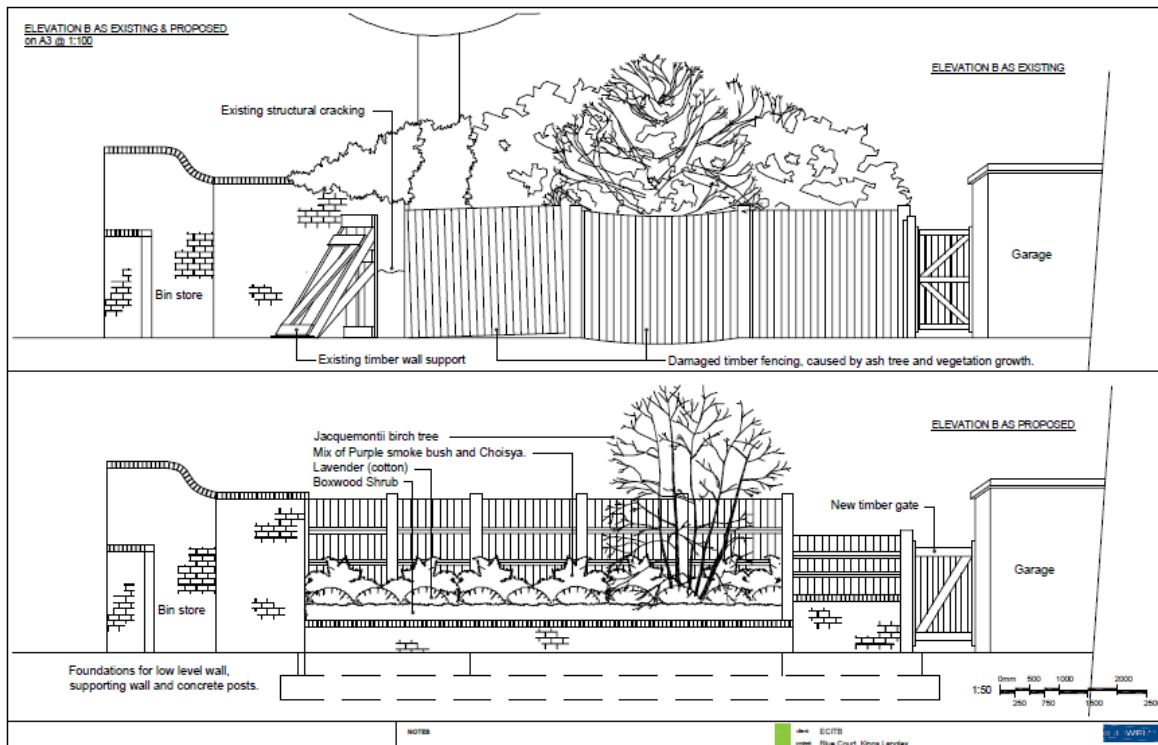
**14/014/22A- Screen Detail**

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

**ITEM 5.02 (4/02578/15/FUL)**

**ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP**

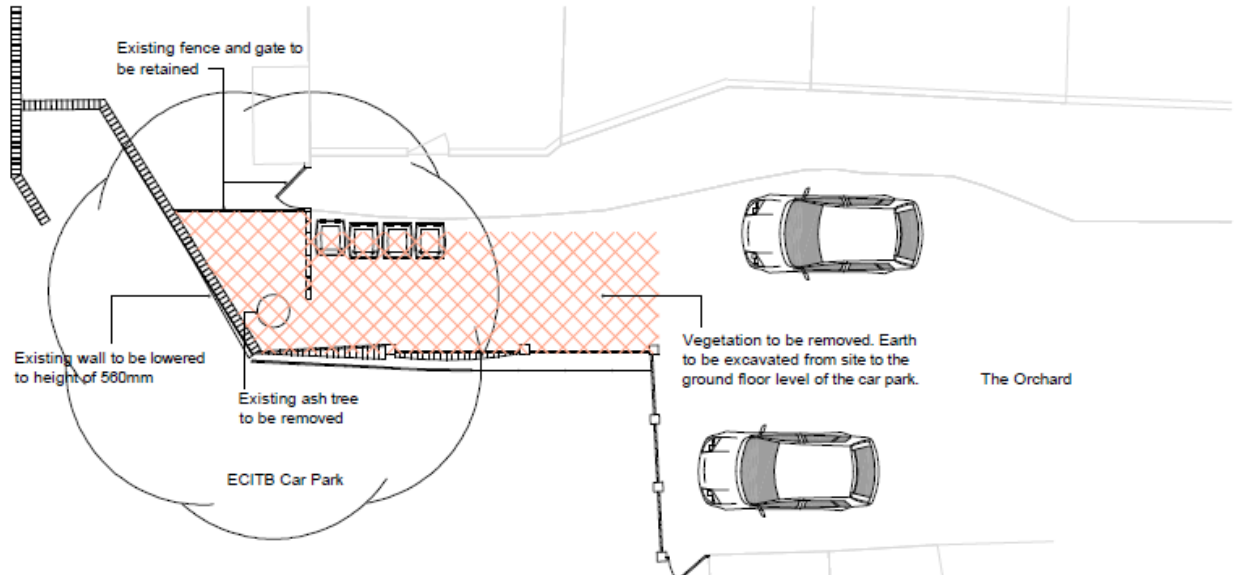


**ITEM 5.02 (4/02578/15/FUL)**

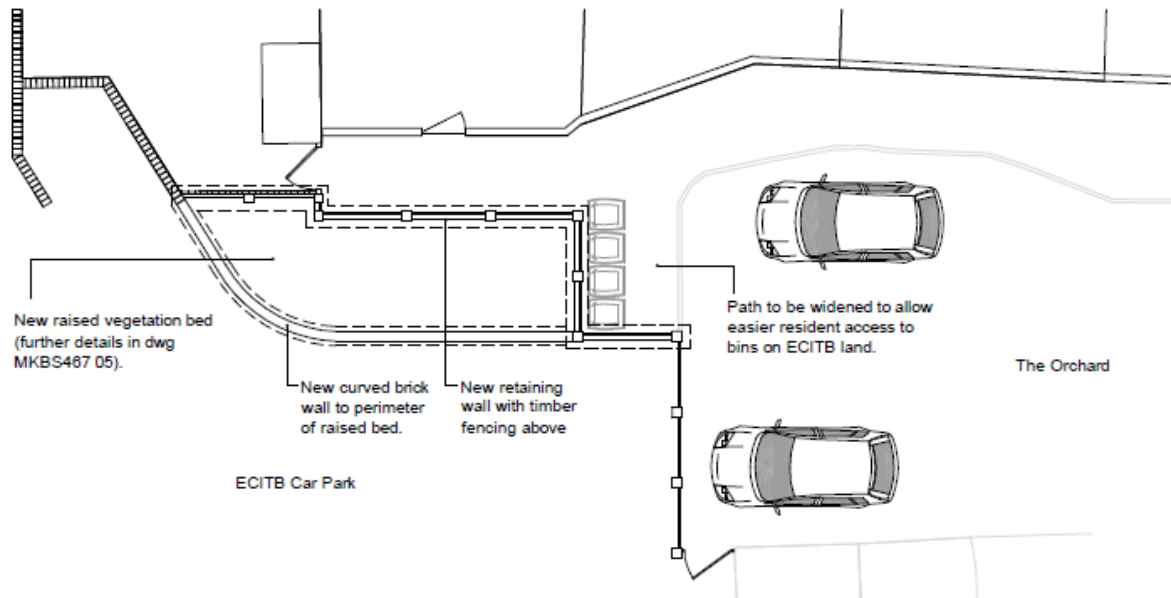
**ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP**

*EXISTING SITE PLAN*



*PROPOSED SITE PLAN*



**4/02578/15/FUL - ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP.**

**APPLICANT: Mr Hazell.**

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[Case Officer - Keith Frost]

### **Summary**

The application is recommended for approval.

While the loss of the Ash tree is regrettable it is considered that any harm to the character and appearance of the Kings Langley conservation area is slight and overcome by the improvements to the starkness of the existing car parking area achieved through the proposed planting of a Himalayan Birch tree and the soft landscaping within the proposed raised planting area. In addition, and very importantly, significant weight must be attached to the damage the ash tree is currently causing, and will cause, to the adjacent wall and car park hard surface.

### **Site Description**

Blue Court is a large symmetrical classical villa of a late Georgian date, situated on the corner of Church Street and the High Street in the Kings Langley Conservation Area. The building, has since 1952 been included on the statutory list of buildings of historic or architectural interest, as Grade II. This former detached residential building has since the late 1990s been used for offices, with the land to the Church Street side of the property having been made into a large paved area for vehicle parking, with the site bounded by a mixture of brick walling, flint walling and closed panelled fencing.

### **Proposal**

It is proposed to remove a TPO ash tree and a 3.5 metre section of 2.8 metre high brick walling (and a further 8 metres of 1.8 metre tall closed boarded fencing) to facilitate a new boundary layout to the north-western corner of the site that would involve the construction of a new length of curving brick walling that would be 550mm high with a raised area of planting behind, with a new length of close boarded fencing along the extended site boundary line at the rear of the raised planted area.

A concurrent application for listed building consent is being considered under 4/02579/15/LBC.

### **Referral to Committee**

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

### **Planning History**



TPO 546            The TPO status of the ash tree subject to this application was confirmed on 30/03/15.

4/02050/14/FU L REPLACEMENT OF EXISTING ASPHALT FLAT ROOF COVERING WITH NEW SINGLE MEMBRANE SYSTEM. DEMOLITION OF EXISTING BRICK WORK TO EXTERNAL CAVITY LEAF AND CONSTRUCTION OF NEW EXTERNAL LEAF IN BLOCKWORK. REINSTATEMENT OF EXTERNAL RENDER TO MATCH EXISTING ONCE COMPLETE.  
Granted  
31/10/2014

4/02331/14/TC A ASH (T1) - FELL AND REMOVE ROOT BALL BECAUSE OF STRUCTURAL DAMAGE TO RETAINING WALL TO CARPARK.  
Raise objections  
10/10/2014

4/01055/11/TC A WORKS TO ASH TREE  
Raise no objection  
29/07/2011

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS13 - Quality of Public Realm  
CS27 - Quality of the Historic Environment

### Saved Policies of the Dacorum Borough Local Plan

Policy 120

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

## **Summary of Representations**

### Kings Langley Parish Council

'The Council stands by its previous objection listed below and would be disappointed if the tree which has a TPO listing is felled.

"The Council OBJECTS to the application because it is the only tree in this part of the Conservation Area and that the case submitted for its removal is not considered to be very strong; the Council is also concerned for the loss of wildlife".

#### Hertfordshire Highways

'as Highway Authority does not wish to restrict the grant of permission.'

#### Trees and Woodlands

No objection - The history of this site and tree is now well documented and while unusual, won't cause any change of view from me in Trees & Woodlands. Please flag up the decision and direction from the Tree Preservation Order (TPO) Appeals Committee in your report.

My view was the same as other officers at the time in that the tree was not of sufficient merit within the landscape to warrant placing under the protection of a TPO. Furthermore it was our view that it was the cause of i) structural damage to the adjacent brick wall ii) ongoing disruption of the adjacent brick paved parking area.

On the basis of my original view, I raise no objection to the removal of the Ash tree in question and its replacement with a Himalayan Birch as shown in drawing MKBS467.

#### Building Control Officer

'Situation remains the same. Wall is a danger and is propped for the time being. To resolve this situation either the tree needs to be removed and the wall repaired, or if the tree is to remain then the wall will require demolishing and rebuilding further away from the tree to prevent a re-occurrence.'

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

5no. comments of objection were received from Nos. 34, 40,44, 46 & 48 The Orchard, which raised the following (summarised) objections:

#### HARMED CAUSED BY LOSS OF ASH TREE

(xiv) the removal of a the ash tree, the subject of a TPO that has been assessed as being in good health.

(xv) ash trees nationally are being lost through fungal disease and as such efforts should be made to this tree.

(xvi) the tree supports a variety of wildlife, such as birds and insects.

(xvii) the tree is considered important for the contribution it makes to the conservation area and to the outlook of residents of The Orchard. As such the

removal of the tree would be harmful to the conservation area and adjacent residents of The Orchard whose views would be replaced with views of the fencing and wheelie bins.

#### OWNERSHIP / ACCESS

- the parcel of land to be enclosed by the new fencing is not believed to be owned by Blue Court rather that it is 'no mans land' not in any ones ownership.
- the parcel of land to be enclosed is not as reported by the applicant to be 'derelict' but has been maintained for at least the last two decades by the residents of Nos.46 and 48 The Orchard.
- the applicant incorrectly states that the access to Nos. 46 and 48 The Orchard, adjacent to the application site, to be the 'rear access' gateways these two properties when in fact it is the only means of access to this two properties.
- the proposal would have an impact on access to Nos. 46 and 48 The Orchard.

#### OTHER MATTERS

- the proposal seeks the substantial reduction in the height of part of the boundary walling with No.48 The Orchard and adversely impact on the privacy of the property.
- information presented is incorrect in that the walling is not supporting the tree (the tree was there before the wall).
- there has not been sufficient consideration given to other options that could see the tree retained, such as re-enforcing the existing walling.

#### **Considerations**

The principle consideration in this application relate to the impact of the proposed loss of the TPO ash tree. The impact of the proposed works on the character and appearance of the Kings Langley conservation area and on the residential amenities of surrounding properties also need consideration.

#### TPO Ash Tree

The brick boundary walling to the north-western corner of the car park to Blue Court is understood to been built in the 1990s when the premises were converted into offices and an area for car parking created to the side of the property. At that time it appears ground levels to parts of the area to the side of Blue Court were modified leading to the present situation with respect to the north-western corner of the car park where the land the other side of the boundary wall is at a higher level.

A structural survey was undertaken in July 2014, by Smithers and Purslow, which reported that beyond the 2.8 metre boundary wall of the car park there is an area of retained soil that was to a height of approximately 1.20 metres. This area of retained land contains an ash tree, which an accompanying tree survey report describes as being a semi-mature tree with a 700mm stem diameter and overall height of 15 metres. The structural survey identified the boundary wall to have a lateral crack running through part of it, the walling having an outward bow to it, such that the wall was considered to be in a potentially dangerous condition and has been shored up

with timber propping. Furthermore the report notes that the block pavers of the car park in the vicinity of the wall and fencing had been disturbed. The conclusion reached in the report is that damage to the wall and pavers has been caused by the ash tree behind the wall, with the recommendation the tree be removed and the damaged walling taken down and rebuilt.

The tree survey report makes the point that trees '*are not static objects, but growing, living organisms and their condition, size and relationship to buildings, structures and other trees can change significantly and sometimes unpredictably over a period of time*'.

The tree survey report assessed the ash tree as to be in good structural condition and in a fair physiological condition with the tree having been managed in the past with signs of significant crown dieback evident following heavy crown reduction. Furthermore due to ground level differences and physical restraints (the brick walling), the majority of the feeder root network for the ash tree appears to have mainly developed to the north and west where the ground conditions would appear to be preferable, with the tree having it is considered developed a root to the south and east to provide physical stability.

The tree survey report supports the conclusions reached in the structural survey that the ash tree is the cause of the damage to both the walling and the surface of the car park. The report also concludes that as the ash tree has yet to reach maturity and would therefore cause further damage were nothing to be done.

With respect to the proposal to remove the length of failing walling and to construct a new wall, on new footings, such works would require excavation works that based on what is being proposed could not be achieved without causing the loss of major supportive roots found close to the tree stem. As such the author of the tree survey report concludes the proposed new walling cannot be achieved without the removal of the tree as the safety of the tree would otherwise be severely compromised. Furthermore, it is suggested that even had reinforcement works to the existing wall been considered this would undoubtedly required similar excavation works for any new walling to support the existing wall with the same harmful impact on the tree.

In addition to the structural damage being caused by the ash tree, it is also worth emphasising that the Council's Trees & Woodlands Officer has stated, both at the time of the serving of the TPO and during the consideration of this application that the ash tree is not of sufficient merit to warrant placing under the protection of a TPO. The tree officer therefore on the basis that the tree is not of great merit, and is causing damage, do not object to its removal or to its replacement with a Himalayan Birch.

Notwithstanding the above it is very important to recognise that Members considered the status of the Ash tree during the TPO process. In March this year Members decided to confirm the TPO status of the Ash tree, having taken into account the qualities of the tree, its importance in its locality, and the structural condition of the adjacent wall.

However, it is considered that the evidence submitted regarding the structural

damage, which is agreed by the Council's Building Control and Trees & Woodlands departments, outweighs any harm caused by the removal of the Ash tree. It is further considered that a refusal of permission in this instance would risk the Council becoming liable for ongoing repairs to the adjacent brick wall and car park surface.

### Impact on Conservation Area

The ash tree is considered to contribute in a positive manner to the character and appearance of this part of the Kings Langley Conservation Area both in views from the land in front of The Orchards (looking south), where the tree is seen against the backdrop of the trees within the churchyard of All Saints and looking north from Church Street into the site where the ash represents the only tree of any note in those views. The importance of the ash tree in these contexts was given significant weight by Members when they confirmed the TPO status of the tree in March this year.

Conversely, the tree is considered by the Council's tree officer not to be of sufficient merit within the landscape to warrant the protection of the TPO awarded to it by the TPO Appeals Committee. Furthermore the tree officer is of the opinion that the tree is causing the structural damage to the adjacent brick wall and ongoing disruption of the adjacent brick paved parking area, something the Building Control Officer also believes is the case. It is considered that these factors would outweigh any harm to the conservation area caused by the loss of the ash tree. In addition it is considered that any harm to the conservation area would be very small for the following reasons:

- The ash tree is not a high quality individual specimen.
- The ash tree actually blocks views of the high quality trees within the All Saints churchyard when looking south from The Orchards.
- The proposal for a replacement tree would in time, it is considered, contribute to the visual appearance of this part of Kings Langley.
- Given the present lack of planting in and around the car park to Blue Court the proposed raised planted area would be a positive change for this area.

### Impact on Neighbours

The applicant has provided Land Registry documentation showing that the applicant owns Blue Court and the car park land directly to the east of the site as well as the hard standing area (up to a series of garages) that lie in front (to the east of) The Orchard, including the footpath that gives access to those properties of The Orchard. As such the raised area of land and ash tree as well as the footpath to Nos.46 and 48 The Orchard are in the ownership of the applicant, who through the proposed works would be annexing a parcel of land in their ownership into the curtilage of Blue Court.

It is understood the owners of No.46 The Orchard have in recent months had undertaken works to pave to the length of the footpath to the rear of these two properties paved along with adding steps and a free standing timber handrail along with an area of hard standing outside of No. 48 for four 'wheelie' refuse bins. Under the scheme as being proposed it would appear the footpath is to be made wider and straighter (however no steps are apparently shown) with a new area for wheelie bins

across the end of the proposed an indented end of the raised area of land to be enclosed by the proposed new fencing.

Given the present height of the boundary treatment to the properties of The Orchard, that front onto the area of land to be enclosed the visual impact of the new fencing or the bin store would be negligible with respect to ground floor views from these properties although it is recognised the removal of the ash tree given its size and height will have an impact on the views from these properties. Similarly given the position along the existing wall from which it is proposed to remove and rebuild the walling albeit to a lower height, this would be a point just beyond where the fencing to No. 48 The Orchard abuts and as such it is not believed the existing privacy of this property would be affected under this proposal.

Overall, therefore, the proposed works would not have a significantly detrimental impact on the residential amenities of neighbouring properties.

### Ecology

Kings Langley Parish Council and local residents have objected to the loss of the ash tree on ecological grounds, stating that it would result in a loss of bird and insect habitat. However, it is considered that the value of the ash tree as a habitat is very limited (being a single specimen) and would over time be compensated by the proposed Himalayan Birch.

### **Conclusions**

It would appear that the present situation with respect to the on going damage to the boundary wall to the car park of Blue Court and the surface pavers originates with the decision in the 1990s when the new car park was created with a retaining boundary wall and fencing line built close to an existing tree that was still in the process of growing. The situation today is that the boundary wall is in a potentially dangerous condition and has had to be shored up. Shoring can only be seen as short term fix and the situation is likely to worsen as the tree continues to grow. A long term solution would ultimately be necessary.

To this end the structural report has determined that the ash tree, which is causing the damage to the walling and paving blocks needs to be removed and the existing wall taken down and rebuilt. Whilst the loss of the ash tree is considered regrettable and will have a slight negative locally on the character and appearance of the conservation area it is clear it is causing damage to the boundary wall and surface treatment of the car park (and will continue to do so as it grows); potentially becoming dangerous to those using the car park. As such the proposal would see this danger removed and the walling rebuilt to provide a pleasant planted area to an otherwise stark car park.

**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 materials and finishes of the hereby approved section of new boundary walling shall match in size, colour, and texture that of the existing walling, in terms of the bricks, mortar mix and brick bond.**

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the Conservation Area, in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

- 3 **A replacement tree shall be planted before the end of the first planting season following the felling of ash tree in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the felling of the tree.**

Reason: In the interests of visual amenity. of the Conservation Area, in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

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

**Project No. MKBS467; Drawing No.01**  
**Project No. MKBS467; Drawing No.02**  
**Project No. MKBS467; Drawing No.03**  
**Project No. MKBS467; Drawing No.04**  
**Project No. MKBS467; Drawing No.05**  
**Project No. MKBS467; Drawing No.06**

#### **Design & Access Statement**

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

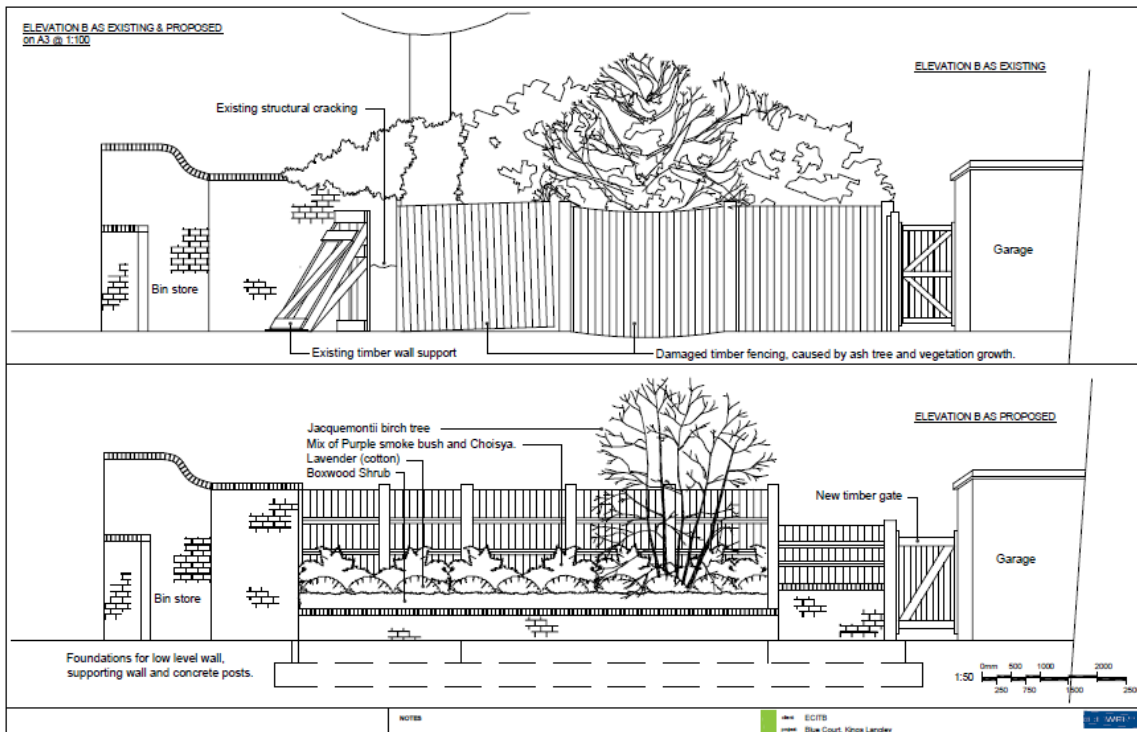
#### **Article 31 Statement**

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.

**ITEM 5.03 (4/02579/15/LBC)**

**ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP**



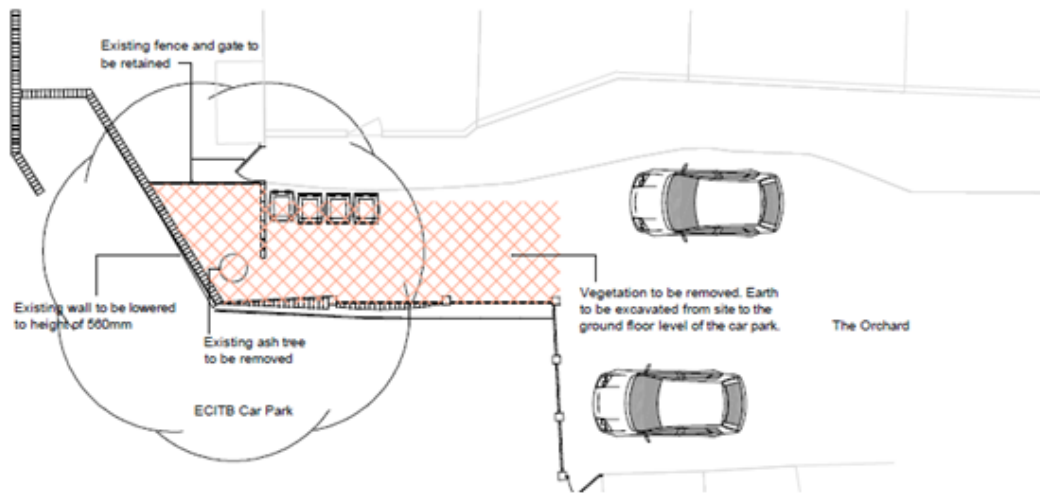


**ITEM 5.03 (4/02579/15/LBC)**

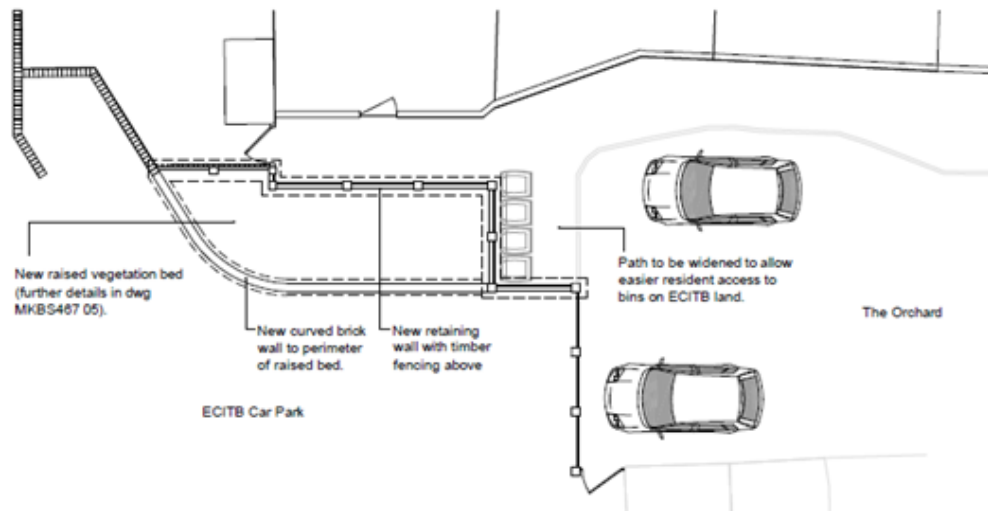
**ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP**

*EXISTING SITE PLAN*



*PROPOSED SITE PLAN*



**4/02579/15/LBC - ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA.**

**BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP.**

**APPLICANT: Mr Hazell.**

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[Case Officer - Keith Frost]

### **Summary**

The application is recommended for approval. The alteration to the existing boundary to form a new section of low walling with a planted landscaped area behind, bounded by close boarded fencing, would not result in any harm to an feature of historic or architectural importance and would have no adverse impact on the setting of the listed building. As such the application complies with policy CS27 of the Dacorum Borough Core Strategy.

### **Site Description**

Blue Court is a large symmetrical classical villa of a late Georgian date, situated on the corner of Church Street and the High Street in Kings Langley. The building, has since 1952 been included on the statutory list of buildings of historic or architectural interest, as Grade II. This former detached residential building has since the late 1990s been used for offices, with the land to the Church Street side of the property having been made into a large paved area for vehicle parking with the site bounded by a mixture of brick walling, flint walling and closed panelled fencing.

### **Proposal**

The application seeks the removal of a 3.5metre length of a 2.8 metre high brick wall and an adjoining 8 metre length of 1.8 metre tall closed boarded fencing, which form the boundary with the adjoining residential development known as The Orchard, to allow, following the removal of an existing ash tree, the construction of new length of curving brick walling that would be 550mm high with a raised area of planting behind, with a new length of close boarded fencing along the 'true' site boundary line at the rear of the raised planted area.

### **Referral to Committee**

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

### **Planning History**

4/02578/15/FU ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY  
L WALLING AND CONSTRUCTION OF NEW FENCING TO FORM  
NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1  
NO. COMMON ASH TREE

4/02331/14/TC ASH (T1) - FELL AND REMOVE ROOT BALL BECAUSE OF  
A STRUCTURAL DAMAGE TO RETAINING WALL TO CARPARK.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

CS27 - Quality of the Historic Environment

### Saved Policies of the Dacorum Borough Local Plan

Policy 119

## **Summary of Representations**

### Kings Langley Parish Council

'The Council stands by its previous objection listed below and would be disappointed if the tree which has a TPO listing is felled. The Council OBJECTS to the application because it is the only tree in this part of the Conservation Area and that the case submitted for its removal is not considered to be very strong; the Council is also concerned for the loss of wildlife.'

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

## **Considerations**

### Policy and Principle

Policy CS27 of the Dacorum Core Strategy requires new development to be respectful if the integrity, setting and distinctiveness of designated heritage assets that are to be protected, conserved and where appropriate enhanced.

### Effects on appearance of building

The brick boundary walling physically abuts the listed building, as such alterations to the wall require the need for consent. This boundary wall is clearly modern and is understood to have been built in the 1990s when the premises were converted into offices and an area for car parking was formed to the side of the property. The walling and the fencing are therefore of no historical or architectural importance.

A structural survey undertaken in July 2014 by Smithers and Purslow reported that

beyond the 2.8 metre boundary wall, to the car park, there was an area of retained soil to a height of approximately 1.20 metres. This area of retained land contains an ash tree, which an accompanying tree survey report describes as being semi-mature with a 700mm stem diameter and overall height of 15 metres. It is noted the tree is the subject of a Tree Preservation Order, however for the purposes of determining this application this is not a consideration. The structural survey identified the boundary wall had a lateral crack running through part of it with there being an outward bow to the walling, such that the wall was considered to be in a potentially dangerous condition and has been shored up with timber propping. Furthermore the report notes that the block pavers of the car park in the vicinity of the wall and fencing had been disturbed. The conclusion reached in the report is that damage to the wall and pavers has been caused by the ash tree behind the wall, with the recommendation that the tree be removed and the damaged walling taken down and rebuilt.

It is noted the parish council have raised a joint objection to this application and the corresponding application for planning permission, which has been duly noted. However it should be noted for the purposes of determining this application for Listed Building Consent the issue concerning the removal of the tree is not a material consideration. The sole considerations can be the impact of the proposed works on the listed building and its setting.

## **Conclusions**

The proposed low level wall, which is to be in a brick to match that of the existing walling, and the fencing are considered to be of an approximate materials and form, in keeping with that already existing on site. As such the proposed boundary treatment works are considered to have no discernible adverse impact on the setting of the listed building. In summary the application is considered to comply with policy CS27 of the Dacorum Borough Core Strategy and national guidance.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The materials and finishes of the hereby approved section of new boundary walling shall match, in terms of the bricks, mortar mix and brick bond, the size, colour, and texture of the existing walling,**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

- 3 The development hereby permitted shall be carried out in accordance**

**with the following approved plans:**

**Project No. MKBS467; Drawing No.01**  
**Project No. MKBS467; Drawing No.02**  
**Project No. MKBS467; Drawing No.03**  
**Project No. MKBS467; Drawing No.04**  
**Project No. MKBS467; Drawing No.05**  
**Project No. MKBS467; Drawing No.06**

### **Design & Access Statement**

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

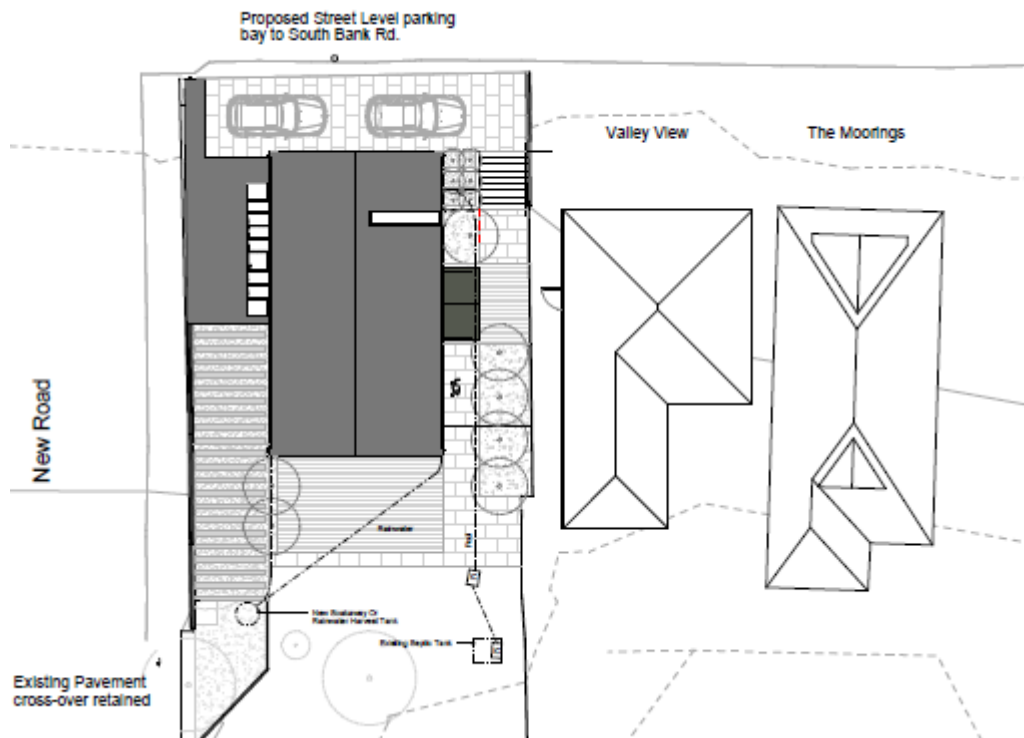
### **Article 31 Statement**

Listed building consent 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.

**ITEM 5.04 (4/02261/15/FUL)**

**DEMOLITION OF EXISTING SINGLE STOREY BUNGALOW. CONSTRUCTION OF NEW TWO-STOREY, THREE BEDROOM FAMILY DWELLING. ADDITIONAL OFF-ROAD PARKING TO BE CREATED AT REAR OF PROPERTY.**

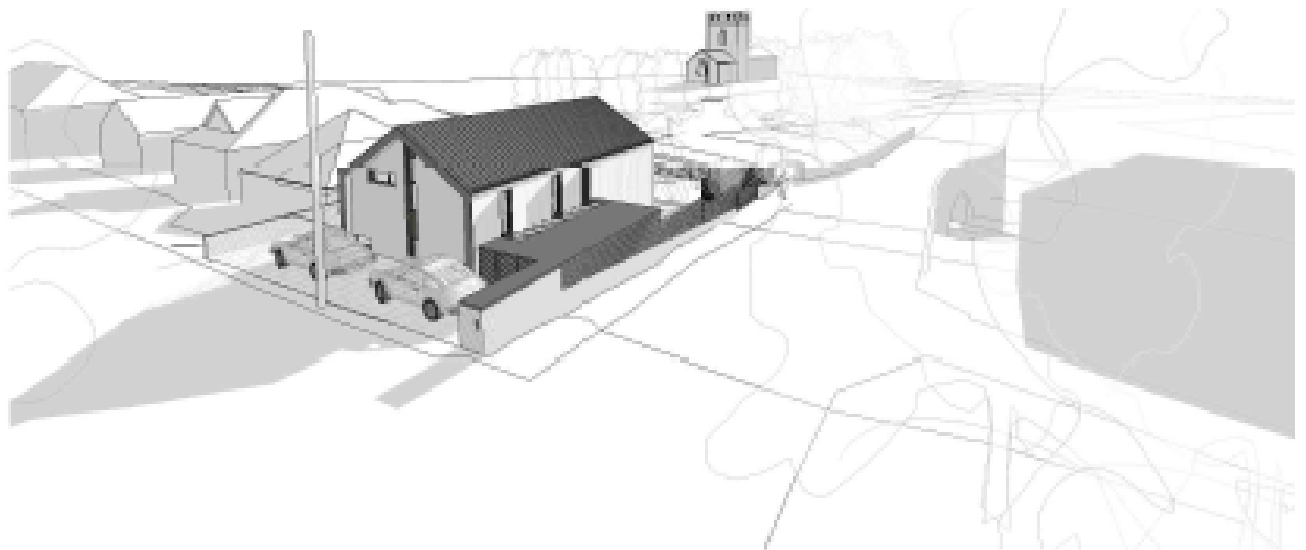
**1 SOUTH BANK ROAD, NORTHCHURCH, BERKHAMSTED, HP4 1LL**



**ITEM 5.04 (4/02261/15/FUL)**

**DEMOLITION OF EXISTING SINGLE STOREY BUNGALOW. CONSTRUCTION OF NEW TWO-STOREY, THREE BEDROOM FAMILY DWELLING. ADDITIONAL OFF-ROAD PARKING TO BE CREATED AT REAR OF PROPERTY.**

**1 SOUTH BANK ROAD, NORTHCHURCH, BERKHAMSTED, HP4 1LL**



**4/02261/15/FUL - DEMOLITION OF EXISTING SINGLE STOREY BUNGALOW. CONSTRUCTION OF NEW TWO- STOREY, THREE BEDROOM FAMILY DWELLING. ADDITIONAL OFF-ROAD PARKING TO BE CREATED AT REAR OF PROPERTY..**

**1 SOUTH BANK ROAD, NORTHCHURCH, BERKHAMSTED, HP4 1LL.**

**APPLICANT: MR & MRS FERRIER.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The replacement dwelling, whilst unique in its design (for the area) would not cause significant harm to the street scene or wider area. Southbank Road consists of a single row of dwellings, mostly detached modified or recently replaced bungalows and dormer bungalows of varying character and appearance.

The new building would have an adverse impact on the residential amenities of the immediate neighbour Valley View, but not to such a degree as to warrant a refusal. Valley View is a single storey bungalow with ground floor bedroom windows in the side wall facing the application site. Given the generous separation distance however, at over 5m, the first floor part of the new property would not result in a material loss of sunlight or daylight. The flank wall of the proposed dwelling would be clearly visible from the bedroom of Valley View. However, despite its height, this side wall would not be unduly overbearing, intrusive or oppressive.

Whilst not objecting to the replacement dwelling itself, Northchurch Parish Council object to the retention of the vehicular access onto New Road. Despite attempts to negotiate its closure as part of the re-development, the applicants are not willing to lose this existing access. Herts Highways have not objected to the proposal on highway safety terms and as such it is not reasonable or necessary as part of the development to require the closure of the access. A refusal based on this element alone could not be sustained. Two additional parking spaces are located to the front of the property along Southbank Road and these fall outside the jurisdiction of Herts Highways. Adequate space (2.4m x 4.8m) per space has been provided and the provision of 3 off street parking spaces in this location is considered acceptable.

The proposal is considered acceptable in terms of Policies CS12 and CS13 of the Core Strategy.

## **Site Description**

The application site is a sloping residential plot set in a residential area of Northchurch. Upon the site is a dated bungalow constructed circa 1940s with detached garage and outbuildings. The site slopes down to the south-west such that the dwelling occupies an elevated position above the adjacent canal. The rear garden is tiered, well landscaped and relatively open to the canal. The front of the property overlooks the lane. There is currently on-site parking provision accessed via New Road. The boundary with New Road is marked by a low level brick wall with timber fencing above with an existing vehicular access point towards the south-



western corner.

Southbank Road is a dead end gravel track with an open character given the cemetery to the north and canal setting to the south. The road consists of a row of dwellings mostly detached modified bungalows and dormer bungalows of varying appearance exhibiting a range of building materials.

## **Proposal**

Permission is sought for the demolition of the existing bungalow and the reconstruction of a detached two storey property with attached flat roof car port. Two additional parking spaces would be provided to the front parallel with the property and Southbank Lane.

The replacement property is of simple modern design; timber clad 'barn-like' architecture, two storeys in height, orientated at right angles to the existing bungalow (parallel to the adjacent bungalow; Valley View). The scheme has been amended numerous times during the course of the application. The dwelling now occupies a more central position with an attached car port to the north.

## **Referral to Committee**

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

## **Planning History**

None.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21  
Appendices 1, 2, 3, 4, 5

### Supplementary Planning Guidance / Documents

## **Summary of Representations**

### Northchurch Parish Council

Original comments;

NPC Planning committee have no objections to the application providing that the current entrance from New Road is removed and a new entrance made via Southbank Road, this is on the grounds of health and safety as the present entrance position has a nasty blind spot caused by the canal bridge.

Additional comments following advice from Highways;

The committee were unanimous in the requirement that the entrance be moved for the following reasons

1. When pulling out from the property, it is almost impossible to see what traffic would be coming over the canal bridge 2. Children use this footpath to access both Northchurch School and Bridgewater School, their safety must be paramount over any car 3. This Road is extremely busy during School hours and with the Durrants Lane development now started, this will only get busier.

I'm not prepared to overrule my Committee so therefore, if this access is to be allowed, then NPC object to the proposal, we know this area better than any officer or planner so please take our suggestions seriously before someone gets injured in the future. Assuming that this development is going to include a site clearance, why not suggest moving the entrance to the applicant thus saving their time and the committee time, this seems a common sense approach.

### Hertfordshire County Council Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

If the planning authority resolve to grant permission I recommend inclusion of the following advisory note to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council

Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Details.

The application site is 1 South Bank Road Northchurch, Berkhamstead. The property is located at the corner plot of South Bank Road and New Road. South Bank Road is some 159m long single lane poorly maintained track. It is a cul-de-sac and a private road serving some properties and not maintainable by the highway authority. The New Road is B4506, some 1732m long connecting A4251 High Street to A4146 Main Road. The speed limit varies between 30mph and 40mph. It is a classified road and maintainable by the highway authority. To the south the site is bounded by union canal.

The applicant proposal is for demolition of existing single storey bungalow and construction of new storey three bedroom family dwelling with additional off street parking to be created at the rear of the property. There is an existing off street parking off New Road and the applicant's proposal is to retain this. The proposal is to create additional two parking spaces off South Bank Road. No details are provided about the crossover, but as explained above South Bank Road is a private road and the highway authority has no control. Furthermore there are only a few properties in south Bank Road and hence it is a very low traffic road.

The additional traffic associated with the development is unlikely to have any material impact on the local road network and the Highway authority does not wish to restrict the grant of consent

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

One representation received.

I have lived in this area since 1948 and have always taken an interest in local affairs, in particular planning. I have served on the Berkhamsted Citizens Association and am now a Northchurch Parish Councillor.

I am especially concerned with the above planning application but solely with the access on to New Road, Northchurch, right on the canal bridge. As for the remainder of the application I believe it will be an exciting addition to the area.

Obviously I have received the comment from Herts Highways passed on by you on 21.9.15. The mere fact that the access is existing and has been there for decades is hardly a reason to keep it. Surely when the opportunity arises to improve the status quo that opportunity should be taken. As shown on the latest plans the garage becomes a carport and could easily be accessed from South Bank Road itself.

Children from the Chiltern Park Estate come down to St Mary's School along the cemetery road and down New Road on a very narrow path over the bridge and could be very vulnerable if this access remains.

(xxix) Maybe a discussion between you and the architect could resolve this point quite simply.

## **Considerations**

### Policy and Principle

Core Strategy Policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of redevelopment in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, and CS12: Quality of Site Design.

### Effect on appearance of building

The existing building is not of architectural merit and is to be demolished. Its successor will continue the established pattern of redevelopment of dated bungalows with more modern substantial constructions along Southbank Road.

The design, layout, siting, bulk, height and materials are all acceptable producing a coherent building which is on balance considered visually acceptable in appearance. The successor building although substantially larger and 2 storeys in height, is of a modern, simple, but non-offensive design. The simple form may add some visual interest to this varied street scene. The garage/car port replicates the existing one (flat roof) and is non-harmful in design or scale terms.

The proposed materials will produce an acceptable house, Oak as the main cladding material and a dark grey metal roof.

Overall the proposed dwelling is considered to accord with CS12 and saved DBLP appendices 3 & 7.

### Effect on Street Scene

The ridge height has been lowered during the course of the application and now respects neighbouring properties. It is set higher than the existing bungalow and above its taller non-modified neighbour at *Valley View*, yet similar in height to the modified bungalows further along the lane. The proposals would blend with the character of the street which is of highly adapted and altered properties which leaves no overall positive uniform character worthy of insisting the proposed dwelling should mimic.

Whilst the replacement dwelling will be substantially larger it does not serve to dominate the street scene or alter the character significantly. Views from the canal side to the rear are distant and partially obscured by vegetation, although the house will be bigger, the design is acceptable and not considered significantly detrimental to the character of the canal side.

The proposals accord with CS11 and CS12 with respect to effect on the street scene.

### Effect on Amenity of Neighbours

There would be no significant harm to neighbouring amenity. Given the application properties position at the start of the road, any impact of the proposal would largely be confined to the immediate neighbour; Valley View.

There are habitable windows serving bedrooms in Valley View, which face onto the application site and there will be some loss of outlook and light to these windows, however, given the separation distance it is not considered harmful enough to warrant a refusal. The scheme has been substantially amended during the course of the application, the building has been moved further away from the common boundary, set down within the site and shunted forward. On balance it is now concluded that a refusal could not be sustained. Given the generous separation distance at over 5m, despite its height, the new dwelling would not result in a material loss of sunlight or daylight. The flank wall of the proposed dwelling would be clearly visible from the bedrooms of Valley View. However, this side wall would not be unduly overbearing, intrusive or oppressive. It is not proposed to have any windows to the side which would ensure no privacy or overlooking issues.

It is important to note that a substantial extension (4m deep) with a pitched roof upto 4m in height and eaves 3m (over 2m from the boundary) could be constructed under the normal PD rights of the property. In addition (subject to the appropriate consultation) an extension upto 8m in depth could be added under the new larger extensions (HPA) limits. Both such extensions would also have an adverse impact on the bedroom windows to Valley View. This is a material consideration that should be afforded weight in the consideration of this current application. Whilst higher and deeper than 4m, the proposed property is set 5m away from Valley View. The existing bungalow is just over 2m from the flank wall of Valley View. Given what could be built in closer proximity it is considered that the impact of the proposed replacement structure is comparable.

Overall there is insufficient harm to neighbouring amenity to warrant refusal and the proposals thus accord with CS12 and saved appendices 3 & 7.

### Parking and Highways

The site will be capable of accommodating 3 on-site parking spaces, two to the front on the un-made track and the car port accessed via the existing access on New Road. The spaces proposed meet the dimensions required by Saved DBLP appendix 5. Three parking spaces are considered appropriate for a 3 bedroom dwelling and whilst exceeding the local authority parking standards set out in saved DBLP policy 58, CS8 and CS12, South Bank Road is a private lane and Herts County Highways do not believe the development would have an impact on public highway safety.

Concern was expressed over the safety of the New Road vehicular access. New Road is a main road and the access at this point is not ideal in visual terms. However, this is an existing access and as such, despite attempts to negotiate its closure, it is unreasonable and unnecessary to require its closure by way of a planning condition. The applicants are not willing to lose this access point as part of the development and bearing in mind this is an existing access a refusal on this

element alone could not be sustained.

### CIL

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The site is situated within Zone 1 wherein a contribution of £250 per square metre would be payable. Given that this is a replacement dwelling, this would be charged on the net increase in area only.

### Other Considerations

The application is for a replacement dwelling, there is no net gain of residential units and therefore it is not appropriate to ask for s106 contributions in this instance.

No trees or landscaping of significance will be affected by these proposals is acceptable in accordance with saved DBLP appendix 99 and CS12.

The Grand Union Canal buffer zone is not compromised by the development.

The Design and Access statement will form part of the approved document and the proposed sustainability measures that can be enforced. The proposed dwelling is therefore considered to accord with CS29.

**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:**

**A (3d) A3-001 Rev D - Concept 3d views**  
**A (3d) A3-005 Rev B - Concept 3d views**  
**A (GA) A0-001 Rev A - Location - Block Plans**  
**A (GA) A0-100 Rev c - Proposed Floor Plans**  
**A (GA) A0-110 Rev B - Roof - Site Plan**  
**A (GA) A0-400 Rev B - SE Elevation**

**A (GA) A0-402 Rev B - SW Elevation**  
**A (GA) A0-403 Rev B - NE Elevation**  
**A (GA) A0-404 Rev B - NW Elevation**

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

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, and D**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

- 4 **Prior to the first occupation of the dwelling hereby approved full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 5 **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

Article 31

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.



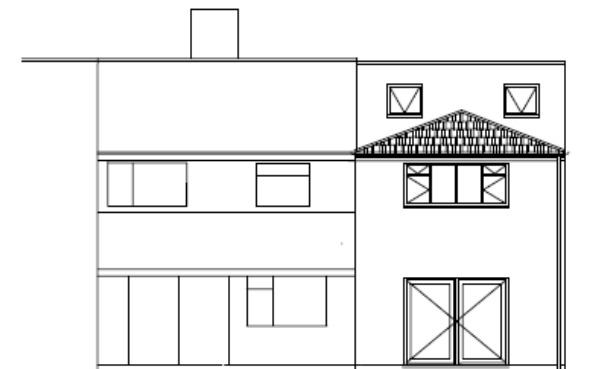
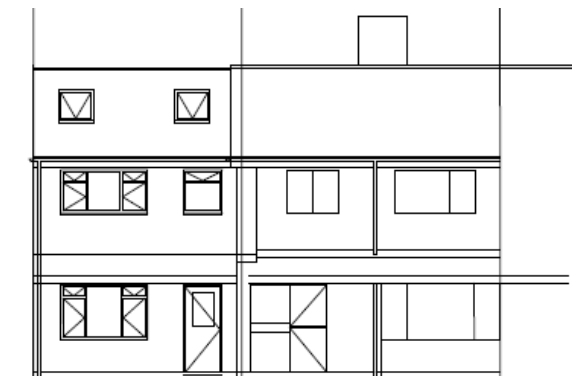
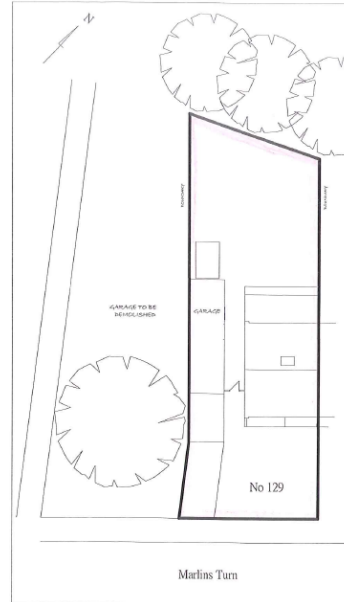
**ITEM 5.05 (4/02681/15/FUL)**

**THREE BED DWELLING (AMENDED SCHEME)**

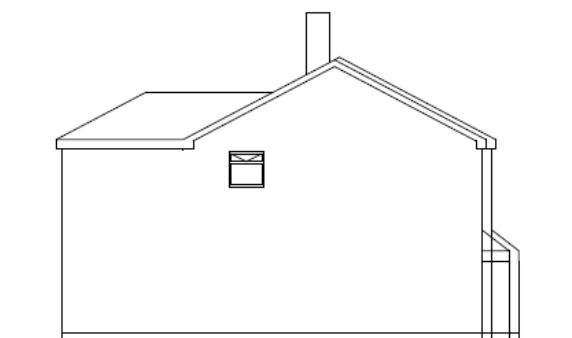
**129 MARLINS TURN, HEMEL HEMPSTEAD, HP1 3LW**



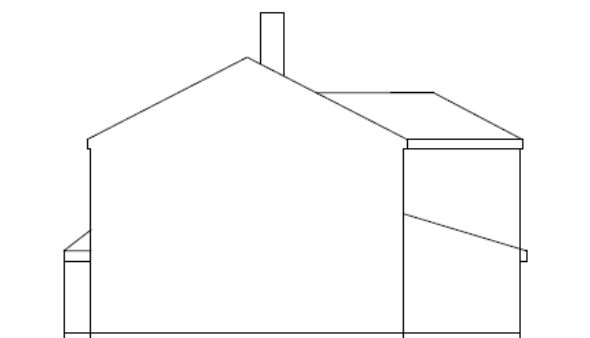
Proposed Extension at  
129 Marlins Turn  
Hemel Hempstead  
Location Plan  
Scale 1:2500



1:5 0 10MM 20MM 30M



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

**4/02681/15/FUL - THREE BED DWELLING (AMENDED SCHEME).  
129 MARLINS TURN, HEMEL HEMPSTEAD, HP1 3LW.  
APPLICANT: Mr Ahmed.**

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[Case Officer - Emily Whittredge]

## **Summary**

The application is recommended for approval. proposal is considered acceptable in terms of its impact on the existing dwelling and the street scene. The amenity of neighbours would not be unduly impacted. The required parking could be provided within the site and is acceptable on highway safety grounds. The application accords with the development plan.

## **Site Description**

The application site is occupied by a semi-detached two storey dwelling on the east side of Marlins Turn. The site falls within the Gadebridge character area (HCA6). The road is characterised by a mix of terraced and semi-detached dwellings in both staggered and straight alignments, of brick construction with pitched roofs.

No. 129 forms one of 6 semi-detached properties regularly spaced and set at a slight angle to the highway with large verdant front gardens edged by low boundary hedges or walls. The rear garden backs onto the Metropolitan Green Belt, and a wide strip of amenity land and public footpath lies to the north, which provides access to a long terrace of dwellings that run perpendicular to the main highway.

The dwellings are of post-war design constructed in brick in a simple gable form with square projecting bays at the ground floor with a pitched canopy across the entire frontage. Each dwelling benefits from a single detached garage to the side.

## **Proposal**

The application seeks to demolish the existing detached garage and construct a two storey side extension up to the boundary (4.8 m wide) at the same height as the existing dwelling, to form a new three-bed dwelling with accommodation in the loft. The new house would feature a 3m two storey wing to the rear with a hipped roof. The existing rear garden would be divided in two and parking would be provided for each dwelling within the front garden.

A new single storey rear extension is proposed to No. 129, measuring 3 m deep, approximately 3.3 m high and with eaves 2 m high.

## **Referral to Committee**

The application is referred to the Development Control Committee due to it being called in by a Ward Councillor.

## **Planning History**

4/00641/15/FU THREE BED DWELLING

L

Refused  
27/04/2015

## **Constraints**

Residential Area HCA6: Gadebridge

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### Adopted Core Strategy

Policy NP1 - Supporting Development  
Policy CS1 - Distribution of Development  
Policy CS4 - The Towns and Large Villages  
Policy CS11 - Quality of Neighbourhood Design  
Policy CS12 - Quality of Site Design  
Policy CS29 - Sustainable Design and Construction  
Policy CS31 - Water Management

### Saved Policies of the Dacorum Borough Local Plan

Policy 58 - Private Parking Provision

Appendix 3- Layout and Design of Residential Areas  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA6: Gadebridge  
Accessibility Zones for the Application of Car Parking Standards (July 2002)

## **Summary of Representations**

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

#### 133, 135, 137 Marlins Turn - Object on grounds of:

(xxxv) Impact on street scene  
(xxxvi) Car parking arrangements

#### 131 Marlins Turn - Object on grounds of:

- (xxxvii) Impact on street scene
- (xxxviii) Car parking arrangements
- (xxxix) Impact on property value

We live in the semi-detached property, number 131, that adjoins 129 Marlins Turn. We have lived in the property for 42 years. Over the years, most of these houses, including ours, have had extensions built. These have been tastefully designed and maintained the character and enhancement of the properties and street scene.

As stated in our letter 15 March 2015 objecting to the original planning application 4/00641/15/FUL we have no objection to the single storey extension to the rear of the property but again we wish to object to the proposed three bed dwelling to be constructed to the side of the property.

It is noted that a couple of changes to the original layout of the proposed property in the previous planning application referred to above have been made. However this does not change the fact that this new proposal would still change a pair of semi-detached houses into a row of three terraced houses. As mentioned in your officers report to the previous planning application "No.129 forms on of 6 semi-deetached properties regularly spaced and set at a slight angle to the highway with large verdant gardens edged by low boundary hedges or walls. Your officers report also states that "the site falls within the Gadebridge character area (HCA6)." Surely what is now propose will change the street scene and is against Policy CS12 of the Dacorum Core Strategy.

One of our main concerns, along with those of other nearby residents, is the proposed car parking arrangements. More on street parking would be required as a result of an additional property and this just is not possible. It is noted in your officers report that "Most objections put forward by local residents stated that pressures for car parking are high in this area and it was noted on my site visit (during normal working hours) that this appears to be the case." I can assure you that had you visited in the evening it would have been far worse than you had viewed during the day. I have included a photo showing the parking issues taken one morning this week.

It is also stated in your officers report that "the highways officer does not raise objections on ground of highway safety". I am sure he would have taken a different view if he had witnessed a fire engine trying with difficulty to get around cars parked on either side of the road adjacent to 129 Marlins Turn a couple of weeks ago. What is now proposed would make the matter worse.

Regarding the planning application it is noted that no design and access statement or sustainability statement have been shown on your website.

As stated in our objection letter to the previous application whilst we have no objection to change and are all for properties being enhanced, we simply feel this project is going too far. Another house tacked on the end in such a cramped space would completely spoil the symmetry.

We are aware that issues of property values cannot be taken into consideration but would still like to state very strongly that by changing our house from a three bedroom semi-detached into an end of terrace will, according to estate agents SureSale, lower the value of our property by up to £35,000.

### 133 Marlins Turn-

After viewing the changed plans, our feelings remain the same and we object very strongly for plans to build another house adjoining number 129.

We can only repeat that as residents in the street for a very long time, extensions have been built which have added value and enhancement to properties, including our own house. Another house built on to number 129 would change the run of semi-detached to a block of terraced at the end which in our view would not fit in with the street scene.

The new proposals would not alter the parking problem as it is already a very major concern for all residents. Another house, in such a tight area would only add to the existing parking problems and frustrations people in the street already incur regarding parking. Cars and vans are already parked illegally on pavements at the end of Gade Close (which is almost opposite number 129 Marlins Turn) because there is simply nowhere else to park. Pedestrians in turn are being forced off the pavement and onto the road which in itself is a hazard.

We therefore hope you will understand this would be a major problem for many people if planning went ahead.

### 135 Marlins Turn-

- (xi) incongruent to the existing pattern of development in the street
- (xii) doesn't appear to relate well to adjacent and nearby development
- (xiii) will turn a semi into a terrace
- (xiv) the roof line will not 'match' that of nos: 129-143 in that the plans show 'Velux' windows in the roof to the front (and rear)
- (xv) the kitchen, being at the front of the proposed development would be at odds with other property in the road
- (xvi) Extreme pressure on car parking in the whole road, exacerbated at evenings and weekends especially at the point in the road at 129 where parking effectively causes a 'chicane' effect, making for difficulties for emergency service vehicles, waste collection vehicles and delivery vans. (Photo enclosed)

### 137 Marlins Turn-

1- Parking - parking along Marlins Turn is difficult on evenings and weekends as you can only park on one side due to the width of the road. As you turn in to the lower part of Marlins Turn this creates problems at different times of the day as cars park on the left up as far as the turning to Gade Close and on the right (alongside the green) leading up to Housewood end. Often cars park too close to one another (on opposite sides) meaning that vans and delivery vehicles often have difficulty to squeeze past the narrow gap, and on some occasions they have been unable to get through at all. This "pinch point" is on the road outside of the current footprint for 129 meaning the parking would become increasingly difficult if the development is approved as the new drop kerb would further reduce parking. A

further concern is that if the new property (129A) is let to multiple tenants there may be further cars searching for parking. The major concern in this situation is that emergency services will not be able to gain access as a consequence of these issues.

2 - The section of Marlins Turn from numbers 143 to 129 are all semi-detached properties and the proposed development would alter the landscape of this section of the road. A townhouse and the current design is not in keeping with the rest of the properties on this section, or the other surrounding houses.

## **Consultation Responses:**

### **Thames Water:**

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

### **Hertfordshire Highways:**

Notice is given under article 18 of the Town and Country Planning (Development

Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the widened vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.

2) The proposed car parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose. Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

3) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: - To minimise danger, obstruction and inconvenience to highway users.

4) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

5) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition of the garage and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

HIGHWAY INFORMATIVE: The highway authority requires the existing vehicle cross-over to be extended to serve the two off street parking spaces. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

Highway Comment The above amended scheme is to construct a three bedroom attached dwelling to the side of 129 Marlins Turn, the applicant is proposing to have two off street parking spaces. To enable safe and efficient means of access to the two off street parking spaces the applicant will need to modify the existing vehicle crossover (VXO). This is covered in the above informative. The required level of off street parking for both the existing and new properties is a matter for the local authority to determine. The LPA's comments are duly noted regarding the previous application. Whilst any shortfall in off street parking is not welcomed by the HA, it should also be considered that many residents do already park on the highway and in particular at night, causing restricted driving around Marlins Turn.

## Conclusion

- Although the highway authority in principle has no objection to the construction of this house, the VXO works as detailed above needs to be completed before occupation. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

## Considerations

The key considerations for the determination of this application are the impact of the development on the character of the area, the amenity of existing and future residents and the impact on car parking and highway safety.

### Effects on appearance of building and Impact on Street Scene

Policy CS12 of the Dacorum Core Strategy states that on each site, development should respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials, landscaping and amenity space. It is recognised that the application dwelling is one of a series of semi-detached dwellings in this part of Marlins Turn, and to form a new dwelling on the site would be to alter the housing type of this pair.

However, the impact of forming a terrace of three dwellings in this location would not be at odds with the character of the immediate area, which features a mix of development types and arrangements united by their common design and materials. The dwellings immediately opposite the site and to the north are terraced, some straight and some staggered, such that the extension of No. 129, adjoining open amenity land, would not appear incongruous with its surroundings and would not appear to alter the prevailing spacing between dwellings. The application site comprises the last dwelling in the series of semi detached dwellings, and because of the mix of housing types and site layouts in the area, forming a terrace would not appear unnatural in this location. The gabled roof form and simple style of dwellings in Marlins Turn adapts well to extensions to the side, as proposed here.

The new dwelling has been designed to match the style and appearance of the existing. The rear wing is subservient to the principle dwelling and would not dominate the street scene. The previous version of the proposal included a box dormer, but this has been eliminated in the current application. The proposed roof lights are not considered to be unduly harmful to the street scene as roof lights are normally permitted development and it would therefore be unreasonable to impose this condition on the application site.

### Impact on Trees and Landscaping

Although no response was received to the current consultation, the Tree officer's comments on the previous version of the scheme are relevant to the application currently under consideration. The tree officer noted that:



....there is a mature Hornbeam tree on Council owned land adjacent to the property at 129 Marlins Turn. The main tree stem is at a distance of 4 m from the brick built boundary wall of the existing property.... I recommend that allowing working space between the base of the tree and the proposed dwelling, the remainder of the RPA should be protected during construction by protective fencing in accordance with the recommendations of the British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

A condition will be imposed to secure the protection of this tree for the duration of the construction works.

#### Impact on Highway Safety

Numerous objections were received to the proposal on the basis of highway safety and lack of parking for the new dwelling. The Highway authority have raised no objection to the development on highway safety grounds, subject to certain conditions being imposed. The proposal includes the provision of one car parking space on site for each of the two dwellings, which is considered to fall short of Dacorum's requirement of 2.25 spaces per new dwelling. However, both the new and existing dwellings have adequate space in the front gardens to provide two car parking spaces each, and car parking provision can be secured by condition to ensure that the car parking need is met within the site. The proposed development would not therefore place undue pressure on street parking and is considered acceptable on highway safety grounds, subject to the conditions described above.

#### Impact on Neighbour Amenity

The application site is at a distance of approximately 12.8 metres from the front elevations of Nos. 105 and 107 Marlins Turn, with those dwellings facing the existing rear garden of 129. The dwelling itself is offset from the terrace to the north and therefore the development would not contravene BRE guidance for sunlight and daylight. There would be some impact on the outlook of No. 105 as a result of the new two storey wing, but because of the offset, there would be no development in front of the dwelling, and the extension would not cause a significant loss of amenity. A side window is proposed at first floor level, but this serves a bathroom and would be obscure glazed by condition. There would be no invasion of privacy caused by overlooking to existing or proposed dwellings.

The proposed rear extension would not cause harm to the amenity of No. 131 Marlins Turn, and it is recognised that the single storey extension falls within the limits of permitted development.

#### Impact on the Amenity of Existing and Future Occupiers

The proposal provides slightly in excess of 11.5 metres garden depth for both dwellings, but to ensure that adequate amenity space is retained in future following subdivision of the site, permitted development rights for both dwellings will be removed for extensions (Class A) and for the construction of outbuildings (Class E).

#### Sustainability

A CS29 checklist was submitted outlining the sustainability measures to be undertaken as part of the development.

## **Other Considerations**

### Site Access

Although the proposed site plan shows gated access over the adjoining amenity land, this land is owned by Dacorum Borough Council, and permission would need to be obtained for right of access over this land for existing and proposed dwellings. A suitable boundary treatment can be secured by way of landscaping condition attached to the permission, and an informative will be added stating that the planning permission does not confer any rights of way over this land.

## **Conclusions**

The proposal is considered acceptable in terms of its impact on the existing dwelling and the street scene. The amenity of neighbours would not be unduly impacted. The required parking could be provided within the site and is acceptable on highway safety grounds. The application accords with the development plan and is therefore recommended for approval.

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 materials to be used in the construction of the external surfaces of the dwelling and 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.

- 3 Notwithstanding the parking arrangements shown on the plans hereby permitted, the new dwelling shall not be occupied until parking arrangements showing two off-street parking spaces being provided for both the new dwelling and the existing dwelling shall have been provided in accordance with details submitted and approved in writing by the local planning authority, and they shall not be used thereafter for any purpose other than the parking of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, D & E.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Core Strategy.

- 5 **Prior to the commencement of the development hereby permitted details for the disposal of surface water from the parking area shall be submitted to and approved in writing by the local planning authority. The details shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users.

- 6 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety.

- 7 **The window at first floor level in the north elevation of the extension hereby permitted shall be non-opening to 1.7m above finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy.

- 8 **Prior to the commencement of the development hereby approved, details of tree protection measures for the adjoining mature Hornbeam tree shall be submitted to and approved in writing by the local planning authority. The tree shall be protected during the whole period of site excavation and construction in accordance with the details so approved.**

Reason: In order to ensure that damage does not occur to the trees during building operations.

9 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

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

**20/14A SHT 1**  
**20/14A SHT 2**  
**20/14A SHT 3**  
**20/14A SHT 4**  
**20/14A SHT 5**  
**20/14A SHT 6**

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

Informative: This permission does not imply or confer right of access for the existing or proposed new dwelling across the adjoining amenity land to the north.

Waste and Water Informatives:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer

Services will be required. They can be contacted on 0800 009 3921.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Highway Informatives: The highway authority requires the existing vehicle cross-over to be extended to serve the two off street parking spaces. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition of the garage and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

ITEM 5.06 (4/02599/15/FHA)

**SINGLE STOREY REAR EXTENSION AND BASEMENT EXTENSION**

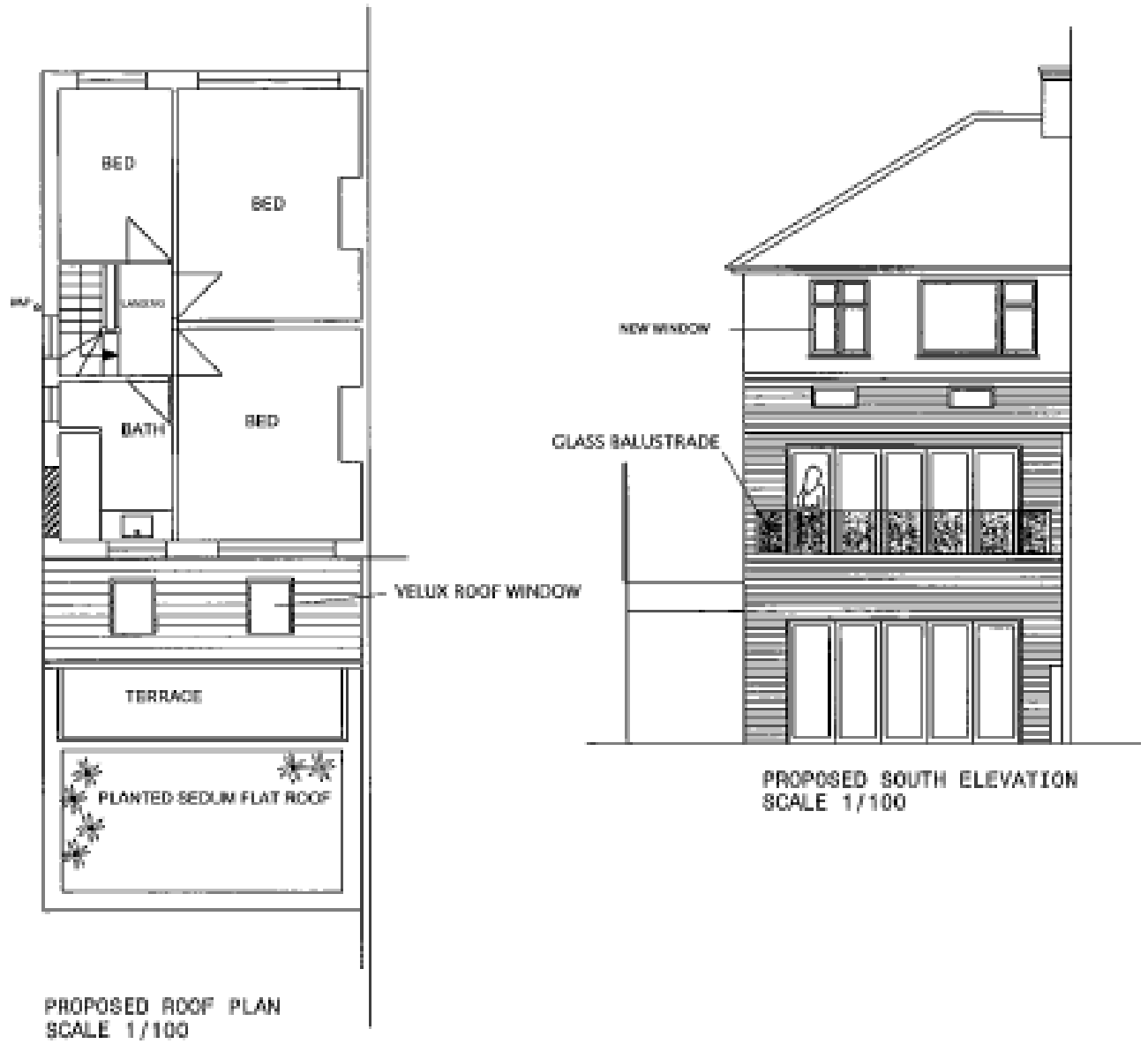
38 MEADOW ROAD, BERKHAMSTED, HP4 1EB



**ITEM 5.06 (4/02599/15/FHA)**

**SINGLE STOREY REAR EXTENSION AND BASEMENT EXTENSION**

**38 MEADOW ROAD, BERKHAMSTED, HP4 1EB**



**4/02599/15/FHA - SINGLE STOREY REAR EXTENSION AND BASEMENT EXTENSION.**

**38 MEADOW ROAD, BERKHAMSTED, HP4 1EB.**

**APPLICANT: MR GARY COOPER.**

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[Case Officer - Jennifer Seaman]

### **Summary**

The application is recommended for approval. The proposals would accord with the relevant policies of the development plan and would cause no significant harm to either the character and appearance of the dwelling or the amenity of the neighbouring properties.

### **Site Description**

The property is a two storey semi-detached house, located on a hillside in a suburban area of Berkhamsted characterised by similar dwellings. There is a raised area of decking at the rear of the house and the garden slopes downhill with a small shed at the end.

### **Proposal**

It is proposed to erect a single storey rear extension and a new basement.

The single storey rear extension projects approximately 1.8m from the rear of the house for nearly the whole width of the house and has a pitched roof which continues the roof of the existing single storey part of the original house.

The proposed basement would project 6m from the rear of the house and, due to the slope of the land part of the extension will be partially visible (it would be approximately 200mm above the existing fenceline for a distance of approximately 1.2m). Where the proposed basement building projects beyond the existing decked areas, it would be flat roofed, with a 1.5m terrace and the remainder with planted sedum. The plans show a glass balustrade around the whole terrace area, hence there will be no access onto the sedum roof and also a new fence level (approximately 1m higher) to prevent overlooking from the terrace.

A brick retaining wall is shown directly to the rear of the proposed basement.

### **Referral to Committee**

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

### **Planning History**

4/02572/15/LDP - Lawful development certificate for loft conversion (hip to gable) and rear dormer extension. Pending

4/02576/15/LDP - Erection of an outbuilding in the rear garden. Granted

4/02762/15/FHA - Two storey side extension. Granted 16/09/15



4/02577/15/HPA – Householder Prior Approval for a single storey rear extension of 6 metres in length. Granted (10/08/15).

### **Constraints**

Area of Archaeological Importance  
Market Town (Berkhamsted)

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### **Summary of Representations**

#### Berkhamsted Town Council

Objects to the planning application for the following reasons:

- (liii) The extension will result in a lack provision for car parking and a loss of light and privacy for the neighbouring properties. It was suggested that the upper level terrace may need screening. No reference had been made to the 45 degree line.
- (liv) A major concern was the building control issue arising from the creation of a basement and it was suggested that this be checked for safety reasons.
- (lv) Concern was also expressed about the impact of the excavation on the neighbouring properties which may cause subsidence and noted that there was currently no basement.
- (lvi) There was a lack of clarity on the extent of the extension which is contrary to CS 29.
- (lvii) The Committee had strong concerns about the impact of the extension as it increased density CS 11 and that it was out of character for the neighbouring properties CS 12 and noted that insufficient information had been submitted.

#### Historic Environment Adviser

In this instance, there is unlikely to be an impact on heritage assets of significant archaeological interest. I therefore have no comment to make on the application.

### Response to Neighbour Notification

7 Objections received on the following grounds (summarised):-

- Such a large extension is out of keeping with other houses in the road.
- Currently there is no basement to extend and to our knowledge no other properties in Meadow road have a basement under the main house.
- A considerable amount of excavation would be required under the existing building which would have considerable impact on and affect the structure of adjacent houses.
- Considerable threat to the adjacent property no. 40 to which it is attached by a party wall
- Advice from surveyors to neighbours that adjoining houses would need to be underpinned if the basement project goes ahead.
- Basement excavations have been banned by Kensington and Chelsea Borough and Westminster Borough due to damage to adjoining properties.
- No investigation of stability of land and there have been issues of subsidence in Meadow Road in the past
- As a minimum the LPA should consider a Construction Methods statement
- Number 40 will suffer from overlooking, loss of light and overshadowing
- Raised terrace intrusive to privacy
- Concerned that the new lower level lounge is completely covering the sewage pipe
- Drainage will be disrupted by excavation works
- Needs to be provision for dispersal of rainwater
- Concerns about flooding
- Significant over-development of the house and garden because Mr Cooper has submitted other applications, for loft conversion/extension and home office in back garden
- The current on site parking for one car is insufficient

### **Considerations**

#### Policy and Principle

The proposal is acceptable in principle subject to no detriment to the appearance of the original house or the character and appearance of the area and subject to no detrimental impacts on neighbouring properties.

#### Effects on appearance of building

The single storey rear extension is designed to be in keeping with the original house and does not have a detrimental impact on the character and appearance of the original house. The proposed basement, whilst flat roofed, is on a lower level than the original house and therefore a subordinate feature that does not have a

detrimental impact on the original house.

#### Impact on the character and appearance of the area

All works are to the rear of the house and there are only limited views of the house from Dellfield Road. Planting at the rear of the property shields views of the site from properties which back onto the application property and are lower down the hill. The single storey rear extension will be visible from the directly adjoining properties, but views of the basement construction are more limited as it is only marginally higher than fence lines (although it would be visible from windows of adjoining houses). As all the work is proposed to the rear of the house and a combination of height levels and planting limit public views, it is not considered there would be a detrimental impact on the character and appearance of the area.

While neighbours consider that the proposal constitutes overdevelopment, it should be noted that planning permission had already been granted for a 6m deep single storey rear extension and the basement construction is no bigger. Other proposals at the property have consisted of development proposals that do not require planning permission (such as the home office).

#### Impact on Highway Safety

The proposal is an extension to an existing house. The proposal does not increase the number of bedrooms and does not involve subdivision of the property. The proposal does not involve the loss of any parking spaces for the property and it is not considered likely to increase the number of cars that would park at the property. Therefore it is not considered that there would be a detrimental impact on highway safety.

#### Impact on Neighbours from construction of the basement

Concerns with respect to the construction of the basement have been raised and it is not surprising that neighbours have such concerns.

However, it should be noted that the planning system has limited powers to control the construction process and its impacts. Government Legislation advises that non planning issues such as loss of property value, party wall and land and boundary disputes or issues controlled by other legislation and regimes such as Building Control cannot be considered as part of a planning application.

Building Control enforces minimum standards and issues associated with engineering design and structural stability and ensuring that construction work undertaken is professional and competent. The Party Wall act is in place to control development on each side of a party wall and maintain its integrity and function and the Act can be used by neighbours to address issues where damage occurs.

It is important then to be clear that the possible structural impacts of building a basement would not be grounds for refusing the planning application. Conditions can however be included to try and minimise impacts.

There have been comments about Westminster Council and Kensington and Chelsea Council banning the construction of basements. This is not correct as the two councils concerned have guidelines and seek information on construction methodology, but they have not banned basement construction. Guidelines are stricter where for instance it is a basement beneath a Listed Building, or where it is in a known area for flooding.

Additional information provided by the applicant with respect to construction of the basement

The applicant has been advised of the concerns raised by neighbours and has provided additional information. Some of the points made were:-

- (lxxiv) There will be no structural impact from this scheme and whilst I can understand neighbours trepidation there is no factual cause for concern. All works will be completed by a highly experienced team of temporary works engineer, structural engineer and a contracting team who have over 40 years experience in this type of construction.
- (lxxv) A full temporary works and structural scheme will be completed prior to any commencement.
- (lxxvi) The present footings of my property are at a depth of 2.7m below the ground floor in two separate locations where trial holes have been dug. This means that the lower ground floor slab can be designed to fit inside the foundations of the party wall.
- (lxxvii) Whilst I recognise that any building works can cause disruption the works in this scheme will be confined to my property. The right to a private life and its interaction with the planning laws in the UK are well documented and if granted any works would be undertaken in a lawful manner. Whilst I have considered Article 8 during the consultation stage of this scheme I do not believe that there is any infringement. During any lawfully granted building work I and my contracting staff will act in a considerate manner. Again being a highly experienced team with experience of this type of construction in all sectors of the industry we are well versed in considerate contracting.
- (lxxviii) Investigation has revealed quite a substantial void under the existing ground floor, In reality the excavation under the rear portion of the house will only likely result in muck removal in the region of five skips. It is of note that the total area of excavation under the existing building is less than 23m<sup>2</sup>. This could not be classed as considerable.
- (lxxix) To make an accurate statement in regards the requirement for underpinning you would have to know the level of the footings and then only if the full width of

the building was required. Having carried out investigations in this regard we do not anticipate any underpinning to No. 40 Meadow Road. There are no signs of subsidence on my property. There are many causes of subsidence, for example a leaking drain which can cause subsidence in isolated areas – this is more than likely the explanation although the matter referred to was apparently 20 years ago and in a different street where the make up of the soil and a vast array of conditions could be different.

(lxxx) Whilst I do not believe there is a requirement in the planning procedure for submission of a construction method statement, I am more than happy to work with my neighbours and other interested parties to reassure them and as such a temporary works scheme and construction method statement will be issued – all this would normally be submitted for the building regulations/control.

(The applicant has already prepared and sent a construction method statement and draft construction programme)

#### Other impacts on neighbours (overbearing, overlooking, loss of privacy and light

The single storey rear extension is quite small in size and is not considered to be overbearing or result in overlooking, loss of privacy or loss of light.

The basement extension, being at a lower level and mainly below fence height is also not considered to be overbearing or result in overlooking, loss of privacy or loss of light. It should also be noted that the approved 6m single storey rear extension would have been higher and more prominent.

The proposed terrace would be screened by a higher fence line. But it should be noted that if standing on the existing terrace it is possible to look over the fence at neighbouring properties; and clearly when properties are on a hill there is a degree of overlooking that occurs.

**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 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

compliance with the NPPF and Policy CS12 of the Core Strategy.

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

000

001

002

003

004

[TW001](#)

[Construction Method Statement](#)

Reason: For the avoidance of doubt and in the interests of proper planning in compliance with the NPPF and Policy CS12 of the Core Strategy.

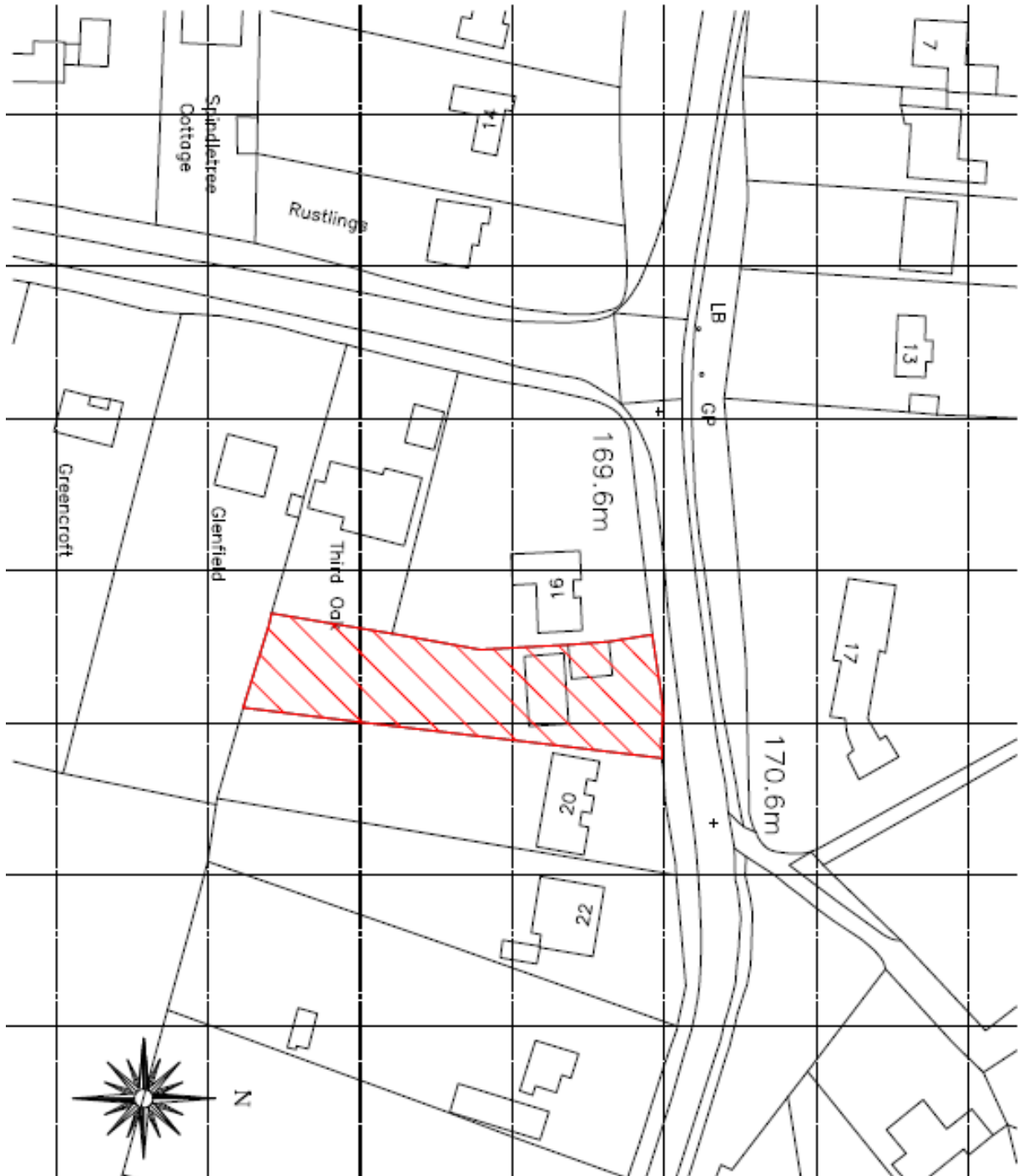
Informatives

1. You are reminded that the proposal is likely to need agreement under the Party Wall Act

**ITEM 5.07 (4/02818/15/FHA)**

**PROPOSED PART TWO STOREY PART FIRST FLOOR FRONT EXTENSION,  
GROUND FLOOR SIDE EXTENSION, GARAGE CONVERSION AND INTERNAL  
ALTERATIONS WITH DETACHED SINGLE CAR-PORT.**

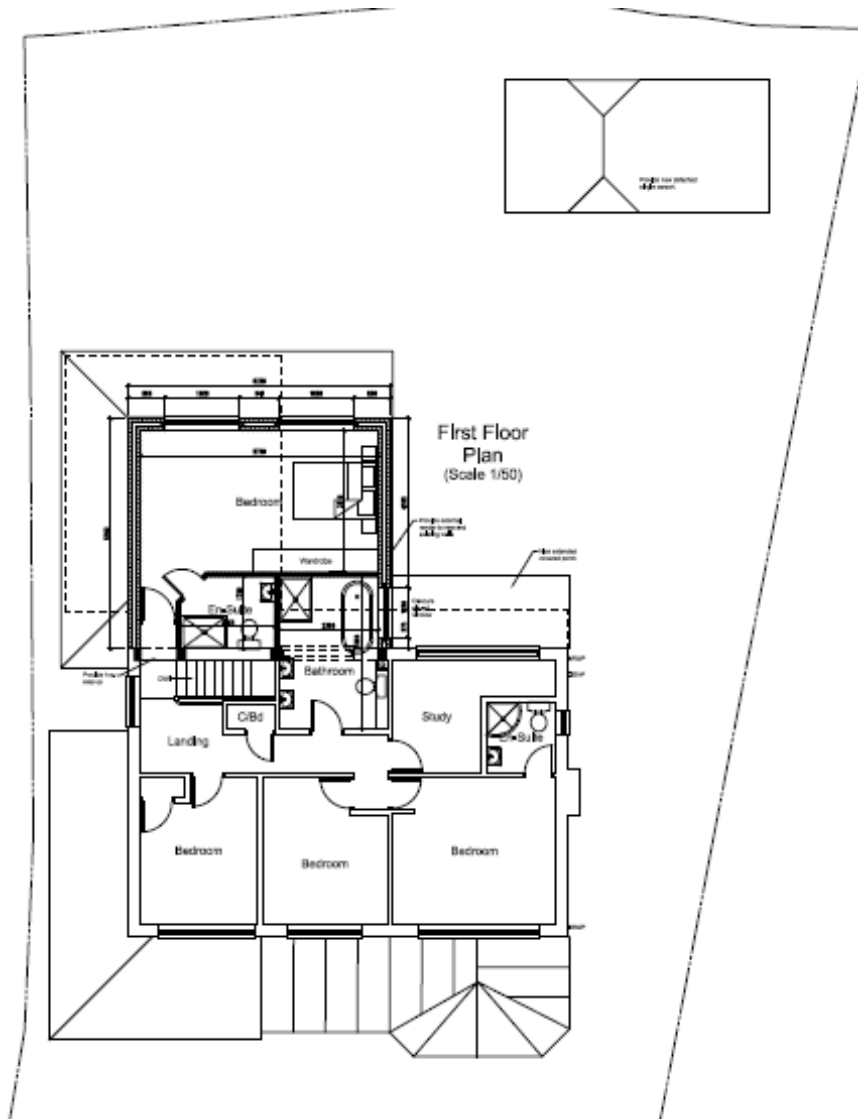
**18 HEMPSTEAD LANE, POTTEN END, BERKHAMSTED, HP4 2SD**



**ITEM 5.07 (4/02818/15/FHA)**

**PROPOSED PART TWO STOREY PART FIRST FLOOR FRONT EXTENSION,  
GROUND FLOOR SIDE EXTENSION, GARAGE CONVERSION AND INTERNAL  
ALTERATIONS WITH DETACHED SINGLE CAR-PORT.**

**18 HEMPSTEAD LANE, POTTEN END, BERKHAMSTED, HP4 2SD**



**Front Elevation**  
(Scale 1/100)



**Side Elevation**  
(Scale 1/100)



**Rear Elevation**  
(Scale 1/100)



**Side Elevation**  
(Scale 1/100)



**4/02818/15/FHA - PROPOSED PART TWO STOREY PART FIRST FLOOR FRONT EXTENSION, GROUND FLOOR SIDE EXTENSION, GARAGE CONVERSION AND INTERNAL ALTERATIONS WITH DETACHED SINGLE CAR-PORT. 18 HEMPSTEAD LANE, POTTEN END, BERKHAMSTED, HP4 2SD. APPLICANT: Mr & Mrs Jarrett.**

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[Case Officer - Jennifer Seaman]

### **Summary**

The application is recommended for approval.

The proposal is not considered to be detrimental to the open character of the Green Belt, or to the appearance of the original house or the street scene. The proposal would also not be detrimental to the amenities of neighbouring properties. The proposal therefore accords with Policy CS6 and CS12 of the Core Strategy.

### **Site Description**

18 Hempstead Lane is a detached house in a road of similar properties. The house is set back approximately 8m from the road. There is an established high hedge along the front boundary of the site which limits views into the site.

Most properties in the road consist of substantial detached two storey houses and there is no established building line along the road. Several properties in the road have large garages in front of the houses.

### **Proposal**

It is proposed to erect a two storey front extension, conversion of the existing garage to habitable accommodation and the erection of a single car port in front of the house.

The extension projects 5.5m in front of the house, has a width of 5.3m and has a pitched gable end roof. This incorporates a single storey element on the side adjoining no. 16 of approximately 1m in width which is sited 1m from the side boundary. The two storey is sited approximately 2m from the boundary with no. 16 and at its nearest point approximately 8m from the side boundary with no. 20.

The single car port is 6m in length and 2.9m in width, with a pitched roof that is approximately 4m high at the highest point.

### **Referral to Committee**

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

### **Planning History**

4/01845/05/FHA - Single storey side and rear extension and double car port. Grant

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

CS5 - The Green Belt  
CS6 - Selected Small Villages in the Green Belt  
CS7 - Rural Area  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

## **Summary of Representations**

### Potten End Parish Council

The Parish Council feels it would have made better sense to move the footprint of the house a little further south, i.e. into the rear garden.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

1 letter from the neighbouring property which states that they have no objections

## **Considerations**

### Policy and Principle

The proposal is acceptable in principle subject to the proposal complying with policy and resulting in no material harm to the openness and character of the Green Belt, the character and appearance of the area and the amenities of neighbouring properties.

### Impact on Green Belt

Policy CS5 Green Belt allows, in line with national Green Belt Policy, limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside.

Policy CS6 of the Core Strategy relates specifically to selected small villages within the Green Belt and Potten End is one of the identified villages. Policy CS6 states that house extensions will be permitted providing that development is sympathetic to

its surroundings in terms of local character, design, scale, landscaping and visual impact and providing that development retains and protects features essential to the character and appearance of the village.

In this instance there was already a double garage approximately 1m in front of the house. The proposed two storey extension would occupy the same footprint and would be linked to the house. It is therefore considered that the proposal constitutes a limited extension to the existing building and is not considered to have an unacceptable impact on the openness of the Green Belt or the character and appearance of the countryside.

The proposed single car port is proposed in the same location as the previously approved double car port. The car port would be screened from the public highway by the existing hedge and is smaller than the previously approved car port so would not have an unacceptable impact on the openness of the Green Belt or the character and appearance of the countryside.

#### Effects on appearance of building

The design of the two storey extension is considered to be in keeping with the original house and the car port design is considered acceptable.

#### Impact on Street Scene

The proposed extension is set back a considerable distance from the road, and designed to be in keeping with the original property. As such the proposal is not considered to have a detrimental impact on the street scene.

#### Impact on Trees and Landscaping

The proposed two storey extension is not close to any trees and a single storey structure already exists on site. The front garden is already block paved and a double car port was already approved in the same position as the proposed single car port. There is therefore considered to be no detrimental impact on trees and landscaping.

#### Impact on Highway Safety

It is not considered that there will be a detrimental impact on highway safety. There is room on site to park several cars and room to turn within the site so that the site can be entered and exited in forward gear.

#### Impact on Neighbours

16 Hempstead Lane is sited further forward than no. 18. There is a single storey structure approximately 2m from the boundary and so there is a distance of at least 3m between the proposed extension and the nearest part of the house at no. 16. Given the distance between the proposed extension and the neighbouring house, and that the neighbouring house is sited further forward, it is not considered that the

proposal would be detrimental to the amenities of 16 Hempstead Lane.

The proposed two storey extension is a considerable distance from no 20. and that property is sited forward of no. 18. The car port will be mainly screened by the boundary fence and the principle of a car port in that location has already been established by the previous planning approval.

The proposal is not considered to be detrimental to the open character of the Green Belt, or to the appearance of the original house or the street scene. The proposal would also not be detrimental to the amenities of neighbouring properties. Approval is recommended accordingly.

**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 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 compliance with the NPPF and Policy CS12 of the Core Strategy.

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

CIL Form  
Site Location Plan  
Site Plan  
556 SU 003  
556 SU 002  
556 SU 001  
556 PL 011  
556 PL 010  
556 PL 002

Reason: For the avoidance of doubt and in the interests of proper planning in compliance with the NPPF and Policy CS12 of the Core Strategy.

4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows,**

**dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with the NPPF and Policy CS12 of the Core Strategy.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

**ITEM 5.08 (4/02853/15/FUL)**

**DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE  
ERECTION OF A REPLACEMENT DWELLING WITH ASSOCIATED ACCESS,  
PARKING AND LANDSCAPING. (AMENDMENT TO PLANNING PERMISSION  
4/01472/15/FUL)**

**MILLFIELD BUNGALOW, FRIENDLESS LANE, FLAMSTEAD, ST ALBANS, AL3 8DE**



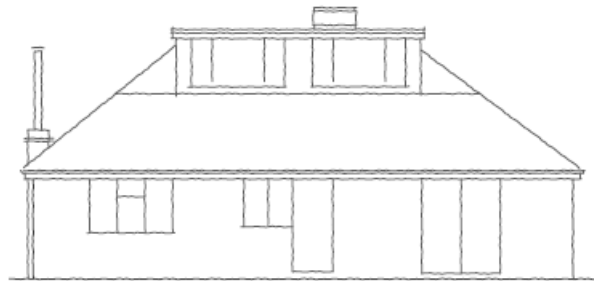
**ITEM 5.08 (4/02853/15/FUL)**

**DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE  
ERECTION OF A REPLACEMENT DWELLING WITH ASSOCIATED ACCESS,  
PARKING AND LANDSCAPING. (AMENDMENT TO PLANNING PERMISSION  
4/01472/15/FUL)**

**MILLFIELD BUNGALOW, FRIENDLESS LANE, FLAMSTEAD, ST ALBANS, AL3 8DE**



E A S T



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**4/02853/15/FUL - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A REPLACEMENT DWELLING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. (AMENDMENT TO PLANNING PERMISSION 4/01472/15/FUL)..**

**MILLFIELD BUNGALOW, FRIENDLESS LANE, FLAMSTEAD, ST ALBANS, AL3 8DE.**

**APPLICANT: Mr & Mrs Leigh.**

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[Case Officer - Joan Reid]

### **Summary**

The application is recommended for refusal. The site is located within the Metropolitan Green Belt wherein planning permission will only be granted for appropriate development. The replacement dwelling would be materially larger than the dwelling that it is replacing and would constitute inappropriate development in the Green Belt. The very special circumstances put forward are not considered to justify the harm in terms of inappropriateness and impact on the openness of the green belt having regard to the two previously approved schemes. The proposal is therefore considered to fail policy 4, 23, 22 of the saved DBLP 1991-2011, policy CS5 of the Core Strategy and the national planning policy set out in the NPPF.

### Site and surroundings

The application site is located within the Metropolitan Green Belt and within the Chilterns Area of outstanding natural beauty and comprises a modest bungalow which has previously been extended. To the rear of the bungalow, there are clusters of outbuildings. The site is bounded on all sides by mature hedging. Access is via two lane ways from Friendless Lane.

### Proposal

The application seeks planning permission for the demolition of the existing bungalow and outbuildings and construction of a large two storey detached dwelling. This proposal is similar to that previously approved, however, the applicant now also seeks a large basement extending to an additional 49sq.m floorspace.

### **Planning History**

4/01472/15/FU DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS  
L AND CONSTRUCTION OF A REPLACEMENT DWELLING WITH  
ASSOCIATED ACCESS, PARKING AND LANDSCAPING  
(AMENDED SCHEME)  
Granted  
12/06/2015

4/03330/14/FU DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS  
L AND CONSTRUCTION OF A REPLACEMENT DWELLING WITH  
ASSOCIATED ACCESS, PARKING AND LANDSCAPING  
Granted  
13/01/2015



4/01224/14/LD USE OF LAND FOR RESIDENTIAL PURPOSES.

E

Granted  
30/07/2014

4/02076/89/4 FRONT AND REAR EXTENSIONS

Granted  
05/02/1990

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

NP1 - Supporting Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 23, 97, 99 and 120

### Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)  
Chilterns Buildings Design Guide (Feb 2013)

## **Summary of Representations**

### Markyate Parish Council

Support

### Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic

HIGHWAY INFORMATIVE: The highway authority requires that if there are any works on the highways (in this case to seal off the existing and therefore no longer used vehicle cross-over), these works are carried out by approved contractors. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction/guidance.

Highway Comment The above scheme is for the demolition of the existing dwelling and out buildings and construction of a replacement dwelling. As part of this proposal, the site will have only one point of access onto the highway network hence the informative above. This latest application has amendments to both the internal and external orientation, none of which impacts on the highway.

Conclusion The highway authority in principle has no objection to the construction of this house. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions.

### Trees and Woodlands

This application concerns the demolition of an existing dwelling at Millfield, Friendless Lane, Flamstead and the construction of a new one with revised access, parking and landscaping.

The site is largely devoid of trees or any other significant vegetation. A few mature trees are located around the site boundary.

The new dwelling is proposed to be located slightly further into the plot than the existing dwelling, with the former footprint becoming the main parking section of the driveway.

There will be no adverse effect on trees during demolition / construction due to the distance between these activities and site boundaries. The existing vehicular access will be reused.

Broadleaf tree planting is proposed along the Friendless Lane boundary. A native species would be an appropriate choice for planting in this rural area although Ash (*Fraxinus* spp) is not permitted at this time due to UK restrictions.

Confirmation of the species to be planted, together with detail of planting size and

location should be submitted for assessment.

### Thames Water

#### WASTE COMMENTS:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

#### Rose Corner -Support

I would like to take this opportunity to register my full support for this application. I think that the proposed amended scheme with the improved positioning of the replacement dwelling and additional minor amendments will also serve to further enhance an already considered and appropriate development. I understand that Mr and Mrs Leigh have requested that they remain on site in the existing bungalow during the redevelopment. Given the recent spate of burglaries and thefts not only to Millfield Bungalow but also to the neighbouring properties including Rose Corner as well as to National Grid Infrastructure, I would also like to register my full support for this particular element of the new proposal. Having an on site presence outside of normal working hours will only serve to further ensure the security of the site and the surrounding properties.

#### Millfield Cottage - Support

I have studied the revised proposals , which do not materially affect my previous comments and overall support.

The changes to the External Elevations are largely improvements and do not affect the substance of the whole.

The reasons for the reorientation and re-siting are understandable and well founded for the practical issues described and the effect on my property is on balance fairly neutral. Although slightly closer and more visible this is offset by the main west elevation being skewed away from the direct line of sight to the cottage, which is appreciated.

My previous comments on the diversion of the Electricity and Water services to my property are still relevant but there would be slightly more room available.

I am very glad to confirm my continued overall support and good wishes for the Scheme as Amended.

## **Considerations**

### Policy and Principle

The application site is located within the Green Belt wherein the principle of replacement dwellings are acceptable subject to compliance with the NPPF, policy CS5 of the Core Strategy and saved policy 23 of the local plan.

Saved policy 23 states that rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less. In particular the dwelling should:

- i) be compact and well-designed, retaining sufficient space around it to provide an attractive setting and to protect the character of the countryside;
- ii) not be visually intrusive on the skyline or in the open character of the surrounding countryside; and
- iii) not prejudice the retention of any significant trees or natural features.

Any new dwelling should not be larger; or

the dwelling which it replaces; or

the original dwelling on the site plus an allowance for any extension that would have been permitted under policy 22.

Permitted development rights will normally be withdrawn by planning condition to ensure there is control over future extensions.

Policy CS5 reiterates the policies of the local plan and states that small scale development will be permitted: a) for the uses defined as appropriate in national policy; b) for the replacement of existing houses (on a like for like basis); and c) for limited extensions to existing buildings.

### Size of replacement dwelling

The existing bungalow has already been extended with a front and rear extension and has introduced a large dormer window. Therefore the original building should be taken as 100% in accordance with size allowance policy above and the extensions should be incorporated into the 30% allowance. It is likely that the dwelling has already been extended close to its 130% allowance ( in floor space).

The application proposes a large replacement dwelling which would result in a significantly greater sized building than the original bungalow and therefore represents inappropriate development in the Green Belt. Therefore, the application is

required to demonstrate very special circumstances to justify the proposal. For the two previous schemes, the application has offered that the existing outbuildings on the site together with the bungalow be demolished in order to justify the inappropriate development and on this basis it was considered that the removal of the outbuildings from the site together with the bungalow would justify the larger replacement dwelling than normally considered acceptable in size terms as there was a benefit of condensing the built form on the site into one property located on the same site as the existing dwelling. A more detailed analysis for the previous schemes revealed that the existing dwelling amounts to approximately 159sq.m (as extended) and the existing outbuildings on the site extended to 265sq.m. The approved dwelling amounted to approximately 348 sq.m which was approximately 76sq.m less than the built floorspace presently on the site and the volume of the proposal remained the same as the volume of the dwelling and the outbuildings to be demolished (1225 cubic metres). Following this scheme, the applicant then also applied to change the siting of the replacement dwelling further into the site which was considered by the planning department acceptable as there was no greater increase in the size of the approved.

This scheme however seeks further enlargement of the replacement dwelling than previous approved by addition of a large basement (measuring 49sq.m). The agents argue that the resultant dwelling including the basement would not be materially larger than the dwellings and outbuildings that they are replacing however this is disputed. Whilst the floorspace in simple terms may not be increased, the volume of the replacement compared to what is existing on the site is significantly greater. It is acknowledged that the basement is contained underground however it is legally required for the LPA to take the basement into account in the Green Belt assessment as established through appeals and High Court cases.

The replacement dwelling is significantly larger than the dwelling it replaces and as such on the two previous applications, very special circumstances outweighed the harm by reason of inappropriate development in the Green Belt i.e although the replacement dwelling was materially larger, the applicant put forward a case to remove the outbuildings from the site which were considered sufficient very special circumstances. Now this application seeks a larger dwelling again by virtue of the installation of the basement and the very special circumstances put forward are not considered to outweigh the harm by way of inappropriateness in the Green Belt.

Whilst, it recognised that there may well be a need for a pump room underground, the basement also includes a large store. The applicant insisted during the course of the two previous applications that it was their preference to maximise the size of the replacement dwelling and did not want to allow any provision for stores or outbuildings. However, instead of reducing the above ground level size of the replacement dwelling in order to provide for practical storage, the proposal seeks to put a basement in. The very special circumstances put forward no longer justify the increase in the size of the dwelling from that previously approved. In summary, it is considered that the replacement dwelling is materially larger than the one that is replacing. The very special circumstances put forward do not outweigh the harm by reason of inappropriate development nor does the fall back scheme which is smaller than currently proposed.

### Impact on the Area of Outstanding Natural Beauty

As the site is located within the Chilterns AONB, consideration should be given to Core Strategy Policy CS24 and saved Local Plan Policy 97, both of which seek to conserve the natural beauty of the Chilterns AONB and states that new development must not be intrusive and new structures should be sympathetically sited and designed. Regard should also be given to the Chiltern Conservation Board's 'Chilterns Area of Outstanding Natural Beauty Management Plan 2014-2019' which advises that development should respect vernacular and architectural style and, in particular, new housing should only be permitted if its scale and massing reflect the local context.

The proposed development seeks to replace a bungalow with a large two storey dwelling. Whilst it is considered that the replacement dwelling will appear more visually prominent than the existing bungalow and outbuildings on the site due to the increase in height and bulk of the building however on balance as the proposed dwelling would use facing brick, timber weather-boarding and tiles, all of which appear to be compatible with the local vernacular. In terms of scale of the property, two-storey dwellings are situated along Mill Lane, Friendless Lane and at the apex of where the two former roads converge. As such, the proposal would be appropriate to the local context.

With respect to the basement proposals, it in its own right is not considered to materially harm the setting of the countryside.

### Effect on Amenity of Neighbours

It is not considered that there would be any significant harm to the amenity of the neighbouring properties. The nearest property has written in support of the application.

### Trees and woodlands

The existing hedging around the site are to be retained which is an important consideration of this application. Harm to the hedging would have a negative impact on the character of the AONB and countryside. The application also proposes additional planting around the boundary of the site which is supported and a condition will be imposed requiring the implementation of such planting however with the retention of existing trees.

### Bat survey

A bat survey has been undertaken on the house and the outbuildings to be demolished. No evidence of bats were found.

### CIL

Due to the size of the replacement dwelling the proposal would be CIL liable however the applicant may apply for a self build exception.

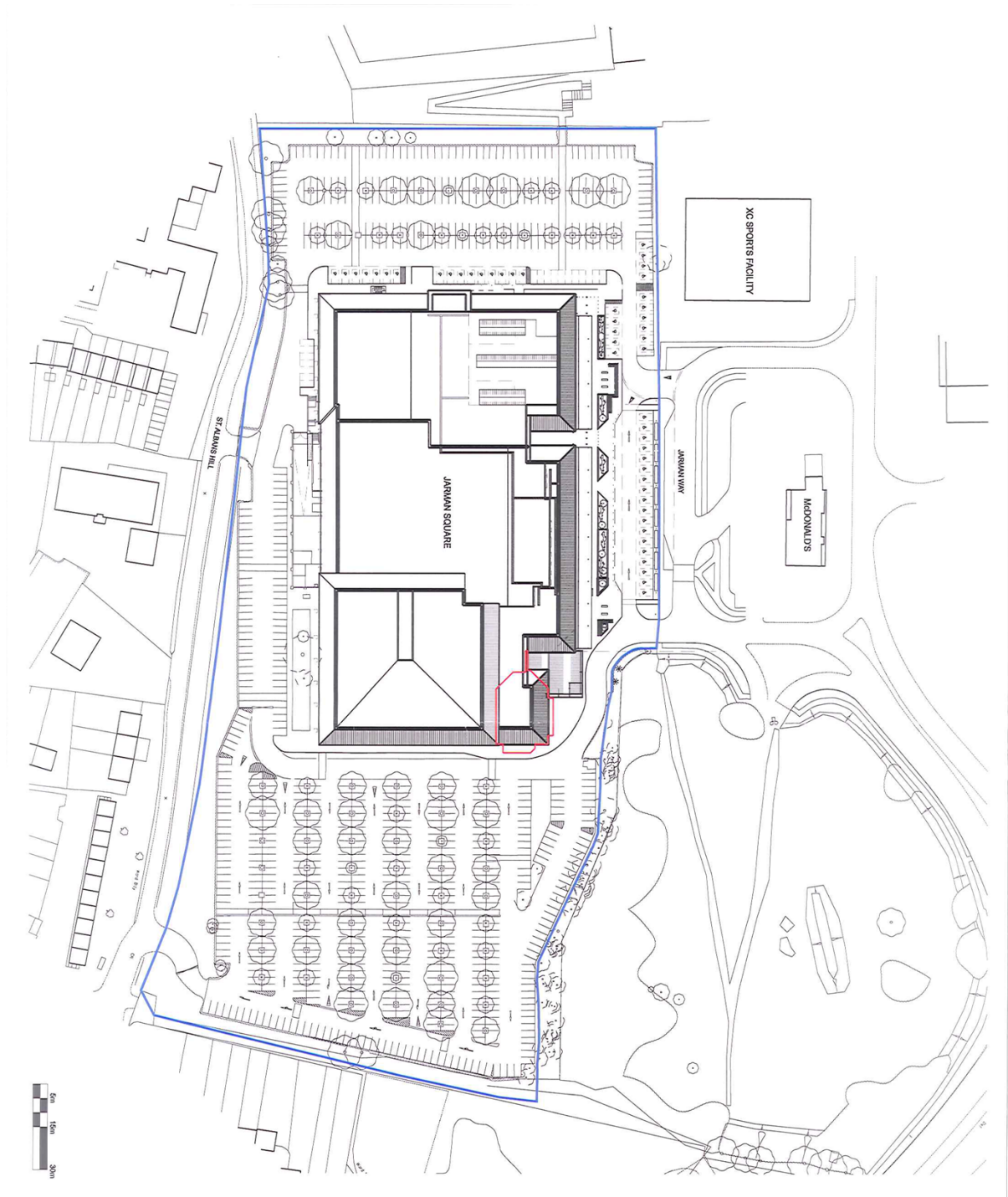
RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

**The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. The very special circumstances put forward do not outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal results in inappropriate development in the Green Belt which is harmful to the openness of the Green Belt and fails to meet the NPPF, policy CS5 of the adopted Core Strategy.**

**ITEM 5.09 (4/03067/15/FUL)**

**REFURBISHMENT/REPLACEMENT OF EXTERNAL CLADDING/SHOPFRONT TO EXISTING VACANT UNIT.**

**UNIT 12 LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW**





**ITEM 5.09 (4/03067/15/FUL)**

**REFURBISHMENT/REPLACEMENT OF EXTERNAL CLADDING/SHOPFRONT TO EXISTING VACANT UNIT.**

**UNIT 12 LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW**



**4/03067/15/FUL - REPFURBISHMENT/REPLACEMENT OF EXTERNAL CLADDING/SHOPFRONT TO EXISTING VACANT UNIT. UNIT 12 LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW. APPLICANT: EDISTON REAL ESTATE.**

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[Case Officer - Fiona Bogle]

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### **Summary**

The application is recommended for approval.

The proposed development completes the external refurbishment and upgrade of the Leisure World building at Jarman Park. The proposal ties in with recent refurbishment works to the front facade of the building and the recent planning permission for improvements and refurbishment to the eastern end of the building. The proposal will add to the attractiveness of the leisure offer sought through these enhancements. The proposal therefore complies with Core Strategy Policy CS12. There is no change of use involved as the permitted use of unit 12 is for restaurant use and this will continue.

### **Site Description**

The application site comprises unit 12 at the northernmost end of the Leisure World building adjoining the Cinema complex and restaurants to be, recently granted planning permission at the eastern end of the building. Unit 12 is currently vacant, however has been in use as a restaurant. Prezzo are to occupy the refurbished unit. Jarman Park is an out of centre leisure and retail facility off the St Albans Road (A414). The site is served by Jarman Way, an established internal circulatory distribution road providing access to each of the existing uses including the Tesco superstore, McDonald's Drive thru and the The XC centre. Sports pitches and athletics track and ski centre lie further to the west beyond.

The leisure building is served by car parking both to the east and west of the building. The car parks provide parking for 970 cars, plus 42 disabled spaces and provision for the parking of 18 bicycles. There is a heavily treed landscaped buffer between the car park and the remaining undeveloped land to the north of the site.

### **Proposal**

The application seeks planning permission for the refurbishment/replacement of external cladding and new shopfront to the existing vacant unit, which will be occupied by Prezzo for A3 restaurant use. The proposal also involves new entrance doors to the cinema.

### **Referral to Committee**

The application is referred to the Development Control Committee as Dacorum Borough Council owns the site, although the operational use of the site complex is on a long lease.

### **Planning History**

Planning application 4/0625/89 was submitted by Ladbroke Group Properties for the comprehensive development of the north eastern portion for the site know as Jarman Fields for the following development:

Retail Superstore  
Petrol Filling Station  
Hotel  
Restaurant  
Clubhouse  
Leisure / Recreation Centre (outline)  
Formation of Athletics Area  
Construction of car parks, roads and access.

The decision was made following a public enquiry held on 12 February 1991 as the application was 'called-in' by and determined by the Secretary of State for the Environment.

### **Relevant Recent History**

4/02252/11/MFA- Refurbishment and change of use of part of leisure world building to replace the sui generis (nightclub) and part of the class D2 (leisure and assembly use) with A3 (restaurant including mezzanines), alterations to new D2 (leisure and assembly uses) alterations to front of building and car parking provision - Granted 13/03/12

4/1453/12/NMA - Refurbishment and change of use of part of leisure world building to replace the sui generis (nightclub) and part of the class D2 (leisure and assembly use) with A3 (restaurant including mezzanines), alterations to new D2 (leisure and assembly uses) alterations to front of building and car parking provision - non-material amendment to planning permission 4/02252/11/MFA - Granted 28/08/12

4/01110/13/FUL - Alterations to external appearance of building with insertion of new window in an existing wall - Granted 25/07/13

4/01111/13/FUL - Change of use of leisure world from assembly and leisure (D2) to Drinking Establishment (A4) - Granted 25/07/13

4/02888/14/FUL - Shop front alterations and installation of new signage, roof plant, fixed external furniture, lighting and planters (unit 8) - Granted 04/12/14

4/01190/15/MFA - Change of use of existing cinema auditoria from Class D2 (Assembly and Leisure) to Class A3 Restaurant and cafes. Alteration to east end of building to suit new use.

### **Policies**

National Policy Guidance

National Planning Policy Framework

Adopted Core Strategy

Policies NP1, CS12, CS13, CS29

## **Representations**

Conservation and Design

Comments awaited

Environmental Health

Comments awaited

## **Considerations**

The proposal represents works to the existing building to which there are no policy issues. The proposal is acceptable in principle.

The proposals complement the programme of recent/planned refurbishment works to the Leisure World building at Jarman Park, particularly at the eastern end facilitated by the expansion of the cinema facility. The visual enhancements to the building will help to make a positive contribution to the appeal of Jarman Park as a leisure and retail destination in line with the Core Strategy. This end of the building is currently run down and unsightly. Opening up this end to restaurants as permitted under planning permission 4/01190/15/MFA will introduce activity and interest to this end of the site, enhanced by provision of an external seating area. The one remaining unit to undergo such transformation is unit 12. The proposed works will tie in with those already taken place to the building frontage and those planned at the eastern end. The design and materials will match resulting in a coherent building form and style and as such the proposal accords with the requirements of Core Strategy policies CS12 and CS13.

The shopfront alterations and new doors to the cinema will provide an attractive and welcoming entrance to the cinema foyer and Prezzo Restaurant. The amount and scale of development will be unchanged.

The appearance of the shopfront has been carefully considered in order to fit appropriately within the overall design of the front elevation of the newly refurbished Leisure World. The proposal will result in a high quality, contemporary design which will enhance the appearance of the unit, again in conformity with the requirements of Core Strategy policies CS12 and CS13.

The proposed shopfront alterations ensure that level access into the unit is provided to the restaurant. Movement to, from and within the external seating will not be affected. A level surface within the external seating area will be maintained to ensure adequate access for disabled customers.

There will be no change in terms of access and parking to the current situation. There are 970 spaces available. In addition there are 42 disabled spaces and 18 cycle spaces.

## **Conclusions**

The use of the unit as a restaurant is already established here.

The proposed shopfront and external alterations will create an attractive, vibrant facility complementary to the general regeneration of Leisure World. The proposals are in accordance with CS12 and CS13 of the Adopted Core Strategy and the NPPF.

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 constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

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

**150075-D-001  
150075-D-003  
150075-D-004  
150075-D-005  
150075-D-006  
150075-D-007  
150075-D-008**

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

### Article 31

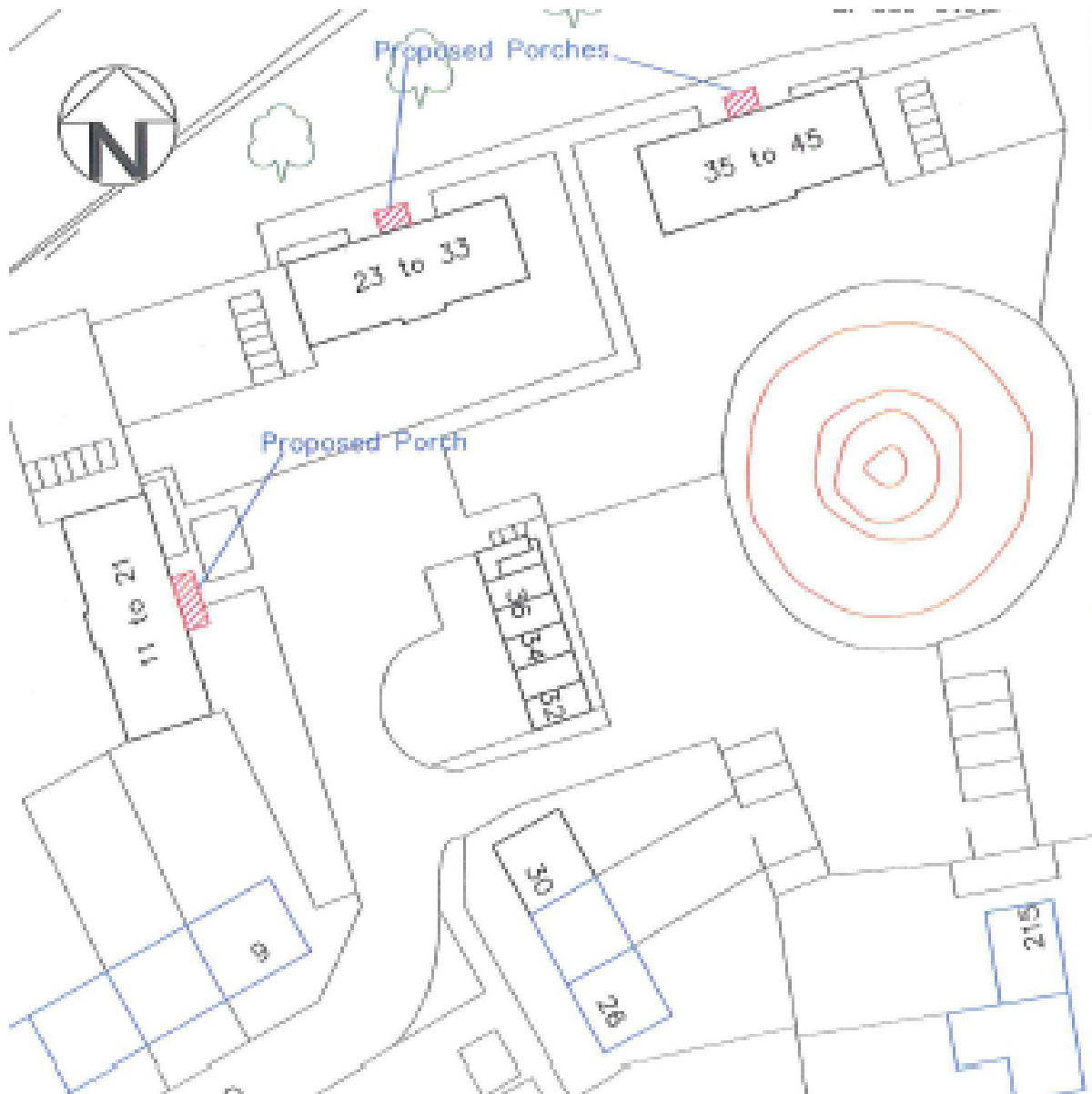
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town

and Country Planning (Development Management Procedure) (England)  
(Amendment No. 2) Order 2012.

**ITEM 5.10 (4/03077/15/FUL)**

**RE-CLAD AND RE-ROOF EXISTING ENTRANCE PORCH 11-21 DELLCUT ROAD. DEMOLISH AND PROVIDE NEW SUPPORT TO EXISTING ROOF. RE-ROOF AND RE-CLAD NEW ALTERED STRUCTURE 23-33 AND 35-45 DELL CUT ROAD.**

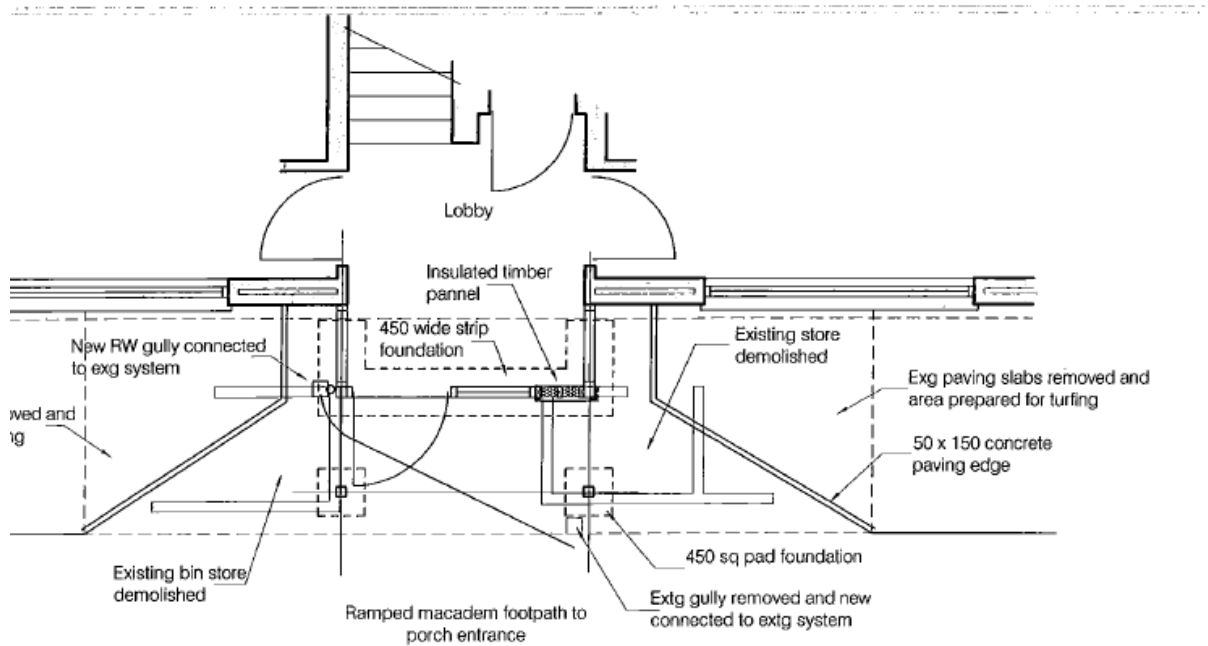
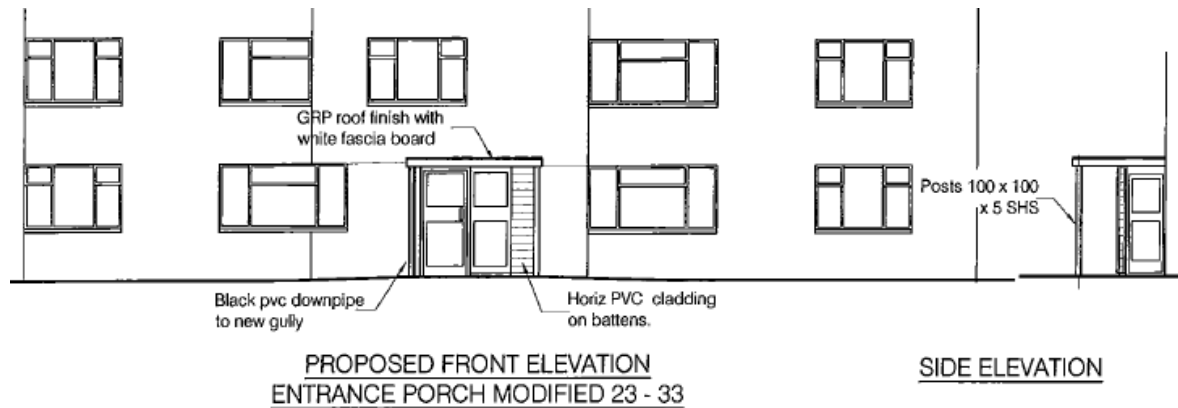
**11-21, 23-33 & 35-45 DELLCUT ROAD, HEMEL HEMPSTEAD, HP2 5NG**



**ITEM 5.10 (4/03077/15/FUL)**

**RE-CLAD AND RE-ROOF EXISTING ENTRANCE PORCH 11-21 DELLCUT ROAD. DEMOLISH AND PROVIDE NEW SUPPORT TO EXISTING ROOF. RE-ROOF AND RE-CLAD NEW ALTERED STRUCTURE 23-33 AND 35-45 DELL CUT ROAD.**

**11-21, 23-33 & 35-45 DELLCUT ROAD, HEMEL HEMPSTEAD, HP2 5NG**





**4/03077/15/FUL - RE-CLAD AND RE-ROOF EXISTING ENTRANCE PORCH 11-21 DELLCUT ROAD. DEMOLISH AND PROVIDE NEW SUPPORT TO EXISTING ROOF. RE-ROOF AND RE-CLAD NEW ALTERED STRUCTURE 23-33 AND 35 TO 45 DELL CUT ROAD..**

**11-21, 23-33 & 35-45 DELLCUT ROAD, HEMEL HEMPSTEAD, HP2 5NG.**

**APPLICANT: DACORUM BOROUGH COUNCIL.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

The application seeks consent for the re-construction and upgrading of the entrance porches to three council owned blocks of flats. The existing porches and enclosed stores are dated, look unsightly and provide poor insulation and security for residents. The proposal represents a significant visual improvement to both the buildings themselves and the wider street scene. The reduction in size of two of the entrances would significantly improve the residential amenities of the adjacent occupiers in terms of light and aspect. The proposals comply with Policy CS12 of the Core Strategy.

## **Site Description**

The three blocks of flats subject of this application are located to the very north-east of Dellcut Road, immediately adjacent to Queensway. The site is well landscaped with open amenity land surrounding and mature trees and hedging.

## **Proposal**

Full Planning Permission is sought for the construction of replacement entrance porches to the blocks of flats.

The existing flat roof porches (which include an enclosed storage area) to flats 23-33 and 35-45 would be demolished. The entrance to flats 11-21 would be re-clad and re-roofed rather than demolished.

The replacement porches to Flats 23-33 and Flats 35-45 would be smaller (in footprint) than the existing, appearing 2.5m in width and projecting only 0.9m to the front, but include an additional flat roof canopy area. Whilst the entrance to Flats 11-21 would be reclad and re-roofed on a like for like basis.

## **Referral to Committee**

The application is referred to the Development Control Committee as the buildings are council owned.

## **Planning History**

No relevant history.

## **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policy 63

**Summary of Representations**

No. 27 Dellcut Road;

I have looked with interest at the application and I am pleased with the new look to the front of our building. I am, however, a little concerned regarding the lack of shelter outside the building. As the 'disabled' occupier in the flats, I welcome the tarmac path to the front door, but I am concerned that I have to stand under the shelter to get my keys out or, if raining, put my umbrella down. While doing these small tasks, I also have to put my shopping on the floor. I have always been grateful to get under the cover of the present porch, especially when there is a strong wind / rain / snow.

I am wondering if there is any chance the new porch could be fitted with toughened glass in order to provide shelter for the occupants. I appreciate that the entrance is probably being left open to comply with health and safety, after all, someone could easily be waiting either inside the porch or by the side. However, as I am unable to drive now and therefore use the bus to get about, I notice that a number of bus shelters are protected on three sides, sometimes four.

I would be grateful if these comments could be put forward to the officers concerned

**Considerations**

Effects on appearance of building / street scene

The replacement / upgraded porches would represent a significant visual improvement to the buildings themselves and the wider area. The existing dated, dilapidated, flat roof structures would be replaced / re-clad with similar flat roof structures. The proposals would therefore modernise the front facades of the flats. Where possible the existing materials (doors and windows) will be re-used and this is welcomed. Following requests from residents additional side panels have been added to the porches to units 23-33 and 35-45. Whilst less appealing in visual terms with PVC panels to the sides, the benefits to residents of the additional sheltered area outweighs the limited harm.

Impact on Neighbours

The porches to two of the blocks (23-33 & 35-45) would be reduced in width and depth, compared to the existing. At present, the larger entrance porches, whilst set away, do obscure the front facing windows of the flats immediately to either side. The reduction in width as proposed would therefore improve the residential amenities of these flats increasing light levels and aspect from the flats.

**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 development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

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

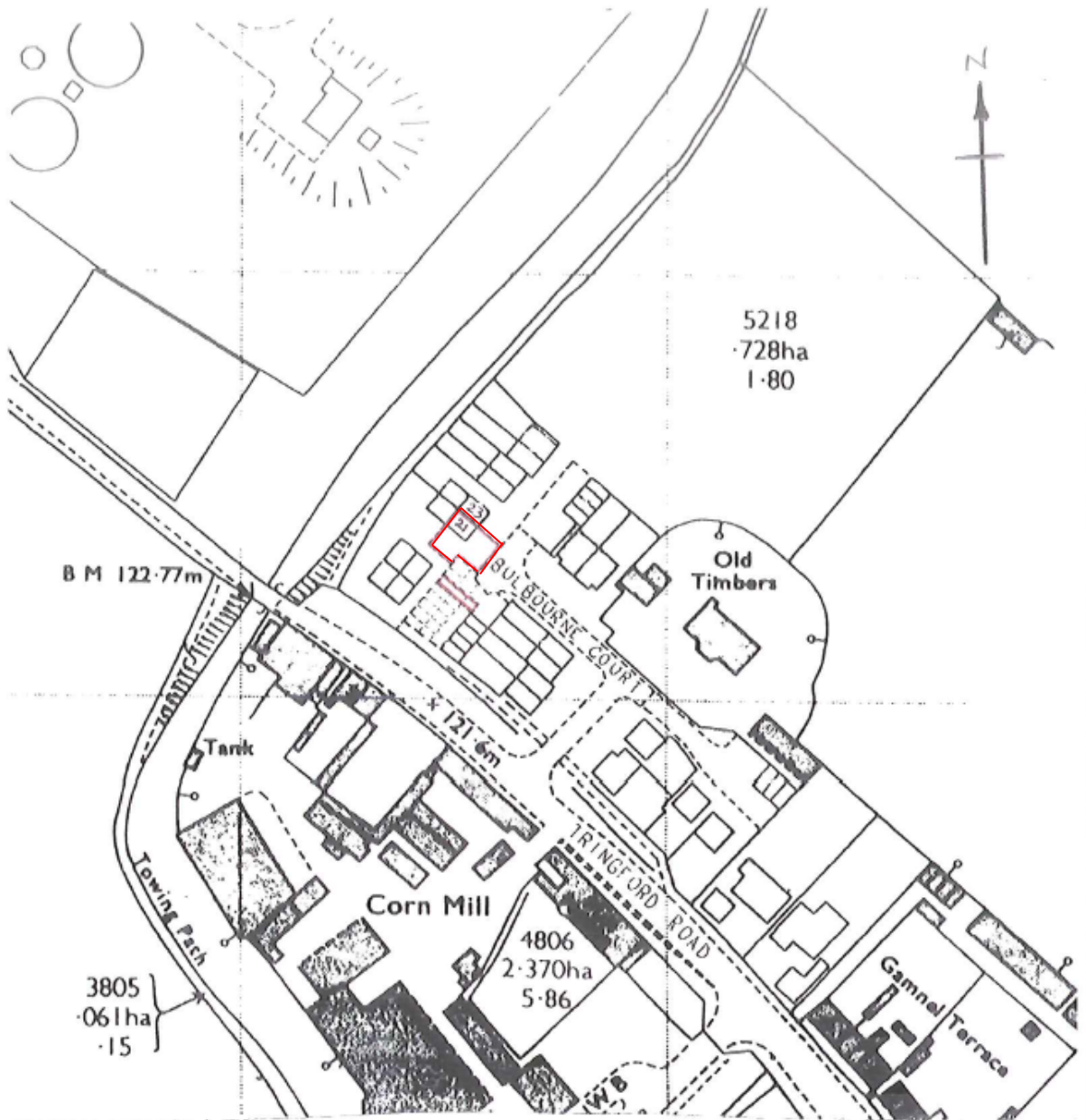
site plan  
location plan  
15092-01  
15092-02  
15092-03  
15092-04  
15092-05  
15092-06

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

**ITEM 5.11 (4/03002/15/RET)**

**RETENTION OF TIMBER PICKET FENCING AND TWO TRELIS FENCES SURROUNDING BOUNDARY.**

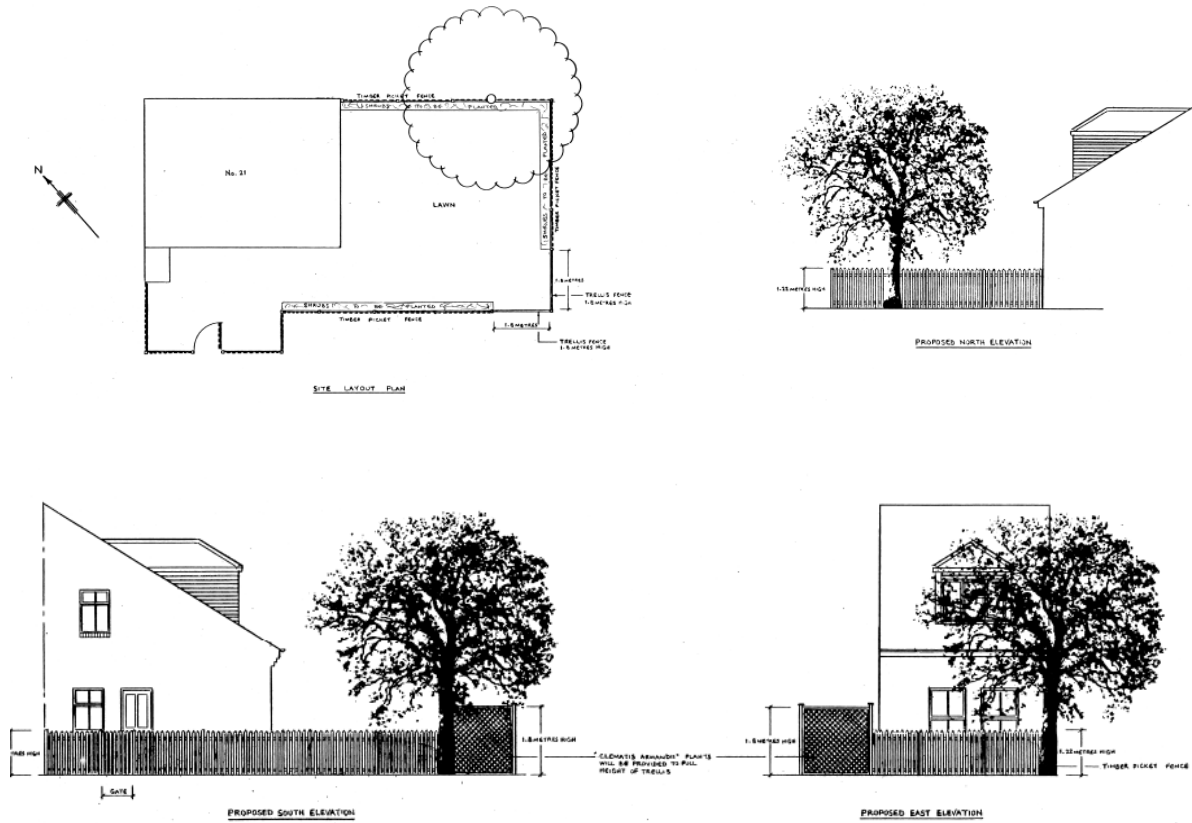
**21 BULBOURNE COURT, TRING, HP23 4TP**



**ITEM 5.11 (4/03002/15/RET)**

**RETENTION OF TIMBER PICKET FENCING AND TWO TRELLIS FENCES SURROUNDING BOUNDARY.**

**21 BULBOURNE COURT, TRING, HP23 4TP**



**4/03002/15/RET - RETENTION OF TIMBER PICKET FENCING AND TWO  
TRELLIS FENCES SURROUNDING BOUNDARY.  
21 BULBOURNE COURT, TRING, HP23 4TP.  
APPLICANT: MR J HAMILTON-HEWARD & MS E RAMIREZ.**

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[Case Officer - Rachel Marber]

### **Summary**

The application is recommended for approval.

The retrospective timber picket fencing and two trellis through size and design would not adversely impact upon the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3 and 7 and policy 97 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS24 of the Core Strategy (2013), the NPPF (2012) and the New Mill West SPG Area Character Appraisal (2004).

### **Site Description**

The application site is located to the North West of Bulbourne Court, Tring, and resides within the Chilterns Area of Outstanding Natural Beauty and New Mill West Character Area Appraisal (TCA13). The site comprises of a 1980s chalet bungalow which is externally finished in red brickwork with a grey tiled pitched roof. To the west of the dwelling there is an area of shared parking. Parking provision would sufficiently accommodate a minimum of one domestic car.

The property was built as part of a cul-de-sac, which was granted permission in 1983, and consists of similarly constructed properties. All properties are relatively regimented in regards to architectural detailing, separation gap, height, size and build line. The area has a verdant aspect emphasised by the planned landscaping and rectangular garden plots serving the properties. The overall character of the area possesses a low rise, compact, small scale character and appearance.

### **Proposal**

The application seeks permission for the retention of the timber picket fencing and two trellis fences surrounding the front and side curtilage of the dwelling house.

The purpose of the fencing is to create an enclosed front garden in which the owner/occupiers' dog can play safely.

### **Referral to Committee**

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

## **Planning History**

No Relevant History

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24- The Chilterns Area of Outstanding Natural Beauty

### Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Policy 13 – Planning Conditions and Planning Obligations

Policy 97- Chilterns Area of Outstanding Natural Beauty

Appendix 3- Gardens and Amenity Space

Appendix 7 - Small-scale House Extensions

### Supplementary Planning Guidance (2004)

Area Based Policies- Development Residential Areas Tring

## **Summary of Representations**

### **Comments received from consultees:**

#### Tring Town Council

## **Objection**

*"Tring Town Council recommends refusal of this application on the grounds that it is out of keeping in an area where the original concept of the neighbourhood was an open area. The dominance of the trellis especially so."*

## Archaeology Unit

### **No Comment**

*"In this instance, the erection of the fencing is unlikely to have had an impact on significant heritage assets of archaeological interest. I therefore have no comment on the application."*

### Comments received from local residents:

#### 37 Bulbourne Court

##### **Objection**

*"I wish to raise an objection to the fence at 21 Bulbourne Court.*

*While I am at ease with the construction of the fence perpendicular to the front elevation of the property which separates the gardens of 21 and 23, I do consider that the presence of the fence along the public highway is not in keeping with the open plan design of the front gardens of Bulbourne Court that face the road. No other property has such a structure along the roadside.*

*I am concerned that if this fence is permitted as submitted, it will set a precedent that could lead to other properties following suit thus resulting in a variation of fence/wall design that I believe will give an oppressive feel to Bulbourne Court.*

*Bulbourne Court was constructed in the mid-1980s and so far the intended open plan design has been maintained which provides a pleasant, safe and neighbourly environment in which to live. I would like this open plan design of the Bulbourne Court to be maintained."*

#### 23 Bulbourne Court

##### **Support**

*"As the immediately adjacent property, we write in support of the fence, based on the fact that the owners have a large dog. Our front garden, which is all we have, was originally open plan with Number 21 before the fence was installed. We like to spend a lot of time relaxing in our garden and the fence provides us with the security of knowing that their dog, and the other dogs that visit the property, are kept within the confines of their own garden."*

A petition in support of the proposed fence, signed by 12 residents was also received



alongside the application.

## **Key Considerations**

### Principle of Development in the Chilterns Area of Outstanding Natural Beauty

The application site is also located within the Chilterns Area of Outstanding Natural Beauty wherein the principle of development is subject to prime planning considerations which give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, development is permitted subject to its satisfactory assimilation into the landscape and accordance with saved policy 97 of the Local Plan (1991) and policy CS24 of the Core Strategy (2013).

### Effect on Appearance of Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), 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.

Furthermore, the Area Character Appraisal for New Mill West highlights that the *“enclosure of front areas is not encouraged in parts of the area where front gardens are open plan in layout and generally unenclosed. This is expanded further, “proposals for the enclosure of front areas by fences or walls over 1 m in height will not normally be permitted.”* Nonetheless, private landscaping is strongly encouraged, *“the existing provision of landscaping, planting and grass verges within the area should be maintained.”*

In accordance with the submitted application the proposed picket fence is of simple, traditional timber construction and measures 1.2 metres in height (with the trellis section measuring 1.8 metres), with a depth of 12.5 metres and maximum width of 6.5 metres. Thus, the retrospective fence is considered of modest size and constructed from natural materials.

The majority of objections raised were in regards to visual amenity. The main points of concerns are as follows:

- (lxxxix) The fence would appear incongruous within the cul-de-sac.
- (lxxxii) The proposed fence would contravene with the open plan layout of Bulbourne Court.

The proposed fence is not considered to appear incongruous within Bulbourne Court or contravene with the existing layout. The reason for this is that many properties feature closed, defined boundaries hosting elements more dominant and bulky than the proposed, such properties include:

- The 1 metre high front boundary brick wall, which is visible upon entering Bulbourne Court (1 Bulbourne Court);
- The 1 metre high front boundary hedge, fronting Old Timbers;
- The 1 – 3 metre (approximately) high shrubs, fronting number 27;
- The 1.8 metre high close boarded wooden fence and 1.8 metre high brick wall, which forms the boundary for number 35;
- The 3 metre (approximately) high hedge and 1.8 metre high brick wall, which forms the rear boundary of number 7;
- The 1.8 metre high close boarded front boundary fence serving number 35; and
- The 1 - 4 metre (approximately) high shrubs and trees fronting properties 37 and 39.

These examples of front, side and rear boundary treatment set precedence for the form of development within the close. It is consequently considered that the retrospective fence satisfactorily assimilates into the landscape of Bulbourne Court and serves significantly less visual dominance and intrusion than some of the structures outlined above. Hence, the retrospective fence is not considered to affect the beauty of the Chilterns AONB and would appear congruous within the surrounding area.

In addition, taking into consideration the original boundary treatment which consisted of 1 - 6 metre high shrubs and hedges it is not considered that the replacement fence would be of any further visual detriment to the open plan nature of the Close.

Moreover, the retrospective fence would be of little detriment to the open plan layout of the area, due to its 1.2 metres proposed height, (which would reside below line of sight) and the picket fence style, (which is see-through). Moreover the aim of the trellis section is to encourage plant growth which would soften the appearance of the fence and complement the verdant aspect of the surrounding area. Accordingly, the retrospective fence does not appear as a stark visual intrusion, nor impair the visual outlook of the Bulbourne Court. Therefore, such private landscaping is considered to be in accordance with the area SPG and would mitigate the detriment caused by the 0.21 metres excess fence height which is discouraged.

As a result a condition has be attached to the permission requiring the establishment and on-going maintenance of the proposed landscaping works to ensure that the structure is sufficiently screened throughout all four seasons of the year. This would

also ensure the provision of planting that would be sympathetically sited and designed with regards to the surrounding landscape and buildings; complying with Chilterns AONB polices CS24 and 97.

Although Permitted Development Rights have been removed from Bulbourne Court it is important to note that Permitted Development Rights, Part 2, Class A, Minor operations, would certify a 1 metre high fence (fronting the highway) as Permitted Development, without the need for planning consent. For this reason the proposed fence is considered a subservient element, of nominal harm to the openness and outlook of the area.

As a result the retrospective fence is not considered to result in further visual intrusion or harm to the character and appearance of the existing dwelling or surrounding street scene; accordingly the proposed coheres with the NPPF (2012), Saved appendix 7 and policy 97 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS24 of the Core Strategy (2013) and the 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. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The retrospective fence is not considered of detrimental harm due to the low residing fence height of 1.21 metres (which sits below window height), and the picket fence style which is visually permeable. As a result, it considered there is no significant loss of daylight or sunlight to the neighbouring ground floor window as a result of the proposal. The alteration is acceptable in terms of the NPPF (2012), appendix 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The landscaping works on the trellis hereby permitted shall be planted within one month of the permission hereby approved and maintained thereafter in accordance with the following approved plan:**

CHM/3532/A1

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

and to ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

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.

## **6. APPEALS**

### **A. LODGED**

4/01000/15/FUL Miss J & Miss S Seager  
CONSTRUCTION OF TWO SELF BUILD HOUSES  
49 & 51 SCATTERDELLS LANE, CHIPPERFIELD, KINGS  
LANGLEY, WD4 9EU  
[View online application](#)

4/01123/15/FUL Smyth  
CONVERSION OF AN EXISTING STABLES TO FORM A  
SINGLE FOUR BEDROOM HOUSE WITH GARAGE AND  
WORKSHOP (REVISED SCHEME).  
FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL  
HEMPSTEAD, HP3 0PW  
[View online application](#)

### **B. WITHDRAWN**

None

### **C. FORTHCOMING INQUIRIES**

4/02263/15/ENA HAMBERLINS FARM - MR G EAMES  
APPEAL AGAINST ENFORCEMENT NOTICE  
LAND AT HAMBERLINS FARM, HAMBERLINS LANE,  
NORTHCHURCH, BERKHAMSTED, HP4 3TD  
[View online application](#)

### **D. FORTHCOMING HEARINGS**

None

### **E. DISMISSED**

None

## F. ALLOWED

4/00365/15/FUL BRAYBEECH HOMES LTD - MR S BOOTH  
CONSTRUCTION OF TWO SEMI-DETACHED HOUSES  
LAND TO THE REAR OF 17 STATION ROAD, TRING,  
HP235NG

[View online application](#)

The main issue is the effect of the proposed dwellings on the character and appearance of the area, having particular regard to the relationship with 7 Sycamore Drive. Since the submission of the appeal planning permission has been granted for a pair of semi-detached dwelling on the site. On the site immediately to the west, planning permission has been granted at appeal for four semi-detached dwellings.

The proposed dwellings are similar in height, scale and mass to those allowed at appeal (14 & 15) and would provide an acceptable transition from Station Rd to Treehanger Close. There would thus be no harm to the overall character and appearance of the area.

It is appreciated that the councils issue is a more specific one relating to the visual relationship with the bungalow, in this regard the height of the development would be almost double that of the bungalow which the council argue would be an abrupt difference in size. However there would be a gap between the new dwelling and the bungalow. The main orientation of the bungalow is also onto another residential cul-de-sac which would result in it appearing visually separate. Furthermore the properties would align and not project any further forward. Public views of the development would also be restricted. For all of the above reasons there would not be an abrupt difference.

Planning permission has been granted for two dwellings on the appeal site and the only difference if the catslide addition. The changed roof and dwelling profile would be materially different and therefore not comparable in the context of the issue here.

In conclusion the proposal would not result in an overbearing visual relationship and would not harm the area.

In respect of the roof light, a cill height of 1.2m instead of 1.6m would be immaterial. The ground levels are similar and the back to back distances exceed the councils required distances. Any neighbour loss of privacy at roof or first floor level would not be significant.

### Costs

An application for costs was made but dismissed. The Inspector concluded that although he came to a different conclusions to memembers of the impact of the additional catslide the council has provided some objective analysis for its approach and substantiated its case on this basis. Some of the Councils language used in decribing the visual impact of the dwelling is more commonly associated with living conditions issues. The councils reason for refusal refers to criteria (g), whilst brief this does not refer to living conditions and on balance i find the councils stance on arguing a case fair.

The appellants recollection of committee proceedings is different to the councils but there is no evidence before me that the councils were making objections based on living conditions.

4/00438/15/ROC BrayBeech Homes Limited - Mr S Booth  
VARIATION OF CONDITION 2 (APPROVED PLANS) AND 5  
(ROOFLIGHTS, CILL HEIGHTS) OF APPEAL REFERENCE  
APP/A1910/A/14/2221190 ATTACHED TO PLANNING  
PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR  
SEMI-DETACHED HOUSES)  
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG  
[View online application](#)

In respect of varying condition 2 the main issue is the effect of the proposal on the character and appearance of the area. In respect of condition 5 it would be the effect on the living conditions of occupiers of Treehanger Close.

Since the submission of the appeal, permission has been granted for smaller gables and the lowering of the side roof lights.

#### Condition 2

The enlarged dwellings would be smaller in scale than those along Station Road and would still have the same main roof form. The Treehanger Close properties are located some distance away. The dwellings would not therefore be excessively bulky or of unacceptable mass and would continue to act as a transition. By reason of their siting they would also have limited visual impact from Station Road. There would thus be no harm to the overall character or appearance of the area.

#### Condition 5

There would be a considerable separation distance between neighbouring properties. Dwellings have been permitted on this site which attach considerable weight to. The permitted dwellings have first floor windows and the roof lights would be set back from these. View from the roof lights would be constrained by the positioning of them within the angled roofplane. The previous inspector conditioning the height of the roof lights to safeguard amenity. However, in this appeal, it has been demonstrated that a relaxation of this requirement would not result in a significant loss of privacy. In this respect, the previous inspector did not consider the same arguments or evidence. In the previous appeal overlooking was not identified as a main issue and the inspectors comments are therefore brief, and for this reason are not overriding in this instance.

#### Costs

The councils objective analysis has some substance although not overly detailed. In addition the councils have provided evidence in the form of comments from a previous inspector to support their case. As such unreasonable behaviour has not been demonstrated.

## **7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to: