



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 3 SEPTEMBER 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 06 August 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.

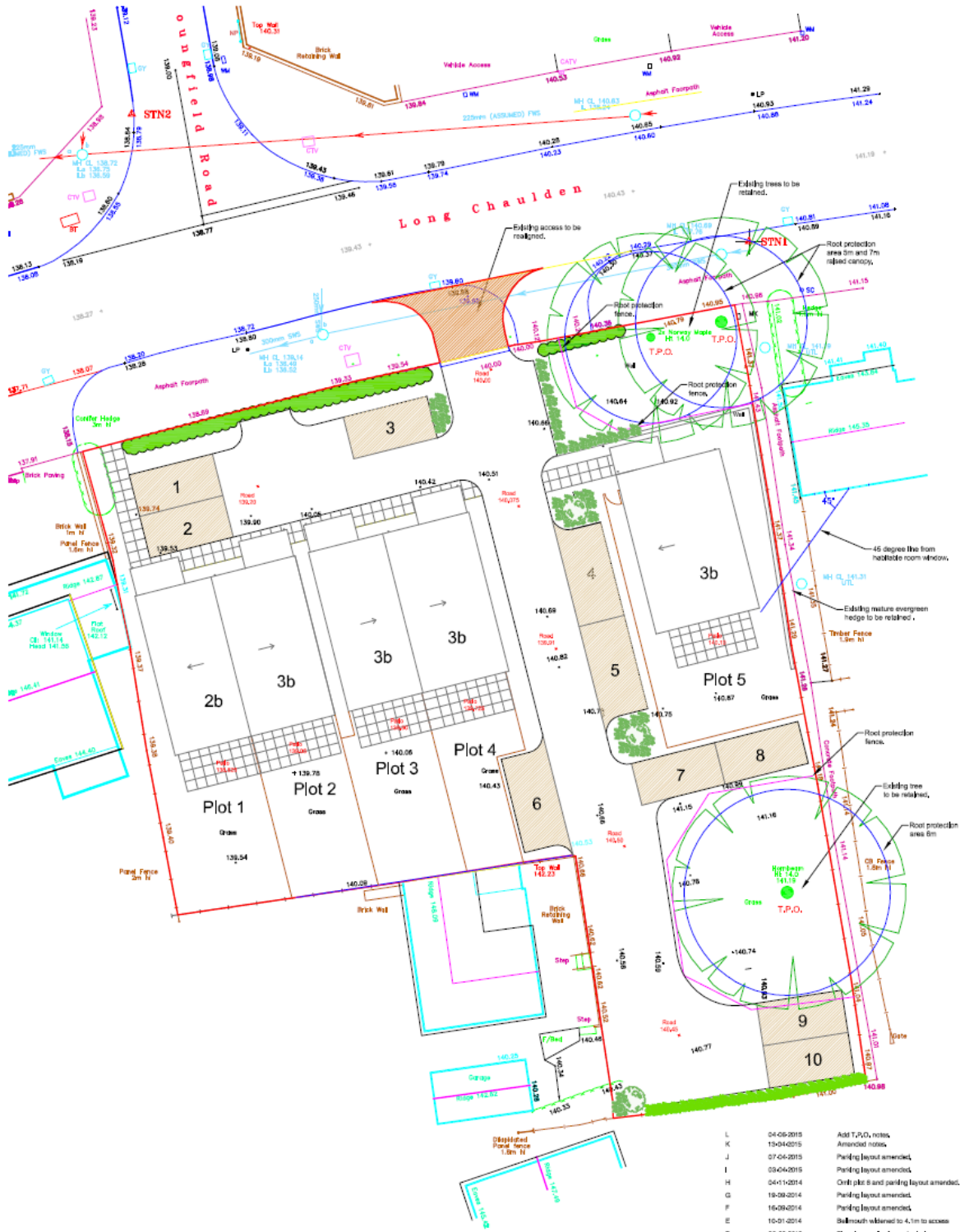
At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

## INDEX TO PLANNING APPLICATIONS

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**ITEM 5.01**  
**4/02300/13/FUL – DEMOLITION OF HOUSE AND CONSTRUCTION OF FIVE**  
**HOUSES (FOUR SEMI-DETACHED AND ONE DETACHED)**

**2 THE HOLLIES, LONG CHAUDEN, HEMEL HEMPSTEAD, HP1 2NU**



Client:	Mr T Macdonald
Address:	2 The Hollies, Long Chauden, Hemel Hempstead
Project Title:	Development of 4 No. semi-detached & 1 No. detached dwellings.

Drawing No:	Proposed Block Plan		
Scale:	1:200	Paper Size:	A3
Issue No:	3097 - PL - 2.01	Date:	OCT 12
Issue:		Rev:	L
The copyright in this document and design is confirmed to be the property of Gotzheim Associates			

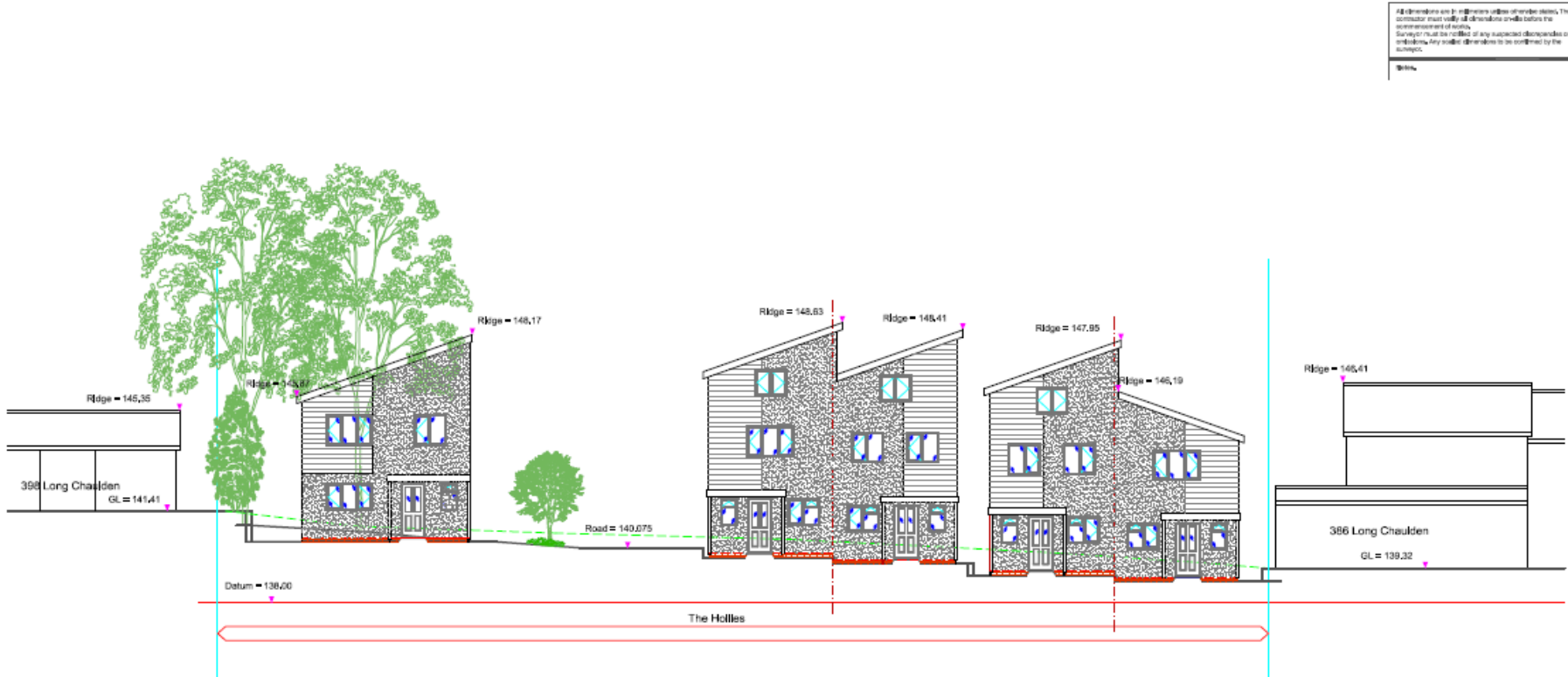
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Chartered Building Surveyor

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**Gotzheim Associates**

# ITEM 5.01 - 4/02300/13/FUL – DEMOLITION OF HOUSE AND CONSTRUCTION OF FIVE HOUSES (FOUR SEMI-DETACHED AND ONE DETACHED) 2 THE HOLLIES, LONG CHAUDEN, HEMEL HEMPSTEAD, HP1 2NU



All dimensions are in millimetres unless otherwise stated. The contractor must verify all dimensions on site before the commencement of work. Surveyor must be notified of any suspected discrepancies or omissions. Any further dimensions to be confirmed by the surveyor.

08/19/20

- 1 04/11/2014 Amended House 1/16
- 2 04/02/2014 Amended House 1/16
- 3 20/06/2014 Amended House 1/16
- 4 14/08/2014 Amended House 1/16

<b>Gotzheim Associates</b> Chartered Planning Surveyor		<b>Gotzheim Associates</b>
Mr T Macdonald		
2 The Hollies, Long Chaulden, Hemel Hempstead,		
Development of 4 No. semi-detached & 1 No. detached dwelling.		
Proposed Street Scene		
Date: 11/10	Drawn By: AG	Date: Dec 18
Drawing No: 3097 - PL - 4.04		Scale: 1:1
<small>           This drawing is the property of Gotzheim Associates &amp; should not be used for any other project without the written consent of Gotzheim Associates.         </small>		



**4/02300/13/FUL - DEMOLITION OF HOUSE AND CONSTRUCTION OF FIVE HOUSES  
(FOUR SEMI-DETACHED AND ONE DETACHED).  
2 THE HOLLIES, LONG CHAULDEN, HEMEL HEMPSTEAD, HP1 2NU.  
APPLICANT: MR G MACDONALD.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The principle of residential development is acceptable in the urban area of Hemel Hempstead. The site represents an historic remnant from the pre New Town period. For this reason and its relative prominence and wooded character the site is a distinctive/ unique feature of the locality.

The demolition of the existing dwellinghouse will facilitate the opportunity to redevelop the site to provide 5 new dwellings fronting Long Chaulden in a mature green setting . This is through the retention of important preserved trees and the frontage hedge.

The visually cohesive and distinctive group of modern' dwellings will reinforce and consolidate the locality's existing 'New Town' contemporary character. It will represent a logical evolution of the Warners End Neighbourhood's modern housing design featuring a range of styles. This is whilst maintaining the wooded setting of the retained part of the pre New Town farm cottages, which are not such a valuable heritage asset to merit listing.

The dwellings will feature frontages compatible with the ' building line' of adjoining housing. The rear gardens are below the 'standard' sizes reflecting the balance between supporting new housing and achieving /maintaining the site's wooded setting. In this sustainable location reduced car parking is considered acceptable. If maximum parking standards are applied it would not be feasible to develop the site. In terms of residential amenity there would be a satisfactory relationship with the adjoining dwellings. There are no detailed objections.

The latest scheme (November 2014/ April - June 2015 ) is a consequence of a range of changes to the original proposal. The original scheme involved 6 units of a traditional design, a problematical layout and uncertainties regarding the retention of existing trees.

## **Site Description**

Nos 1 and 2 are a pair of two storey gable roof semi detached late Victorian former farm cottages located on the southern side of Long Chaulden opposite its junction with Youngfield Road. The cottages associated farmstead outbuildings were demolished to enable the Long Chaulden / Warners End New Town housing development around these dwellings. Nos 1 and 2 are not worthy of local listing.

Nos 1 and 2 are set back from the site's elongated 'green' sloping Long Chaulden frontage served by an ' off centre' single vehicular access. The site is prominent and distinctive within the street scene due to the building's 'historic presence and design'

and elevated position. This is through the collective effect of the subtle but significant evidence of an older building in an area of modern predominantly 'New Town building vernacular', the site's wooded character, wide frontage, access and level changes.

No. 2 has been unoccupied for about 16 years and according to the submitted structural condition report is now in extremely poor condition resulting from the absence of regular maintenance with associated significant subsidence. The dwelling features some upvc gutters and downpipes and timber sash windows. The curtilage of no.2 is overgrown featuring a collapsed car port. There are fundamental structural issues militating against the feasibility of no.2's rebuilding due to problematical localised ground conditions.

No. 1 is occupied, featuring a modern flat roofed two storey extension and upvc windows and gutters served by the same access as no.2.

The LPA recently approved a Tree Preservation Order (TPO) at the site. These are 2 Norway Maples along the front boundary with Long Chaulden and a Hornbeam at the rear of the site close to nos 1 and 2 and the boundary with a Council owned footpath separating the site from no.398.

No. 398 is a shallow pitched roof bungalow located to the immediate north east of the site. It is one of row of 9 distinctive identical dwellings incorporating flat roofed porches and chimneys. These form an integral part of earlier Warners End New Town development established by 1966. This included the use of land of nos 1 and 2's former farmstead.

No. 386, a two storey gable roof extended end of terraced dwellinghouse, is to the immediate south west. It forms part of an elongated stepped row of similar dwellings fronting Long Chaulden which adjoin the older Varney Close to the rear. No. 386's extension adjoins the common boundary with no. 2 featuring flank wall windows. No. 11 Varney Close's rear garden also abuts the site.

There is about a 2m difference of ground levels between the higher no. 398 and lower no.386. Long Chaulden slopes steeply away to the south west.

## **Proposal**

### Revised Scheme

This is for five mono pitch dwellings along the site frontage. These form a group of 4 four semi detached units and a single dwellinghouse.

They will be positioned behind the existing retained hedge and 2 retained preserved frontage trees, served by the modified / realigned site access. The dwelling's set back position follows a similar alignment to the respective adjoining bungalows and houses.

A detached two storey dwelling will adjoin no. 398 separated from the main group by the retained access. The adjoining group's three central town house style units will



be three storey. A lower two storey dwelling will adjoin no.386. The submitted frontage street scene drawing shows the proposed dwellings 'ridge line relationship' with the adjoining bungalow (no. 398) and house ( no.386) . Frontage parking will be screened by boundary hedging.

The dwellings are all provided with 'below standard' rear gardens. The proposed arrangement/ layout /position of the dwellings follows the 'grain' of the existing adjoining 'New Town 'dwellings fronting Long Chaulden. The site layout takes reference from 'historic building line' and the position takes into account the position of the surrounding dwellings. .

The Revised Scheme's site's parking layout has been modified since public consultation with a further revision to provide 9 spaces.

Following the demolition of no.2 there will be a need to repair and weather proof the party wall with no.1. This will be through the Party Wall Act.

### Original Scheme and Seeking an Acceptable Scheme: /Article 31

This involved 6 semi detached two / and a half storey town houses featuring a more traditional pitched roof design served with 13 parking spaces.

It would have been recommended for refusal due to the adverse impact upon the street scene and key trees , for layout reasons and due to a poorer relationship with adjoining dwellinghouses. Also at the time the Conservation & Design Team was of the view that no. 2 should be retained as a heritage asset. Also there were no necessary structural, ecological, arboricultural or heritage reports.

Subsequently through extensive and protracted dialogue it has been established that no.2's structural condition is very poor and there is a case to support the building's demolition. The bat survey/ species survey is acceptable , the design has been radically changed , a TPO confirmed and the parking reduced.

It is clarified that at all stages the Trees & Woodlands Team and LPA placed significant importance upon retaining key trees , with a resultant need for the TPO 'late in the process'. This was to ensure the trees are safeguarded now and in the future as a key part of the local street scene. There were very real concerns at that time of proposing the TPO that the trees were at risk at the end of a long but positive negotiation process. With the TPO confirmed there is now the certainty in ensuring their retention.

The process has been set against the owners of no. 1 fundamental questioning of the site's ownership which resulted in the Revised Scheme being put on hold'.

The proposal will require the repair and weather proof the party wall with no.1. This will be through the Party wall Act.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the request of the local Borough Councillor for Chaulden and Warners End, on the basis that one

of the residents has objected to the proposed development under Density criteria.

## **Recent Site Planning History**

There was an initial earlier pre application advice.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Dacorum Borough Local Plan (saved policies)

Policies 10, 13, 15, 18, 51, 54, 58, 61, 62, 63, 99, 100, 102,103 111,113,118, and 119

Appendices 3 (Layout and Design of Residential Areas), 5 (Parking Provision) and 8 (Exterior Lighting)

### Supplementary Planning Guidance / Documents

Area Based Policies - Development in Residential Areas: HCA 3: Warners End  
Accessibility Zones for the Application of Car Parking Standards  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Affordable Housing

Refuse

## Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Strategic Planning

Normal policies apply. This appears to be a replacement dwelling in a residential area – so usual policies apply.

#### Conservation & Design

Revised Scheme. Pre Submission Drawings showing Three Storey Development Mono Pitched Roofs: Comment upon the streetscene and relationship with existing buildings. The 3 storey would be out of keeping with the neighbouring houses. No objection to the monopitch roof design however the ground floor windows would benefit from being larger in order to give a hierarchy to the fenestration.

Whilst the re-siting of two car parking spaces to the rear gives a slightly less cluttered streetscene this does not change my concern regarding storey heights and rising land.

Initial Scheme. This property forms part of a semi-detached cottage which originally formed pair of workers cottages associated with a historic farmstead. It is a remnant of earlier origins of the Hemel Hempstead landscape and it now sits surrounded by new town development. The cottage is largely original in appearance and retains its original brickwork, windows and doors. The chimneys of the cottages are particularly striking when viewed from the road due to the rising nature of the site and the descending topography of the road into a shallow valley.

The cottage is considered an undesignated heritage asset and the building has a charm due to its quality of materials, brick detailing, original windows and doors and garden setting. It is a rare surviving example of unspoilt local vernacular.

Whilst the applicant has evidenced structural movement in the walls of the cottage there is no structural survey report to support this claim and it may be possible that these issues could be resolved by limited rebuilding and underpinning. If the substantial loss of the building could be justified through a structural survey CD cannot see any reason why the building could not be rebuilt on a like for like basis from reclaimed materials of the existing building.

The current proposal divorces the remaining cottage leaving it isolated and without any historical association. The loss of an attractive semi-detached cottage cannot be justified by the poorly designed development proposal which gives no consideration to the historic character of the existing building and merely seeks to overdevelop the site with boxy 'anywhere' designed units. The six dwellings are unduly narrow fronted and are two and a half storey which is out of keeping with houses in the locality. The height of the buildings is an issue with the relationship of the neighbouring bungalow and also the changes in level with the height of the land

rising against the drop off the road. The dormers would be very prominent and are uncharacteristic of the local area. There is no roofscape interest due to the lack of chimneys.

The car parking to the front of the buildings does little to reflect the established pattern of front gardens to existing houses in the area. This car parking would be seen due to the changes in topography and the limited retention of existing landscaping. Rear garden sizes are also unduly small. CD also consider that the car parking to the frontage of the remaining cottage is unacceptable since this would destroy the established garden setting of the cottage.

Overall CD cannot find one redeeming feature of this proposal which pays any respect to the historical origins of the site and the cottage which it seeks to replace.

### Building Control

Response to the submitted structural survey. Looking at the report & its recommendations it would appear to be a question of economic viability. It is possible to rescue most buildings but clearly comes a point where it may make more sense to start again. The building falls into this bracket.

### Trees & Woodlands

Pre Application. There are of 3 trees on the site at 2 The Hollies that are worthy of retention. These are 2 Norway maples along the front boundary with Long Chaulden and 1 Hornbeam in the middle of the site close to the boundary with a Council owned footpath.

While the trees are of good amenity value and are certainly worthy of retention, they are marginal in terms of qualifying for protection under TPO legislation. TW are concerned that if objections or appeals are made against such a TPO, the LPA may not have a good defence.

However, the different options proposed by the developer, all indicate retention of the 2 trees along the front boundary but it is not clear if they intend to retain T3 the Hornbeam. It is recommended that all 3 trees plotted on the attached plan are retained and protected before and during construction (if consent is given) in accordance with the recommendations of BS 5837:2005. TW can provide more details on protective fencing and other tree protection measures if the proposed development is granted planning permission.

Original Scheme. The proposed development will cause significant damage to the three mature trees referred to by the pre-application advice. These are 2 Norway maples and one Hornbeam. The Root Protection Area of the Norway maples is 5 m and the Hornbeam, 6 m. The proposed parking areas will encroach significantly on the RPA of the trees and the trees may not survive the impact. TW recommend that the parking bays are positioned outside the RPA of these trees and the RPAs are protected by protective fencing during construction in accordance with the British Standard 5837:2005, Trees in Relation to Construction Recommendations.

Revised Scheme. Satisfied with the removal of parking bays in front. The parking bays

numbered 7,8, 9 and 10 are acceptable provided they do not encroach on the Root Protection Area (RPA) of the Hornbeam tree that has a RPA with a radius of 6 m. No building activities should take place within 6 m of the base of this tree. In addition, the Root Protection Area of all TPO trees must be protected during construction with appropriate protective fencing in accordance with the recommendations of the British Standard 5837:2012.

With the TPO confirmed there are no objections to the scheme.

### Strategic Housing

Original Scheme. The construction of the six dwellings is below the threshold for on-site affordable housing provision.

Revised Scheme. A financial contribution will be sought in lieu of affordable housing on this site. The methodology detailed in the Affordable Housing SPD should be used to calculate the financial contribution.

### Scientific Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore it is recommended that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)). The developer will need to complete and submit to the Council the 'Sensitive End Use Land Contamination Questionnaire', which can be downloaded from the website.

### Refuse Controller

Revised Scheme. Acceptable.

### Hertfordshire County Council: Highways: Revised Scheme

Original Scheme. The modified existing access is too narrow to allow two cars to pass and therefore serve the site safely and efficiently. However, if the access that is correctly shown as being a radii kerbed junction leading to a shared surface road were widened to 4.1m from the bellmouth into the site, this would be acceptable. Widening would also increase the manoeuvring space behind parking space 5, which would be welcomed too. Although the Highway Authority accepts that the access road will not be offered for adoption, the modified access is on highway land and will be subject to a Section 278. It follows that the modified access will need to be built to adoptable standards.

Revised Scheme ( pre reduction of car parking). Recommendation: 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.*

3 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site.

*Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standards in 'Roads in Hertfordshire – highway design guide' is achievable at all times.*

4 Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

*Reason: In the interests of highway safety.*

Highway Comment .The scheme follows on from the pre application to demolish the existing dwelling and construct four new semi-detached and one detached dwelling as replacements. Access for both pedestrian and vehicular movements will remain unchanged in as much as to where it takes its connection from the highway, Long Chaulden although the applicant is proposing to widen and improve the access, hence the informative above about working on the highway and the requirement of a S278 agreement. Off street parking is recorded on the application form as being 11 spaces and the internal road is not being offered for adoption. The applicant will have to demonstrate how the refuse will be collected from the dwellings and that the site is accessible to service vehicles. Tracks runs on a suitably scaled drawing should be sufficient.

This latest application is for one less house than the last application/submission which is welcomed. As such the applicant may now be able to serve the site with just a simple vehicle crossover but advise on how to proceed should be taken from the implementation team as part of the informative advice stated above.

Highway Benefits. It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/yourcouncil/hcc/resandperf/hertsprop/planningobs/>

Subject to a financial contribution in line with current County policies for sustainable transport and the above suggested planning conditions, the County Council would not wish to object to this application.

The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport. The Highway Authority will seek a standard charge contribution of £750 per two-bedroom dwelling and £1125 per three-bedroom. All contributions are to be index linked from the date of the agreement or Local Planning Authority committee resolution (which ever the earliest) to the date of payment. Planning permission should therefore only be

granted subject to an undertaking to secure a financial contribution of £4125 towards measures or services near the site to encourage walking, cycling or the use of public transport.

Conclusion. The HA in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, it does not consider it could substantiate a highway objection to this proposal. The HA has no objection subject to the above conditions to the grant of permission.

Informative. The HA require any works to be undertaken on the public highway to be 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. This may mean that the developer will have to enter into a legal Section 278 agreement to carry out the improvement works as shown on the submitted plan no HP1/136/01F

Revised Scheme. The access position looks like it is in the same position as previously agreed. However, refuse collection and internal servicing is not shown on the plan. Track runs for refuse collection which is on par with a removal lorry showing accessibility within the site would be useful.

The level of off street parking . Has this been agreed with the LPA

On the whole it seems acceptable subject to the above.

### Hertfordshire Fire & Rescue Service

Unfortunately the plans were not sufficient to enable this Fire Authority to adequately assess the provision for access for the fire service.

HFRS note that the width of the access road will meet the 4.1m requirement. There is a need to confirm the position of the nearest fire hydrant and the other items listed below:

This Authority would expect to view drawings with the following provisions for access and water supply:

#### Access and Facilities.

- Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
- Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
- Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### **Water Supplies**

- Water supplies should be provided in accordance with BS 9999.
  - This authority would consider the following hydrant provision adequate:
    - Not more than 60m from an entry to any building on the site.
    - Not more than 120m apart for residential developments or 90m apart for commercial developments.
    - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
    - Not less than 6m from the building or risk so that they remain usable during a fire.
    - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
    - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, sub section 15.8.
6. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

#### Hertfordshire Ecology

The submitted report outlines the findings of an Inspection and Activity Survey of the property. No evidence of bats was discovered within the building itself, collapsed outbuilding or trees, and no emergence of bats was observed, although some foraging of bats in the garden area was recorded.

The survey followed best practice and on this basis HE consider it is reasonable to conclude that bats have not and do not currently use the building for a roost. Consequently the LPA can proceed with determination of the application without having to take bats further in to account.

However the recommendations on Page 10 regarding unexpected discovery of bat presence and also breeding birds represent sensible precautions, and as such should be attached as an informative to any approval. See below:

The following measures will be implemented to reduce the impact of disturbance to bats as a result of the proposed work:

- Preliminary demolition work will be undertaken with care, particularly when removing the roof tiles of the cottage as this is the most likely area where bats could be discovered. If any bats or evidence of them is discovered, work will stop and Natural England contacted for advice, and if necessary, a licence will be obtained before work proceeds.



- Any mature trees which need to be felled or have tree surgery carried out on them will be carefully checked beforehand, and any features such as holes or hollows, examined for evidence of roosting bats, if necessary using an endoscope. A European Protected Species (EPS) license would be required to allow tree surgery to be undertaken if a roost was present and the proposed activity is likely to result in an offence, such as significant alterations to or loss of bat roosts.
- Any external lighting in the new development will be kept to a minimum to minimise any impact on foraging bats.
- All people working on the site will be made aware of the potential presence of bats, the protection afforded them and the methods of working required to avoid harm to bats.
- Nesting Birds .As nesting birds are protected by law under The Wildlife and Countryside Act 1981, a check for any currently nesting birds will need to be carried out prior to any demolition work or tree or shrub removal being undertaken. If nesting birds are identified, works in the area of the nest will be delayed until the birds have left the nest. The nesting period for birds is usually from March to the end of August.

HE note the location remains 'well treed' and as such provides a local ecological resource along this part of Long Chaulden. HE would hope that a significant proportion of the remaining trees - which now occur mainly along the boundary of the site - can be retained in the context of the redevelopment of the site.

#### Hertfordshire Constabulary: Crime Prevention Officer

Revised Scheme : Pre Modification of the Parking Layout.

Secured by Design physical security. As regards designing against crime, CO would look for the development to be built the physical security of Secured by Design part 2- the police approved minimum security standard. This would involve all exterior doors to have been tested to BS PAS 24:2012 and ground level exterior windows to BS Pas 24:2012. All glazing in the exterior doors , and ground floor windows to include laminated glass as one of the panes of glass if double or triple glazed. Building to the physical security of Secured by Design, which is the police approved minimum security standard, has been shown consistently to reduce the potential for burglary by 50% to 75%.

End gable walls of plots 4 & 5. These two dwellings have end gable walls overlooking the vehicle entrance to the rear parking. As these plots are shown as having staircases, inside these end gable walls, could a 1<sup>st</sup> floor landing / stair window be inserted, so as to aid natural surveillance over this entrance? Rear garden access alleyway for plots 1, 2 & 3. This rear garden access alleyway (which is a recessed area), is shown as open. Research studying the distribution of burglary in terraced housing with open rear access footpaths, has shown that up to 85% of entries occurred at the back of the house. CO requests that the entrance to

this rear garden access alleyway is gated with a full height gate and suitable lock that can be operated from either side of the gate by the residents.

Rear Parking court area: CO normally discourage rear car parking courtyards for the following reasons:

- They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated
- In private developments such areas are often left unlit and therefore increase the fear of crime
- Particularly where un-gated the courtyards provide areas of concealment which can encourage anti-social behaviour.
- If the rear parking areas is kept:
  - Will this area be lit off a landlords meter, so users feel safe when going to or from their cars during darkness? Bollard lighting should not be used as they do not project sufficient light at the right height, to aid occupiers of the dwellings with facial recognition and reduce the fear of crime. Bollards lights can become an informal climbing aid if placed next to fences and can assist offenders.

The end rear garden boundary of plots 4, 5 & 6 could be 1.5m c/b fence with an additional 0.3m trellis top, to aid natural surveillance into the rear parking areas. That way occupiers in rear ground floor rooms might stand some chance of seeing if anyone is in the rear parking court area

CO hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- a. 17 – re high quality design
  - 58 – re function for the lifetime of the development as well as designing against crime and fear of crime.
  - 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. & Dacorum Core Strategy policies:
    - CS12 – re safe access, layout and security
    - CS13 – re pedestrian friendly, shared spaces in appropriate places

### Thames Water

Waste. Sewerage Infrastructure capacity. No objection.

Surface Water Drainage. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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. *Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Water Supply. This is under the jurisdiction of the Affinity Water Company.

#### Affinity Water Company:Water quality/ quantity

The site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information there should be reference to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Response to Neighbour Notification/ Publicity

##### ( Original and Revised Schemes)

Note: Neighbours have not been notified upon the reduced parking layout following the confirmation of the Tree Preservation Order

Objections from:

##### 386 Long Chaulden

Object to the proposed development on the grounds of:

a)The potential of cars being parked on the existing double width pavement on Long Chaulden, which would obscure n. 386's view when leaving the property by car, on what is already a dangerous manoeuvre, given the bend of the road and the speed of some of the traffic using this road.

b)The loss of light to the side of the property, given the close proximity of the proposed next door dwelling.

##### 382 Long Chaulden

The density of this development appears to be too great for the land available. Six houses on this site will surely be too overcrowded. In turn will increase noise and traffic onto Long Chaulden. Parking is already a problem and overspill from the

houses will make things worse. The exit from the site onto Long Chaulden looks particularly tight for cars etc and dangerous for passing pedestrians

### 11 Varney Close

Loss of Light .Much of the light into the garden comes from that side since there are higher buildings at the back and a screen of trees. This plan would block out that light making the garden and the back of the house much darker. The proposed height of the buildings will exacerbate this.

Overlooking. These houses are exceptionally tall with dormer attic windows. The upper windows of some of the units would look directly down into my garden giving me no privacy at all. This is particularly true of units 5 and 6.

Traffic .The exit into Long Chaulden is narrow and cars coming round will not be easily visible for those turning left out of Varney Road. It is already quite difficult to get out onto Long Chaulden at certain times of day. Note that there are 2 parking place per unit and a visitor space. Since many families have more than two cars this is likely to cause increased parking on the verge outside the old people's bungalows further diminishing the visibility from the Varney Road turnings. The manoeuvrings of cars into the parking spaces close to my property would also produced unpleasant petrol/diesel emissions.

Noise and disturbance .This proposal is very high density and the noise and coming and going will add greatly to the amount of disturbance, not least in the evening and at night time. Apart from the inevitable noise, particularly since these seem intended as family houses, and the extra activity, the headlights of cars at night, will shine directly into my house as they enter the area and manoeuvre into the parking spaces.

### Layout/Density

This is a very dense development. The height of the proposed buildings is noticeably more than that of the neighbouring buildings which back onto Varney Close. They will thus be additionally intrusive in the townscape, apart from the effect on my own property.

Design. The design is unattractive and although it is noted that some planting is proposed it would insufficient to screen the buildings and prevent them from being intrusive.

Building' s Condition. The derelict state of the house is due to neglect and failure to maintain it over many years. If it had not been neglected it would still be a viable house without rebuilding.

Ecology. The row of shrubs and hedge trees at the side of the property and along no. 11's back garden provides cover for small mammals and birds. These creatures need stretches of continuous cover and the proposal would destroy this.

## 1 Hollies Farm Cottages

The owner is very ill the comments are from the owner's daughter who has discussed the matter with her.

The development is a far too dense design for what is a small site. The land earmarked for car parking spaces 2,3,4,5, and 6 is in fact an area of front garden that the daughter's parents have tended over 50 years.

The area of land in front of the dwelling cottage is no.1 park their car and this would not be possible if this plan was approved.

The access from the site to Long Chaulden Road is across a paved area used by many children en-route to the local schools. If this proposal is approved the additional traffic would rise by twelve times the existing amount.

Whilst they are showing two car parking spaces for each dwelling no.1's existing arrangement is being reduced to one and in many households there are three plus cars per family. Where do they propose to park these additional vehicles should this development go ahead?

The need for more housing is acknowledged and that the land will be developed however it is strongly urged that the LPA consider :

The number of houses allowed to be built onto this very small site and the impact it will have on no. 1's privacy to both the rear and front of her property.

The visual intrusion of both the houses and car parking.

Consider whether there is enough space for parking/turning.

Highway safety impact of vehicles entering and leaving the area.

The noise and disturbance from the proposed car parking in front of the property and the proposed side alley bordering our boundary and the houses gardens.

Revised Scheme. Nothing has really been achieved in reducing the previous concerns. These are reiterated . There is also reference to vehicle turning and that the land earmarked for some of the parking bays in front of 1 the Hollies is currently under dispute regarding Land Registry. This area of land has been tended by no.1's family and the writer for many years.

## 46 Kingsland Road

The writer's parents have just moved to Varney Road. There is reference to the site's historic quality:

'...and I was delighted to see the Victorian ( sic)roof tops and chimneys nestled just off Long Chaulden from their bedroom window. I had no idea these beautiful (if run down buildings) were there. It was lovely to finally find some character relating to the original use of this land before the new town estates were built. We knew there was a big house and farm situated on the land historically before it was sold but had no idea anything other than the lodge house and house wall remained as a legacy. It would be devastating to lose this last historical landmark and leave no 'nod' to the landscapes' history. With the plans for LA3 already moving surely there are enough 'new homes' on the cards for 2 character properties to be saved'.

## **Considerations**

### Policy and Principle

The NPPF clarifies that housing applications should be considered in the context of the presumption of sustainable development. Core Strategy Policy CS4 directs residential development to the Borough's towns and large villages and therefore Hemel Hempstead. In the town's residential areas appropriate residential development is encouraged. Policy CS17 supports the provision of an average of 430 net dwellings each year. Policy CS18 expects the provision of a mix of housing. Policy CS19 addresses the provision of affordable housing.

The loss of an apparently uninhabitable dwelling is compensated by the net increase of four new units. This is based upon the understanding that no. 2 is subject to fundamental physical deterioration involving associated subsidence/ damage and is beyond economic repair for renovation.

In summary, the principle of residential development is acceptable.

Important Note: With regard to the detailed material considerations referred below the assessment is based upon the Revised Scheme.

### Layout/ Character and Appearance / Visual Implications/ Impact upon the Street Scene

#### General

This is in the context of the Core Strategy's approach to the Quality of the Built Environment as expressed through Core Strategy's Policies CS10 (Quality of Settlement Design), CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) and the saved DBLP Policy 21 (Density of Development) the Residential Character Appraisal for Warners End and DBLP Appendix 3.

There is an expectation to raise the standard of architecture, using innovative design and materials that are sympathetic to local character, whilst meeting the needs of different people and households.

## The Context: Warners End : HCA 3

This confirms that it is an 'Area of Minimal Change' :

*Greenfield development:* No opportunities.

*Redevelopment:* Acceptable in terms of the Development Principles for the redevelopment of non-residential sites; redevelopment of existing dwellings is discouraged. The redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking and where proposals accord with the development principles.

*Plot amalgamation:* Discouraged.

*Infilling:* Opportunities limited, but should be assessed according to the Development Principles.

*Conversion of dwellings into smaller units:* Generally discouraged, but proposals may be permitted where they do not harm the character and appearance of the site and surrounding area. In particular, larger detached dwellings from the 1950s and 1960s may be appropriate.

## HCA's Development Principles:

### Housing

*Design:* Variety in design acceptable; no specific style need be followed.

*Type:* The full range of dwelling types are acceptable overall, but regard must be paid to the dwelling type adjoining and nearby the development site. Proposals at variance with the character of adjoining and nearby development will not normally be permitted.

*Height:* Not to exceed two storeys, except in parts of the area where heights exceed three storeys or more and there being no adverse impact on the appearance or character of the area.

*Size:* Small to medium sized dwellings are encouraged. Buildings with large bulk and mass will be resisted.

*Layout:* Spacing in the medium range (2 m - 5 m) is expected; orientation of buildings should follow the pattern set by those adjoining or nearby to the site. The building line should be followed or where appropriate, should be provided.

*Density:* Should be maintained in the medium density range (30 to 35 dwellings/ha (net)).

### Amenity

*Amenity land:* To be retained. Permission will not normally be given for development on areas of amenity land or for their inclusion within residential curtilages unless it can be demonstrated that the loss of that land will not unduly harm the character and appearance of the area. The use of parts of areas of amenity land for car parking may be acceptable if the resulting visual impact does not adversely affect the character and appearance of the area and established

landscaping. New development proposals will be expected to retain areas of amenity land, and are strongly encouraged to add to its provision throughout the area.

*Front gardens and forecourts:* The conversion of front garden areas to vehicle hardstandings is discouraged. In cases of new development, front garden areas common in size and layout to nearby and adjacent dwellings should be provided.

*Landscaping and planting:* The provision of further public and private landscaping is encouraged, particularly along the main distributor roads.

Development schemes for new dwellings will be expected to provide public and private landscaping to enhance the site.

*Views and vistas:* Development proposals will be expected to preserve public views across the Bulbourne Valley, Warners End Valley, Shrubhill Common and Northridge Park.

*Landmarks and focal points:* Stoneycroft local centre to be retained as a focal point for the area.

### Traffic

*On-street parking:* Limit effect by adequate provision of off-street spaces in new development proposals.

*Off-street parking:* Provision of parking in communal areas is acceptable in addition to on-site parking as part of new development schemes. Limited additional parking on the edge of certain amenity greens may be acceptable where the character and appearance of the area is not harmed.

### DBLP Appendix 3: Layout and Design of Residential Areas

This addresses how proposals should be guided by existing topographical features of a site and the immediate surroundings. There needs to be respect for the character of the surrounding area and in particular there must be adequate space for the development without creating a cramped appearance. It explains the approach towards privacy, gardens and amenity space and the spacing of dwellings.

With regard to spacing there should be space around buildings to avoid a cramped layout and to maintain residential character, to ensure privacy/ maintenance. A minimum of 23m should be provided between the main rear wall of a dwelling and main wall (front or rear) of another to maintain privacy. The distance may be increased based upon character, levels and 'other factors. Also spacing should be provided at a distance consistent with the surrounding areas, as recommended by the SPG: Development in Residential Areas.

### Assessment

HCA 3 makes's no specific reference to the application site's historic significance/ role. The whole study forensically examined the Borough's town's residential character.

Despite no.2's poor physical condition the site's remnant status does represent an



historic legacy from the pre New Town redevelopment of the area. As confirmed this area was transformed by the mid 1960's mix of contemporary housing.

It is most unfortunate that no.2 has physically deteriorated to the extent that the agent's separate submitted structural survey and heritage assessments stress the apparent overriding difficulties of retaining /rebuilding the dwelling and which consequently dilute its relative historic importance. This has been in response to the Council's Conservation/ Design team's high regard of the building's importance. It has been a dilemma in the application's consideration. However based upon all the information now available and balancing all the specialist technical input there is not an apparent case to justify the building's retention/ replica replacement in situ , with the building not meriting listing status.

In this context the proposal provides an excellent opportunity to redevelop the site within its wooded setting, despite the reference in the approach under HCA 3 to the resistance of the redevelopment of existing housing. This is through transforming its under used garden fronting Long Chaulden.

It is also a very rare development opportunity in this locality where new housing sites are extremely limited. The site offers scope for contemporary architecture/ some experimentation in one of the New Town neighbourhoods to reflect another phase in the evolution of the post New Town environment which is currently experiencing wide scale regeneration, by consolidating and embracing contemporary design.

The Original Scheme was regarded as too assertive and very staid with no guarantees of ensuring the retention of key trees which are important with the local street scene, in association with retained frontage hedging.

The Revised Scheme's contemporary angular design will be assertive ( but not overly so) , innovative and slightly different but in a positive refreshing way , representing the New Town's ethos of modernity. In this location with full regard to the range of contemporary designs within the Warners End area, on a small scale in a relatively prominent position the proposal will reassert the architectural/ housing principles of the New Town era where there is a mix of building heights and types in the locality.

In this context the proposal should respect the character and appearance of Warners End and local site conditions along this part of Long Chaulden. This is with due regard to maintaining spacing with nos 398 and 286 respectively and respecting the existing building lines and ridge levels, establishing a visually cohesive group identity. The proposed flat roof porches/ bay windows are significant complementary elements which echo a key design feature of the adjoining distinct row of bungalows, representing an important element of visual cohesion and continuity between 'old' and 'new'. The scheme also takes advantage of the role of the most important trees, in contrast to the earlier schemes. The balance between buildings, spaces and soft landscaping is reinforced by the complementary retention of the frontage hedge line, as the site establishes a visual transition between the adjoining low profile bungalows and two storey houses.

It is acknowledged that there are some inevitable shortcomings in the layout due to the site's and immediately surrounding area' physical conditions. The importance of the alignment of the dwellings in the street scene has been a fundamental design/ layout factor in association with retaining the two preserved frontage trees. The land available for development has also been restricted due to the position of all the adjoining existing dwellings/ need to safeguard their amenity and importance of retaining the preserved Hornbeam at the rear of the site.

As a consequence in this sustainable location there has been a preparedness to apply some flexibility upon the level of car parking enabling and support for ' below standard' but useable rear gardens with the recommended withdrawal of 'permitted development' rights. With this flexibility/ pragmatism the scheme can be integrated into the existing local environment , is not overly cramped , is compact and 'workable', with due regard to the restricting the impact upon the adjoining / nearby dwellings, as referred to below.

#### Impact upon Residential Amenity

This is with reference to the physical impact (whether overbearing/oppressive/ visually intrusive), privacy, the receipt of light, noise/ disturbance and headlamp glare and due regard to the neighbour objections and the impact upon:

- No.1 The Hollies,
- No.396 and 386 Long Chaulden,
- 11 Varney Close, and
- Other dwellings within the locality.

The development will individually and collectively result in a noticeable change to the current living conditions. The most significant perceived effect will be upon no.1 The Hollies due to noise and activity. The retention of the Hornbeam tree and restriction of one new parking space (no.9) opposite no. 1 does reduce the impact, also benefiting no. 11 Varney Close. On balance, it is not considered that there is case to substantiate refusal based upon the effect upon no.1.

Note: The Party Wall issues are outside the remit of the application's consideration.

#### Highway Safety (Vehicle/ Pedestrian), Traffic Generation, General Access, Fire Access, Access for Persons with Disabilities / Inclusive Access / Access for Persons with Persons with Mobility Difficulties and Parking/ Sustainable Location ( Zone 4)

There are no apparent overriding objections regarding the use of the modified existing access, sight lines, car turning, access for persons with disabilities, the layout and refuse collection.

Members will be updated at the meeting regarding all the fire service requirements and refuse storage which are fundamental to the scheme. Fire tenders can access all parts of the site ( including no. 1The Hollies) however clarification is being sought regarding fire tender turning and the provision of fire hydrants.

There is an opportunity to provide a lower level of curtilage parking in this a

sustainable location which is close to Stoneycroft Local Centre , schools and open spaces nearby in an area served well by local buses. Under saved DBLP Appendix 5 for Parking requires the provision of 13.5 spaces if maximum standards are applied with a resultant shortfall of 4.5 spaces. Saved Dacourm Borough Local Plan Policy 58 (Private Parking Provision) addresses 'Residential Development' under page 186:

'Parking needs, calculated by reference to the parking guidelines in Appendix 5 of the Plan, will normally be met on site. Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g.special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).'

#### Ecological Implications/ Biodiversity

There are objections regarding the implications for bats/ other fauna. Additional planting / bat- bird boxes are recommended in the interests of biodiversity benefit.

#### Drainage

This is addressed by a recommended condition.

#### Contamination/ Ground Conditions

- Contamination

Standard contamination conditions are recommended in accordance with the recommendations of the Council's Scientific Officer.

- Land Stability

There are apparently inbuilt structural and associated land stability issues regarding the rebuilding of no.2, as identified by the agent's submitted structural report. These localised conditions are a direct consequence of rainwater infiltration at no.2.The proposed dwellings are proposed in a different part of the site and the agent has not identified any land natural or artificial land stability issues regarding the land associated with the proposed buildings footprints.

With due regard to the NPPFs expectation's regarding land stability this is addressed by an informative.

#### Crime Prevention/Security

There are no apparent overriding inbuilt problems . Parking space no.9 is somewhat isolated but has surveillance from no. 1 and can benefit from additional lighting. The agent has also been requested to consider the provision of flank wall windows for the dwellings adjoining the access road to improve natural surveillance to parking spaces 4 and 5.

#### Approach to Sustainable Construction/ Policy CS29: Sustainable Construction

A condition is recommended.

### Exterior Lighting/ Light Pollution

A condition is recommended. This is to safeguard the residential amenity of adjoining dwellinghouses/ the new units and for crime prevention/ security, highway safety and ecological reasons.

### Planning Obligation/Affordable Housing

Under the Council's Affordable Housing SPG a financial contribution in lieu of affordable housing is applicable on sites which fall below the site thresholds of 0.3ha or 10 dwellings in Hemel Hempstead and 0.16ha or 5 dwellings elsewhere in the Borough. The contribution should be equivalent to providing subsidised/free land for affordable housing.

### 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. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

The net floorspace increase resulting from the demolished building is 495.3 sqm. Therefore, the CIL contribution will be  $495.3 \times 100$ : £49, 530

### Environmental Impact Assessment

An Environmental Impact Assessment is not required for this development.

### Article 31

There has been the need for various significant changes / additional information involving extensive and protracted dialogue.

### **Conclusions**

The proposal is not straightforward. The site features a longstanding area of undeveloped land with pre New Town historic associations.

However, with no. 2's heritage value is now limited the proposal represents a rare opportunity to provide new housing in Warners End.

In acknowledging that there is not a rigid adherence to maximum parking standards and rear garden sizes in its revised form with the retention of existing key trees and

frontage hedging the site's redevelopment represents a refreshing approach to design consolidating existing contemporary Warners End Neighbourhood townscape.

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 **Notwithstanding any of the details specified by the application form and drawings, no development shall take place until details of the materials ( including the permeable paving for the parking areas , access road and patios ) to be used for the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development is compatible with the appearance of the locality to accord with the requirements of Policies CS10 ,CS12 and CS29 of the Dacorum Core Strategy.

- 3 **The ridge levels of all the dwellinghouses hereby permitted shall be constructed fully in accordance with the ridge levels shown by Drawing No. 3907-PL 4.04 Revision E .**

Reason: To ensure that the development is compatible with the appearance of the locality to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 4 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) **Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (i) human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

**(b) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**(c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the

remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS 32 of the Dacorum Core Strategy .

- 5 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and

- 6 **The development hereby permitted shall be served by a surface water and foul water drainage system fully in accordance with a scheme approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system, no soakways shall be constructed on contaminated land and the system 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 ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 7 **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety to accord with the requirements of Policies CS9 and CS12 of the Dacorum Core Strategy.

- 8 **Notwithstanding the details shown by Drawing No. 3907-PL 4.04 Revision E this planning permission excludes the provision of Parking Space 10 which shall be subject to additional planting and boundary treatment in accordance with Conditions 11 and 13 of this planning permission.**

Reason: To safeguard the residential amenity of no. 11 Varney Close and 1 The Hollies to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 9 **Parking Spaces 1 to 9 inclusively to serve the dwellinghouses hereby permitted shall be provided fully in accordance with Drawing No. 3907-PL-2.01 Revision J before the first occupation of any of the dwellinghouses hereby permitted and thereafter Parking Spaces 1 to 9 inclusively shall be retained at all times and shall be only used for the parking of vehicles.**

Reason: 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 in accordance with Policy CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.



- 10 **Before the first occupation of any of the dwellinghouses hereby permitted the access road and turning areas shall be provided fully in accordance with the details shown by the approved plans. The access road and turning head shall be designed with a capacity/ loading and design to accommodate use by a fire tender at all times. Thereafter the approved access road and turning areas shall be retained at all times and only used for the approved purposes.**

Reason: To ensure that there is a safe access including for fire/emergency access, adequate and satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety in accordance with Policies CS9 and CS12 of the Dacorum Core Strategy and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 11 **Before the first occupation of any of the dwellinghouses hereby permitted full details of soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include a management plan for the maintenance of the communal landscaped areas ( including the frontage hedge ,preserved trees , the 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. he approved landscape works shall be carried during the first planting season following the first occupation of any of the dwellings hereby permitted.**

Reason: To safeguard the local environment, and in the interests of biodiversity and to accord with the sustainable approach to development to accord with Policies CS 12, CS26 and CS29 of the Dacorum Core Strategy.

- 12 **If within a period of 5 years from the date of the planting of any tree, shrub or section of hedge, that tree, shrub or section of hedge or any section of hedge planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 13 **No development shall take place until there has been submitted to and**

**approved in writing by the local planning authority a plan indicating the positions, design, materials and type of all the boundary fences/ walls. The boundary walls/fences shall be provided fully in accordance with the approved details before the dwellinghouse hereby permitted is first occupied and thereafter shall be retained at all times.**

Reason: To ensure that the development is compatible with the appearance of the locality

and in the interests of the residential amenity of the existing and dwellinghouses subject to this planning permission to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 14 **This planning permission does not include any development within the Protected Root Zones of the preserved trees at the site and no development hereby permitted shall be commenced until an updated arboricultural method statement is submitted to the local planning authority. This statement shall show precisely how the development shall be constructed in relation to the retained boundary hedges and preserved trees including reference to the identified tree roots, ground conditions, foundations, method of construction (hand and or machine excavation), how the trees will be safeguarded/ protected during construction, any changes to levels and details of all new utility services such as drainage, gas, electricity and telecommunications. The development shall be carried out fully in accordance with the approved details. The areas under the canopies of the preserved trees shown by Drawing No. 3097-PL 2.01 Revision J shall be permanently maintained as undeveloped in accordance with the approved communal management plan.**

Reason: To ensure that there is a long term compatible relationship between the development and the adjoining tree in terms of maintaining their health and safety to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 15 **Bat and bird boxes shall be installed at the site in accordance with a programme submitted to and approved by the local planning authority and once installed the approved boxes shall be retained at all times.**

Reason: In the interests of biodiversity to accord with the requirements of Policies CS26 and CS29 of Dacorum Core Strategy.

- 16 **Before the commencement of the development hereby permitted a Sustainable Design and Construction Statement shall be submitted to the local planning authority. The development shall be constructed and maintained in accordance with approved scheme.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 17 **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 D and E.**

Reason: To enable the local planning authority to retain control over the development in the interests of ensuring that the limited gardens serving the dwellinghouses hereby permitted are maintained and retained for their designed purposes , in the interests of safeguarding the residential amenity of the dwellinghouses hereby permitted and adjoining dwellings , to ensure that there is an acceptable balance between buildings and retained space and in the interests of the appearance of the development in accordance with Policies CS10, CS11 and CS12 of Dacorum Core Strategy.

- 18 **Before the first use of any of the dwellings hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 19 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**3097-PL 2.01 Rev L,  
3097-PL2.01, Rev H ,  
3097-PL 4.03 Rev B,  
3097-PL 4.01 Rev B  
3097-PL 4.02 Rev B  
3097-PL 4.04Rev E**

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

NOTE 1:

**Article 31 Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage following the withdrawal of the previous application . This 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.

## INFORMATIVES

### Bats : Demolition Works

Notwithstanding the content of the e mail dated 3 December 2014 the local planning authority regarding bats :

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

### **(iii)Contacts:**

English Nature 01206 796666

UK Bat Helpline 0845 1300 228 ([www.bats.org.uk](http://www.bats.org.uk))

Herts & Middlesex Bat Group 01992 581442

### Removal of Asbestos

Advice should sought from the Council's Environmental Health Unit and the Health & Safety Executive.

### Construction

Best practical means should be taken at all times to ensure that all vehicles leaving the site during the construction of the development are in a condition such as to not emit dust or deposit mud, slurry or other debris on the highway to minimise the impact of construction vehicles whilst the development takes place.

All areas for storage and delivery of materials associated with the construction of this development should 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; in the interest of highway safety and free and

safe flow of traffic.

The highway authority requires that all new vehicle crossovers are constructed 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.

#### Works to the Party Wall

It is expected that this is addressed through the Party Wall Act.

#### Water Supply

This is within the area covered by the Affinity Water Company. It is recommended that the developer contacts Affinity Water.

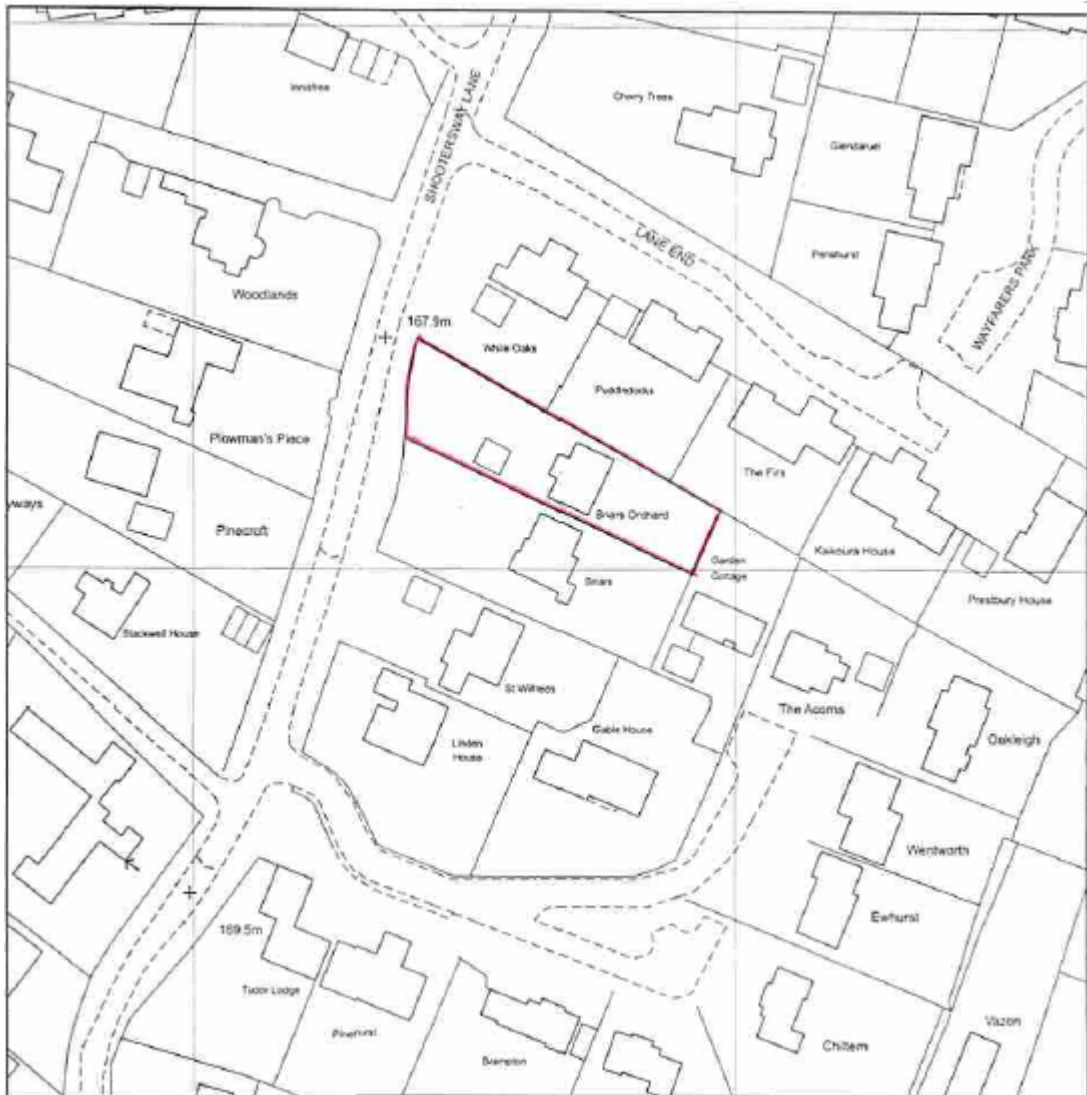
#### Land Stability

Before the commencement of development it is recommended that the developer checks the site's land stability.

**ITEM 5.02**

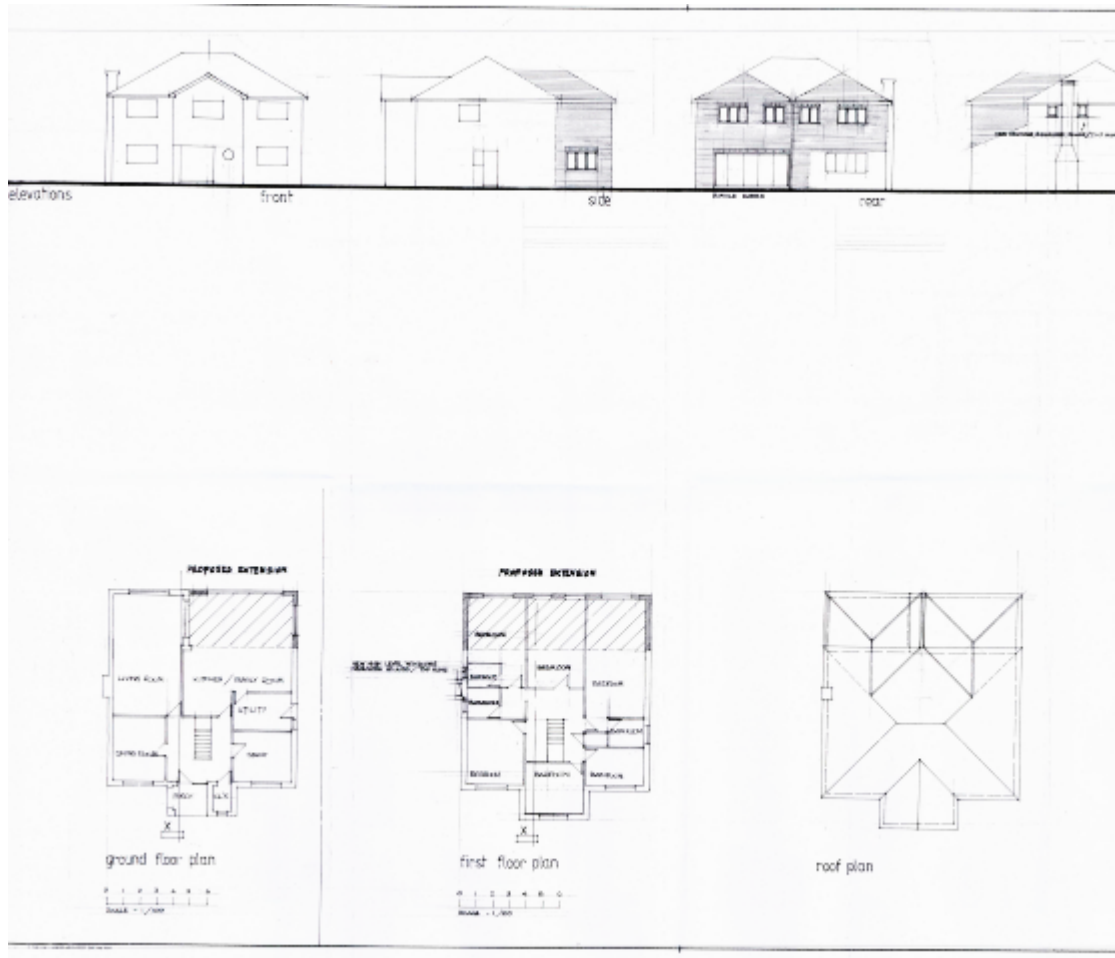
**4/00751/15/FHA – TWO STOREY REAR EXTENSION**

**BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW**



**ITEM 5.02**  
**4/00751/15/FHA – TWO STOREY REAR EXTENSION**

**BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW**



**4/00751/15/FHA - TWO STOREY REAR EXTENSION.  
BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW.  
APPLICANT: MR I KILICH.**

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[Case Officer - Elspeth Palmer]

## **Summary**

The application is recommended for approval.

The proposed rear extension will not have a detrimental impact on the character of the existing building the streetscene or the residential amenities of the neighbours. The proposal is in compliance with Core Strategy policy 12 and Appendix 3 and 7.

## **Site Description**

The application site is located on the eastern side of Shootersway Lane, Berkhamsted and comprises a two storey detached dwelling well set back from the lane and with a detached garage to the front of the dwelling. Shootersway Lane is characterised by large dwellings on spacious plots well set back from the lane. The application site used to be part of the garden for the neighbour on the southern side the "Briars" but the land was subdivided and planning permission for a new dwelling was granted on the subject site in 1989.

## **Proposal**

The original plans submitted were lacking detail, had inconsistencies and had rooms which you could not access. It was difficult to understand what was proposed. Improved plans were repeatedly requested and submitted until finally the current plans were submitted. These plans are still somewhat lacking but were considered adequate to assess the proposal.

The original scheme was out of character with the existing dwelling in terms of scale and design and would have overlooked both the immediate neighbours.

Through a number of sketches, a new scheme was devised entailing complete removal of rear flat roofed dormers, changing the design of the rear elevation, making eaves consistent with the existing dwelling and removing the side windows which overlooked the neighbours.

This application, as amended is for a part ground floor rear extension with a first floor extension to be built across the entire width of the dwelling. The extension is proposed to be 3.4 metres deep and have a ridge height lower than the existing house. The eaves will be in line with the existing dwelling. The proposal is to allow for an extended kitchen/family room at ground floor, one additional bedroom, and the enlargement of two existing bedrooms at first floor.



The proposal also includes 3 new windows on both side elevations at ground floor and first floor. The two new windows serving the shower and bathroom will be high level, top hung and obscure.

### **Referral to Committee**

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

### **Planning History**

4/02700/15/LDP for Part Double Storey, Part Single storey rear extension was submitted on 21st July, 2015. The decision on this application will be reported to the committee.

4/1342/10/FHA Proposed: Raise roof height to allow loft conversion with rear facing balcony, two storey rear and single storey front extensions and porch. This proposal was withdrawn due to design and impact issues.

4/0545/89/FUL granted planning permission for a new dwelling.

### **Policies**

#### National Policy Guidance

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

#### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 58 & 99  
Appendices 3, 5 & 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA12: Shootersway]  
Water Conservation & Sustainable Drainage (June 2005)

Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

## **Summary of Representations**

### **Original Plans**

Berkhamsted Town Council

Object.

This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan Supplementary Planning Guidance BCA12.

We request that should there be a further application for this site, the supporting drawings and plans be of a substantially improved quality.

Response to Neighbour Notification:

*White Oaks (revised objections)*

(v) windows on the side of the house and extension facing my rear garden will impact on my privacy and that of my next door neighbour's property, Puddledocks.

(vi) overdevelopment of the site which is a small plot in comparison to others in the area.

(vii) dormer windows do not appear to match the existing design, and they will result in the loss of privacy to my next door neighbour and the property known as The Firs.

(viii) The side of the development adjacent to The Briars will only be some 3 metres from this property which does not conform to the distance of 5 -10 metres as stated in Policy 11 of the local Borough Plan.

(ix) the bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.

(x) it is very difficult to assess the roof line or exactly what is planned from the drawings.

(xi) poor quality of all the drawings so far submitted and the lack of any information on the materials to be used have made it difficult for me to carry out an objective assessment of the impact this development will have on my property and my quality of life as well as on the surrounding properties.

(xii) if the poor quality of the planning application is indicative of the development as a whole, then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area and Shootersway Lane in particular.

(xiii) the positioning of the current house on the site in relation to the

neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to both me and my neighbours. It will also result in a very small back garden which will not be in keeping with the surrounding properties

I urgently request that this application is rejected.

*Puddledocks - Strongly objects.*

(xiv) It is unclear from the scrappy drawings exactly what is proposed.

(xv) the 'plans' show five windows on the north elevation, two on the ground floor and three on the first floor which would overlook the whole of our rear garden and south side of our home. This would be a gross intrusion into our privacy.

(xvi) we understood from the original owners of Briars Orchard that no further development of any sort would ever receive planning consent.

(xvii) over-development of this site. It is a small plot and this bulky addition with an assortment of windows is quite out of keeping with the surrounding properties.

(xviii) my objections also extend to the impact this unsightly development will have upon my neighbours in Briars, The Firs and White Oaks.

*Garden Cottage - object*

(xix) very sketchy plans

(xx) completely agree with all points Mr Ben Roberts he has put forward in his objections.

(xxi) our garden would be overlooked by the bulk of the first floor and dormer windows, which would be much closer to our boundary.

the encroachment of the extension would leave the rear garden completely out of proportion with most other gardens in Shootersway Lane properties.

*The Briars, Shootersway Lane (immediate neighbour) - object*

We wish to object to the above application which borders immediately to the north of our house. We live at Briars, immediately next door.

By way of background, a not dissimilar scheme was applied for in September 2010. Whilst there are changes to that scheme, from our perspective they are largely cosmetic. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16<sup>th</sup> March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach the minutes from the town council meeting for your ease of reference.

Turning now to the latest application, I would comment that generally speaking, this third set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the third time we have had to consider and rewrite our objection. Whilst slightly better than previous submissions, the current drawings leave far too much to interpretation. It would have been helpful to show some more dimensions and to annotate as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built. As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

**1. A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.**

The proposed development would have a very dominant effect on the original house when viewed from the rear.

**2. A7.2 (i) (b) – roof form – it should match the existing house in terms of design, angle of pitch and materials.**

From the drawings submitted it is very difficult to know exactly what is planned. It looks like flat roof dormer windows are part of the design now. If dormers are part of the design it would be a significant deviation from the current roof form, there are currently no dormer windows on the property, nor indeed anywhere visible on any of the houses affected by the proposal. There is no mention of materials to be used.

**3. A7.2 (i) (c) – window design - it should match the existing windows in terms of size, proportions, divisions and materials.**

The rear view windows have different spacings between them, they are not uniform– the drawings are so poor we are not sure if this is intended or simply inaccurately drawn.

**4. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.**

The rear extension will create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north. We receive a very significant amount of daylight especially from the high windows, which is a major feature of our house. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

**5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length**

The proposed extension is only 1.5m from the boundary and is about 3.6m long (longer than the original 3.3m proposal). In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended.

## 6. 45° Rule

Our living room (our principle habitable rooms) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

## 7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.

*This is our principle objection and the proposal also contravenes CS12c and g.* The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant brick wall and probably dormer roofs protruding some 3.6m long by 7.1m high; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden.

This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear.

## 8. Loss of Privacy

The side elevation facing our house has a whole new triple sill window built into the existing wall, directly looking into our garden. It is far from discernible as to whether or not this has clear or opaque glass. Even if opaque, it would create a strong sense of perceived overlooking.

The proposed side elevations on the first floor of the extension will have new windows which will, despite vague/ambiguous reference to them being opaque, create a significant perceived loss of privacy in garden and the other adjacent garden to the north (Puddledocks), contrary to planning policy. Puddledocks now has three windows overlooking them.

The large dormer windows will look directly into the garden and house of The Firs, causing loss of privacy.

## General

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon

when the land was first sold off. To increase the size of the first floor by almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is extremely visually intrusive and will harm the surrounding neighbourhood. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

### *The Firs - strongly object*

#### *Effect of amenity on neighbours – Policy Core Strategy 11 & 12*

The proposed extension constitutes a significant increase to the overall scale, bulk and massing of the property. It contains a number of large windows set at an elevated position at first storey level that would approach our property by several metres and crucially would significantly overlook both our property and especially our garden. In addition, the development would add no less than eight new windows, all of which directly overlook its neighbouring properties.

As a result, the proposed development does not accord with the guidance set out in Dacorum Planning Policy CS11 in terms of design quality and Dacorum Planning Policy CS12 in terms the impact on the local area. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. The proposed extension fails on all three counts. Furthermore it is not in keeping with the development principles contained within Dacorum planning guidance BCA12 for the Shootersway area.

The proposed development will create significant additional visual intrusion for us from all our main living spaces, all first floor bedrooms and from our garden. In addition to dominating our plot it will have an impact on the daylight we receive, being SSW of our property and garden.

Our south facing garden and home currently enjoy relative seclusion and a light and airy feel. This development would result in a major loss of sunlight and visible amenity. The substantial growth in the bulk, height and proximity of the property would dominate our current sunny, southern aspect. The cumulative effect of the development would be a property that would be completely overbearing thus it would seriously affect the enjoyment of our garden and home.

The additional overlooking that this development would represent is even more significant and is a gross intrusion of our privacy. The hedge that marks the boundary between our properties is generally maintained and we have

plans to reduce the height of this significantly to increase the daylight and sunlight for our garden. This means that the extension would further overlook our house and garden.

The three large, elevated first/second floor, clear glass windows positioned at comfortable head height result in our home and garden being over-looked **all year-round**. The windows stand proud of any existing screening that exists between the properties (which being deciduous is effective for the summer months only) and by being elevated from our property represent significant intrusion as they provide a 'grandstand' view of all our living areas and bedrooms and our entire, south-facing garden. This is a significant loss of privacy compared to that which we currently enjoy. We have a growing family and this is particularly concerning. The overlooking and loss of privacy would have a significant, ever-present impact in terms of living in our home. We request that you act to ensure that this is not taken away.

#### *Domination of the existing house*

Shootersway Lane comprises of large, detached houses with sizeable, mature gardens. The plot which Briars Orchard sits on is one of the smallest in the area. We understand that the size of the current house is as large as was deemed acceptable when the land was first sold off. To increase the size of the house by 30% would result in over-development of the plot and would leave only a small garden which would be completely out of keeping with the character of the area. The extension would also dominate the existing house.

The additional bulk of the property will also significantly adversely impact the principle habitable rooms in neighbouring properties in particular Puddledocks and the Briars.

#### *Roof form to match existing roof-form*

The proposed roof design is extremely confusing and includes a lowered guttering level and dormer windows to both the rear and both sides of the property – creating at least 5 dormer windows – all of which are not in keeping with the property. There would also appear to be a flat-roofed element to the roof design, again failing to remain in keeping with the existing property.

#### *Window design to match existing*

The plans show several large, unevenly spaced and unevenly sized rear windows and additional side windows of various sizes. These are not in keeping with the existing design.

#### *Extension along a boundary*

The property already approaches its neighbours on the southerly boundary by less than the 5-10 metres suggested in planning guidance BCA12. This

would contravene the policy and give a far greater impression that the two houses encroach on one another when viewed both from the front and the rear of the property.

#### Visual appearance of prominent rear extension

The development is also visually prominent despite being a rear-extension due to the orientation of neighbouring gardens – this is particularly relevant both for our property and our neighbours at Puddledocks and The Briars.

Taking the overall effect of the proposed plans it results in completely altering the nature and appearance of the property through varying the design, roofline and style, window design. The proposed house would add a total of eight new windows of varying sizes, five of which are at first floor level and all of which are sited to be directly overlooking their neighbours (five for Puddledocks, three for The Briars).

Furthermore, as there are no details regarding materials it is conceivable that the extension would be constructed in a manner that completely contrasts with the existing house.

#### General

We have strong reservations regarding the overall detail, accuracy and viability of what is proposed, in particular the roof treatment and the consequential impact of sloped and lowered ceilings to the first floor bedrooms. There are still many unanswered questions arising from the submission and the potential for these ambiguities to result in a far larger construction of poorer design and appearance.

In conclusion, we would therefore urge that this proposal is rejected due to falling foul of Dacorum guidelines in several areas: the impact on visual intrusion, loss of light and air, overlooking/loss of privacy, over-development of the plot and impact on the general amenity of both our own and our neighbours' properties.

#### *Ploughmans Piece - strongly objects*

The whole concept is quite unsuited to the character of this neighbourhood. The small plot of Briars Orchard is infill and the proposed extensions would be bulky and not in keeping with the area. The addition of many new windows would greatly affect the adjoining properties by their ugliness and bring about gross intrusion into their privacy.

#### *St. Wilfreds - objects*

#### **Current Plans - now being considered**

#### Berkhamsted Town Council



Mr Roberts a neighbour commented on the latest changes which were the sixth set of drawings since 2010 and that the latest was for a smaller development. He considered that the proposal was an overdevelopment of the site and that the proposed windows at the rear of the property were invasive (the new proposal was for four windows rather than three as previously). Drawings accompanying previous applications were poor. The new drawings are marginally better but no measurements had been provided and it was not clear how large the property would be. The new roof is wholly different and contravenes Policy CS 12 and Appendix 7

Mr Roberts was very concerned about the view from his garden which would be overlooked either by windows or a large brick wall which would stick out and set a precedent. Mr Roberts considered that this was a clear contravention of the boundary policy and that his own living room would be very dark. The proposal was out of keeping with the houses in the area and he noted that this was the smallest plot on the road.

Mr Scott a resident spoke against the application and explained that the proposed rear extension would be very visually prominent for approximately six houses. He noted that Core Strategies 11 and 12 should not incur unnecessary visual intrusion and that the proposal fails on those points because there is a loss of light and privacy and that it was of an indeterminate size and scale.

## **Object**

The proposal was considered to be an overdevelopment of the site and that the four windows proposed would result in potential loss of light and visual intrusion for the neighbouring properties. There was no information on the materials to be used and concern was expressed about the roof height.

Councillor Reay declared a prejudicial interest as he had visited the site.

## **Comments from residents (received by 4 June, 2015)**

### *Puddledocks- objects*

Yet again, for a fourth time no less, we are required to submit our objections to the above request. I do so as follows:

1. The proposals mean a gross overdevelopment of this small and narrowing in-fill plot. It detracts from the existing house, invades our privacy and the neighbours' and is out of character with the area.
2. Contravenes Core Strategy Policies and local planning guidelines.
3. Furthermore, the Drawings, as you know, are without any scale or sizes, nor is there mention of materials for use. If these were to be approved then he would have carte blanche to do just as his fancy takes him.

You will see that our objections have been hurriedly prepared; they are, nonetheless, very strong and we wholeheartedly echo those of Mr & Mrs Roberts and Mr & Mrs Scott our neighbours who also will be severely damaged if these ideas get the go-ahead from Dacorum.

### *Briars - objects*

Dear Ms. Palmer, further to the submission of yet further revised drawings concerning the above application, as the owner of Briars, immediately to the north of Briars Orchard I wish to maintain my objection.

As a reminder and as previously mentioned, a not dissimilar scheme was applied for in September 2010. At the time, I met with the case officer Richard Butler, who came to the conclusion that for a variety of reasons the proposal was unacceptable. I visited Dacorum Civic Centre on 16<sup>th</sup> March this year to review the historic file only to be told that all notes on the previous case have been lost.

At their committee meeting in 2010, Berkhamsted Town Council also rejected the proposal and as a result, the application was withdrawn before any official rejection was made. I attach immediately below the minutes from that town council meeting for your ease of reference.

Object for the following reasons:

- Overdevelopment of the site, which is a small plot in comparison with others in the area.
- Size, scale, bulk of the development, particularly since the existing house is only approx. 3 m. from its neighbour, The Briars, whereas the appraisal for this Character Area (BCA12) specifies 5- 10 metres and contrary to Policy 11 of the Local Borough Plan.
- Increase from two to three storeys, contrary to BCA12 guidelines.
- The flat roof and the revised pitch to the other roof are out of keeping with the design of the existing house and the neighbourhood.
- The third floor and additional windows will result in a loss of privacy to neighbouring properties.
- The bulk of the design would result in loss of daylight to the house called Puddledocks to the north. Potential damage to tree/roots of a TPO'd Oak tree at the front of the house during construction.
- Turning now to the 2015 proposals, the previous set of drawings under the current application were rejected unanimously by Berkhamsted Town Council with one councillor referring to the drawings as "contempt of court". The Council rejected the last set for the following reasons:
- This proposal represents an overdevelopment of the site. It detracts from the character of the existing dwelling, is out of character with the area and invades the privacy of neighbouring dwellings.

Contrary to Core Strategy Policies CS 11 and CS12, Saved Local Plan Policy Appendix 3 and Appendix 7 and Saved Local Plan

We request that should there be a further application for this site, the supporting drawings and plans be of a substantially improved quality.

Referring now to the latest submission, I would comment that generally speaking, this fourth set of drawings is still a long way short for any reasonable person to be able to pass proper comment on. This is the fourth time we have had to consider and rewrite our objection, it has been casting a shadow over ours and our neighbours for too long. The applicant is still trying to put a quart into a pint pot. Whilst the quality of the drawings is slightly better than previous submissions, they still leave far too much to interpretation and are still not good enough for proper consideration. No dimensions whatsoever are provided and in fact the drawings actually state "All dimensions must be checked on site and not scaled from this drawing". As a result we do not know how large the extension will be and it effectively gives the applicant carte blanche to do what he likes once on site. Again, there is no annotation whatsoever as to what materials are being considered. I am deeply worried that if passed, as they are so lacking in detail, we don't know what would be built.

As far as I can pass comment, my objections are as follows:

The proposed extension contravenes Policies 11 and 12 of the Core Strategy and Appendix 7 of the Local Plan in the following areas:

**1. A7.2 (i) (a) – scale – it should not dominate the existing house or project above the roof line.**

The proposed development would have a very dominant effect on the original house when viewed from the rear, indeed it almost looks like two semi detached houses when viewed from the ground.

**2. A7.2 (i) (b) – roof form – it should match the existing house in terms of design, angle of pitch and materials.**

From the drawings it looks like two pitched roofs meeting together in a semi detached style. It clearly fails this policy on all grounds, it is completely out of keeping with the existing house in terms of design and angle of pitch and there is no mention of materials to be used so we do not know what the applicant intends the finished product to look like.

**3. A7.2 (v) – The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to adjoining owner's habitable rooms.**

From our perspective, the latest proposal is as bad as previous ones as it will still create a significant loss of daylight to our principle habitable room (living room). This room was once an artist's studio with high and low level windows facing north and is the major feature of our house. We receive our principle daylight from these high windows. If this extension is built we will lose pretty well all the benefit of this and our living room would be considerably darkened throughout the day.

**5. A7.2 (v) - Such extensions should be avoided on a boundary wherever possible and should be of limited length**

The proposed extension is only 1.5m from the boundary and looks to be about 3.6m long (longer than the original 3.3m proposal), though there is no way of verifying this from the drawings. In the Supplementary Planning Guidance there is clear reference to there being gaps between houses of 5 – 10 m in this area of Berkhamsted. As our house is also only 1.5m from the boundary, there is in total only a 3 m gap. The proposed extension would create an even greater **cramped appearance** which would be completely out of keeping with the houses on Shootersway Lane. We firmly believe that when Briars Orchard was built, it was never intended to be extended. The amended drawings have made no attempt to alleviate this issue.

**45° Rule**

Our living room (our principle habitable room) would be adversely affected by the proposal as it will reduce the amount of light therein and be visually intrusive.

**7. A7.2 (v) – Some rear extensions are visually prominent and this will be taken into account in assessing their appearance.**

*This is still our principle objection and the proposal also contravenes CS12c and g.* Viewed from our side, the amended drawings have not improved the situation for us at all. The extension is excessively bulky and would be a highly dominant feature leading to an overbearing visual intrusion and would seriously harm the amenity of our rear garden and that of our neighbours. Where now all the houses finish in a neat row with hipped roofs, we would be faced with having to look at an unpleasant solid brick wall and roof. We are not aware of how much the extension will protrude as the drawings clearly state that no dimensions can be taken from the drawings. We suspect that it will be at least some 3.6m long; this would be a **complete eyesore** and we would lose the open, light and airy feel of our rear garden.

This proposal does not maintain the design characteristics of the row of houses and it would alter dramatically the **building pattern** at the rear and inevitably lead other houses to want to do the same over time as a precedent would have been set if this is granted.

**8. Loss of Privacy**

The rear elevation now has four windows (previously three) which will look directly into the garden and house of The Firs, causing them an even greater loss of privacy. Whilst the new proposals have removed the windows overlooking our garden and Puddledocks, I believe that the applicant always intended to negotiate these away and is nothing more than a cynical gesture/concession. I seem to remember he used a similar tick in 2010.

**General**

Shootersway Lane is dominated by medium to large detached executive style houses with good sized mature plots. The houses sit well back from the road

so providing for a semi rural feel with plenty of space around. The plot which Briars Orchard sits on is one of the smallest in the area and the size of the current house is as large as it should be which I imagine was agreed upon when the land was first sold off. To increase the size of the first floor by I suspect almost 30%, all at the rear would appear to me to be massive. In addition it would lead to a comparatively very small garden which would be completely out of keeping with the nature and character of the area.

The proposal is just as extremely visually intrusive as the previous proposal and will harm the surrounding neighbourhood. With the new roof form it is even more out of keeping with the existing house and totally unsuited to the area. It will alter dramatically the use and enjoyment of at least three neighbouring gardens, being a complete eyesore. It will give rise to a loss of amenity, daylight / sunlight and privacy and is disrespectful of the general character of the area and if approved three houses will suffer significantly. As a result we request that the application be refused.

Finally and apart from the overall unpleasant nature of what is proposed, the quality of the application still appears to be an attempt to fudge many issues and leaves far too many questions unanswered.

#### *The Fir- objects*

Please find attached our objection to the planning application referenced above.

We understand that the normal timescale for a decision is 8 weeks and that if the standard process had been followed in accordance with the submitted plans at that time this planning application would have been refused some weeks ago now on a number of grounds. We note that this would have concurred with your own decision, the judgement of Berkhamsted Town Council and the representations made by a number of neighbours affected by this proposed development. The recently submitted plans still fall short of any adequate response to the multiplicity of deficiencies in the design and this final re-iteration of plans is actually worse for us as there are now four second floor windows that would be overlooking us and invading our privacy. Worryingly, it includes the wording: "All dimensions must be checked on site and not scaled from this drawing". Anyone who secured planning approval with such a sweeping rider would have carte blanche to simply build anything they wanted to whatever dimensions they could stretch to. Mr Kilich has never actually resided at Briars Orchard and is attempting to build as big a box as possible for commercial gain, irrespective of the negative impact on the lives of a significant amount of neighbours who have lived in the area for many years.

#### *St Wilfreds – objects*

We have now had the opportunity to view the amended plans for this extension. In light of this we would like to reiterate our concerns as outlined in

my email of 7th April.

*White Oaks – objects*

I refer to your letter dated 20 May and to the revised plans for the above planning application submitted by Mr I Kilich for the construction of a two storey extension at the rear of Briars Orchard, and wish to lodge a formal objection to this development on the grounds shown below.

- The overdevelopment of the site which is a small plot in comparison to others in the area. Even in this further revision to the plans the increased mass is considerable and is about a quarter of the existing property.

- The new design for the roof is out of keeping with all the other properties in the Lane and does not align with the existing roof line.

- The number of windows to the rear of the property has increased to four, with two retained on our side of the property. This will result in the loss of privacy to my family and the new plans will have a greater impact on my neighbours, in the Firs.

- The side of the development, adjacent to The Briars, is extended along the boundary line rather than being stepped in and does not conform to the distance of 5 -10 metres as stated in Policy 11 of the local Borough Plan.

- The bulk of the design will result in a loss of daylight for my property but more especially to my neighbour's property, Puddledocks.

- The statement in the upper right hand corner of the drawing reads, "all dimensions must be checked on the site and not scaled from the drawings" indicates that the exact dimensions will not be known before building works take place.

Although there has been some slight improvement in the quality of the drawings, the lack of any information on the materials to be used, makes it difficult for me to carry out an objective assessment of the impact this development will have, not only on my property and my quality of life but on the surrounding properties as well. I believe this is the fourth or fifth revision to the plans for this application. If the poor quality of the planning application is indicative of the development as a whole then the quality of the development could be equally as poor or substandard and will not be in keeping with the general area, and Shootersway Lane in particular.

I contend that the positioning of the current house on the site in relation to the neighbouring properties should preclude any two storey development both now and in the future as this will automatically result in the loss of privacy and daylight to my family and my neighbours.

I urgently request that this application is rejected.

## **Considerations**

### Policy and Principle

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP appendices 3 Layout and Design of Residential Areas and 7 - Small Scale House Extensions.

Berkhamsted Character Area 12: Shootersway, describes the area as a large, mainly low density residential area on the southern side of town featuring a variety of mainly detached houses in a spacious semi-rural setting, dominated by informal heavy landscaping.

The positioning and orientation of dwellings varies considerably. Spacing also varies, but falls mainly within the very wide range (over 10 m) and some within the wide range (5 m to 10 m).

In terms of development within the plot the Character Study states there are no special requirements for extensions.

### Effect on appearance of building

The part ground floor rear extension with a first floor extension built across the entire width of the dwelling will be in character with the existing dwelling in terms of scale and design. The roof design will be hipped back and the ridge will be lower than the existing in an attempt to reduce the massing. The materials will match the existing dwelling. There is a variety of roof designs along Shootersway

The proposed fenestration in terms of shape and size are in character with a dwelling of this size. The dormer windows have been removed from the proposal.

The rear garden width and depth will be approximately 12.5 metres by approximately 19 metres and the front garden approximately 16 metres wide and approximately 30 metres deep. Based on this it is considered that there is sufficient spacing around the building to avoid a cramped appearance and retain a suitable amount of amenity space.

The property has a good level of screening at ground floor level around the boundaries by means of a mixture of fencing and vegetation. The only gap in fencing faces Puddledocks. (Proposed ground floor side window facing Puddledocks has been removed from the plans.)

### Effect on Street Scene

The proposal by nature of size and location (ie. set down from the main ridge line and being to the rear of the dwelling) would not be visible from public vantage points along Shootersway Lane or Lane End.

Shootersway Lane is particularly varied in terms of size, scale and design of properties all detached and generally quite distinct from each other. Due to the variation in design types and styles along Shootersway Lane, the proposed two storey rear extension is considered to not significantly detract from the character of the area. The extension will project out from the rear of the existing dwelling which sits 1.5 metres from the southern boundary allowing retention of the gap between the proposal and Briars. It is acknowledged that this spacing is below that normally associated within this Character area but the proposal will not decrease the existing gap and in context of the adjacent properties, it is considered that the extension would not result in detrimental harm to the character of this area. It should also be noted that although the extension will be set approximately 1.5m from the boundary, as the plot is particularly large, significant space is retained to the front and back, preserving the open nature of the area.

### Effect on Amenity of Neighbours

#### *Loss of Privacy*

Two new small windows are proposed on the first floor of the northern elevation facing Puddledocks. These windows will serve a bathroom and shower room and will be high level, obscure glazed glass and top hung.

A new window is also proposed on the southern elevation at ground floor level facing Briars. The boundary opposite the window is screened with a 2 metre fence and vegetation.

There will be 4 east facing windows in the proposed rear extension (ie. facing Garden Cottage). The distance between the new windows and the boundary fence will be approximately 19 metres. The distance between the two dwellings (which are not back to back but back to side facing) will be approximately 22 metres. The boundary between the two properties is fenced and screened with trees/hedging. The boundary next to the dwelling Garden Cottage is screened with tall trees. The current view from a bedroom window in the rear elevation of Briars Orchard (admittedly 3.4 metres further away from that now proposed) is only of the rooftop of Garden Cottage.

The rear elevation of The Firs will be approximately 21 metres from the nearest window proposed in the rear elevation. The Firs have a patio area at the rear of the dwelling nearest the site. Any overlooking from the proposal would be at an oblique angle as The Firs is located on the north-eastern side of Briars Orchard. Also it should be noted that even though there is one more window in the proposed first floor rear elevation there is actually going to be one less window pane. The existing elevation has 11 panes of glass and the proposed only has 10 panes. As a result there will be no increase in the amount of windows in this elevation. The main consideration is therefore whether the movement of the windows 3.4 metres back makes the overlooking significant.



There is some screening along the site boundary between Puddledocks and The Firs which forms a partial visual buffer between the existing dwelling and the adjacent neighbours. The vegetation on the Puddledocks boundary is thick but thins out along the boundary with The Firs.

Appendix 3 DBLP states that private gardens should normally have an average minimum depth of 11.5 which would allow the minimum back to back distance between dwellings to be 23 metres. There are no guidelines for rear to side distances.

#### *Loss of sunlight and daylight*

The Briars is the closest neighbour to the extension on the southern side. The development respects the 45 degree line principle from neighbouring windows comfortably and is not considered to impact upon outlook or light to neighbouring habitable room windows in this regard. The ground floor room belonging to the Briars which is nearest to the extension has high level side windows facing the site. These windows serve a living room which has windows at the front and large patio doors at the rear. There may be some light lost to the side windows but the other windows will not be affected. The proposal being on the northern side of Briars will not disrupt the sunlight provided as the sun goes from east to west.

The Firs and Puddledocks are too far removed from the proposal to be affected in terms of sunlight and daylight.

The effect on amenity of neighbours is considered acceptable in accordance with saved DBLP appendix 3 and 7 and policy CS12.

#### Other Considerations

The property has a double garage to the front of the dwelling and a long driveway with adequate parking provision for a dwelling of this size.

No significant trees or landscaping would be harmed by the proposal.

#### Sustainability

The development will be built to modern building regulations and considered to improve the overall sustainability of the home. The development will accord with CS29 with regard to sustainable design and construction.

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.

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 and B]**

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. The site is a tight infill development in an area of large properties on large plots. To ensure compliance with Core Strategy Policies 11 and 12.

- 4 **The windows at first floor level in the northern elevation of the extension hereby permitted shall be top hung and permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to comply with CS 11 and 12.

- 5 **No development shall take place until details of the obscured glazed glass to be used in the first floor windows in the northern side elevation of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure there is no loss of privacy for neighbours and to comply with CS 11 and 12.

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

Site location plan  
Section

Existing elevations  
Existing section  
1623/2/5288

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

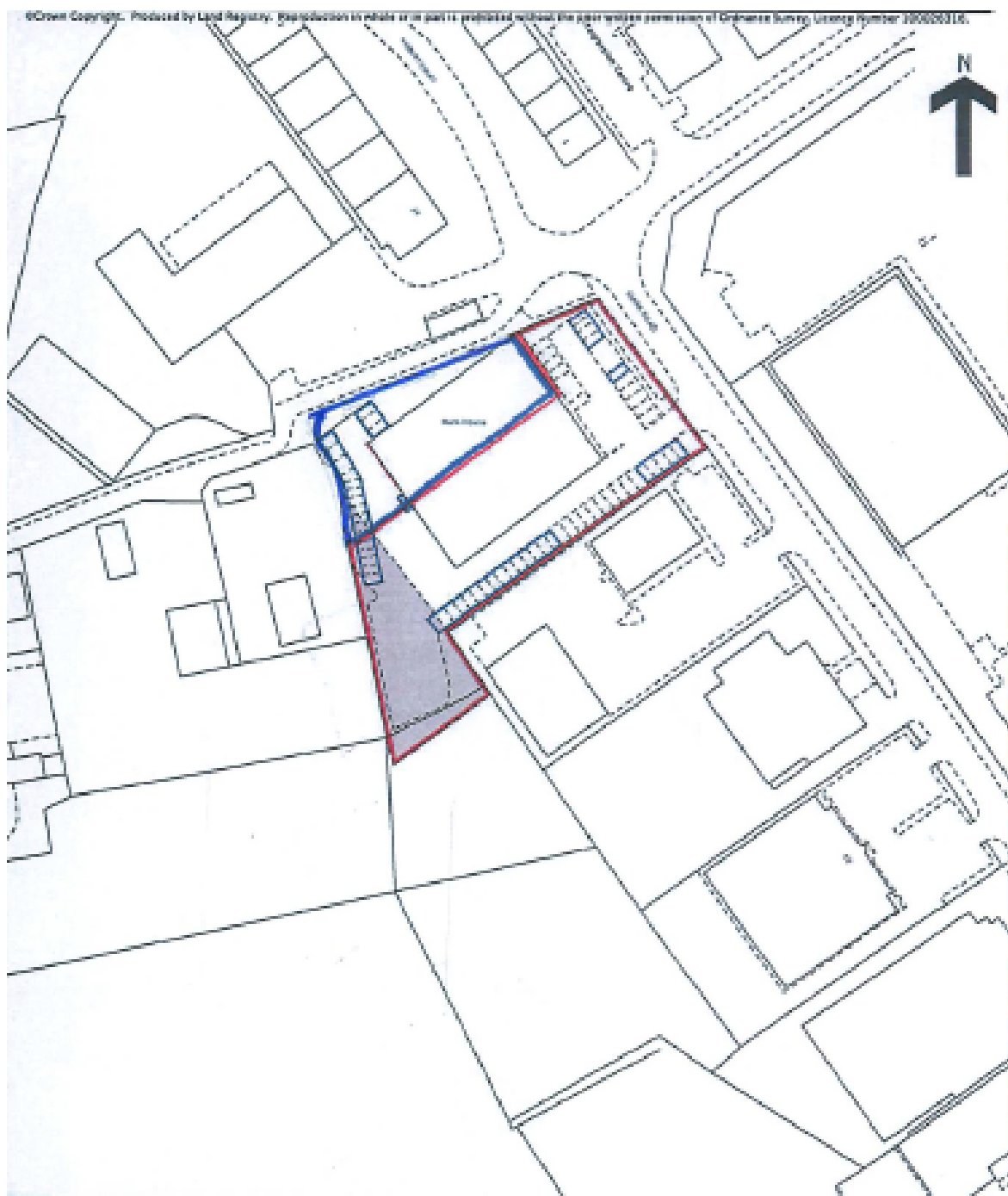
Article 31 Statement:

Planning permission/advertisement consent/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 5.03**

**4/02121/15/FUL – CHANGE OF USE FROM B1 BUSINESS USE TO D2 LOW COST GYMNASIUM (RESUBMISSION OF APPLICATIONS 4/01450/14/FUL AND 4/03189/14/FUL)**

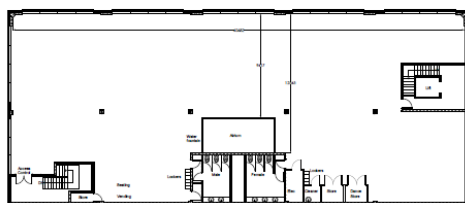
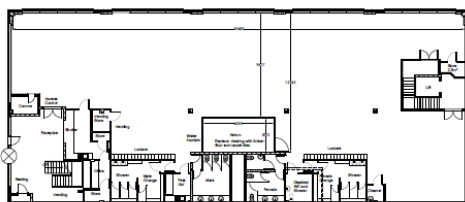
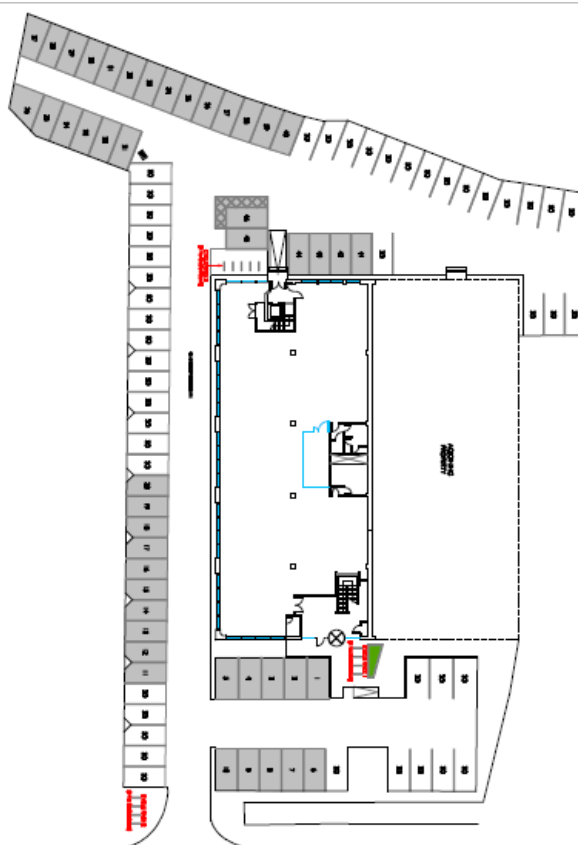
**MARK HOUSE, 36 MARK ROAD, HEMEL HEMPSTEAD, HP2 7UE**



**ITEM 5.03**

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**MARK HOUSE, 36 MARK ROAD, HEMEL HEMPSTEAD, HP2 7UE**



**4/02121/15/FUL - CHANGE OF USE FROM B1 BUSINESS USE TO D2 LOW COST GYMNASIUM (RESUBMISSION OF APPLICATIONS 4/01450/14/FUL AND 4/03189/14/FUL).**

**MARK HOUSE, 36 MARK ROAD, HEMEL HEMPSTEAD, HP2 7UE.**

**APPLICANT: Dacorum Sportspace.**

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[Case Officer - Tineke Rennie]

## **Summary**

The application is recommended for approval.

## **Site Description**

The application site comprises a large 2 storey office unit with car parking and access off Mark Road, within the Maylands General Employment Area. The building is set back from Mark Road behind a thin strip of landscaping.

The surrounding area comprises a mix of industrial, commercial and office units.

## **Proposal**

Permission is sought for the change of use of half the building (Units 3 and 4) comprising ground and first floors from B1 business use to a gymnasium (D2) use. No external changes are proposed. 46 of the 94 parking spaces on site would be allocated to the use with provision of 13 Sheffield cycle stands (26 cycle spaces). Hours of use would be 0600-2200 Mon to Fri and 0800-2000 Sat and Sun.

## **Referral to Committee**

The application is referred to the Development Control Committee due to a call in from the local ward councillor, Councillor Adshead.

## **Planning History**

4/03189/14/FUL	CHANGE OF USE FROM BUSINESS USE (B1) TO LOW COST GYMNASIUM (D2) (amended scheme) Refused 31/12/2014
4/01450/14/FUL	CHANGE OF USE FROM BUSINESS USE (B1) TO LOW COST GYMNASIUM (D2) Refused 20/08/2014
4/00943/14/PRE	CHANGE OF USE TO LOW COST GYM Unknown

4/01042/94/4 VARIATION OF CONDITION 4 OF P/P 4/1696/86 (HIGH TECHNOLOGY UNIT & ASSOCIATED CAR PARKING) TO ALLOW THE PREMISES TO BE USED FOR ANY PURPOSE WITHIN CLASS B1  
Granted  
03/10/1994

4/01088/89/4 INTERNAL & EXTERNAL ALTERATIONS TO FORM 2 BUSINESS UNITS  
Granted  
12/07/1989

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS15 - Office, Research, Industry, Storage and Distribution  
CS23 - Social Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS34 - Maylands Business Park  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 31, 37, 51, 54, 58 and 99, 100, 111, 113, 122 and 124

Appendices 4, 5 and 8

### Supplementary Planning Guidance

Environmental Guidelines (May 2004)

## **Summary of Representations**

### Strategic Planning

Our comments of 22 July 2014 on application, 4/01450/14/FUL for change of use to

a low cost gym summarised the planning policy context for the site as follows:

“The site is within the Maylands General Employment Area (Local Plan Policy 31) where a mix of B-uses is encouraged. Core Strategy Policy CS15 (Offices, Research, Industry, Storage and Distribution) states that GEAs will be protected for B-class use. Town and local centre locations are preferred for D2 uses. The Core Strategy supports new social infrastructure (Policy CS23), but not at the expense of other policies in the plan.”

After considering the relevant issues regarding this proposal, we concluded that the application was contrary to policy and that there was no basis to justify making an exception to policy. We note that 4/01450/14/FUL was refused as the proposals were contrary to Core Strategy Policy CS15 and on car parking/cycle parking/transport grounds.

A further application (4/03189/14/FUL) for the same development was accompanied by more evidence to support the proposals. Our comments of 22 December 2014 stated that the evidence on car parking appeared to be sufficient to overcome the parking/transport reason for refusal, but the views of the County Council as highway authority should be sought. However, we still had some concerns on the principle of the proposed change of use:

(xxii) Although it has proved difficult to let the premises for B-class uses, this may be due to the after effects of the recession. We were not convinced that the vacant floorspace at Mark House will remain empty in the long term, particularly given the possibility that it could be converted to an industrial or warehousing use.

(xxiii) A new low cost gym was about to open at Jarman Park, within Leisure World. No evidence had been submitted to explain the need for another low cost gym as well as the forthcoming Jarman Park facility. We would have expected details of usage levels at the existing Sportspace Hemel Hempstead gym to have been provided.

(xxiv) No evidence had been provided on the site search for a new gym. This information was needed to help the Council decide whether other more acceptable locations were available. The most suitable location for a new gym on the Maylands Business Park was within the proposed Heart of Maylands local centre. There was a case for also accepting the conversion of a B-class building adjoining the Heart.

(xxv) The Council was taking enforcement action against another gym in Mark Road, which had been established without planning permission.

We concluded as follows:

“The application is contrary to the Council’s loss of employment land policy. The evidence submitted with this amended application goes some way to addressing the previous reasons for refusal. Nevertheless, in the light of the points made above we still consider that the applicants have not presented a strong enough case to justify an exception being made to Core Strategy Policy CS15. It is therefore recommended that the application be refused.”



## **Current application**

The current application is supported by further additional information. In particular, the following reports have been produced:

- (xxvi) 'Review of viability of continued use as offices' by Aitchison Raffety (commercial agents).
- (xxvii) 'Research report into potential venues for low cost gym' by the applicants, Dacorum Sportspace.

The Aitchison Rafferty report includes some useful information about the particular characteristics of Mark House. We accept that these characteristics make the premises unattractive for most B-class occupiers and that the building may remain vacant even assuming the economic recovery continues.

The Dacorum Sportspace report shows that all four potential locations considered for the low cost gym are within the Maylands Business Park and would involve loss of B-class floorspace. None of these locations are within or adjoining the proposed Heart of Maylands local centre.

Whilst the above reports are helpful, no evidence has been submitted on the need for another low cost gym in addition to the new Jarman Park facility or on usage levels at the existing Sportspace Hemel Hempstead gym. We suggest that you ask the applicants to provide this information.

**Conclusion:** in the light of the further information from Aitchison Raffety we now feel, on balance, that a sufficiently strong case has been put forward to justify making an exception to policy. We may be able to give a more clear-cut recommendation if the information requested above on Jarman Park and the existing Sportspace Hemel Hempstead gym is provided.

## 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.

Highway Comment This is a further resubmission application which relates to both planning application 4/01450/14 and 4/03189/14 of 2014. As the HA were not consulted on the first previous applications it still follows that the change of use to a gym will clearly generate significant additional vehicular trips at all hours and in particular at the weekend too when compared to the sites current permitted use. Therefore, if the LPA are minded to grant planning permission then the HA would ask that the applicant submits a Travel Plan with the aim of reducing car trips to this site and through the TP this can be monitored

## Environmental Health

Notice is hereby given that the Environmental Health Department suggest the following conditions should be imposed in relation to noise insulation for non-

residential premises:

Condition:

Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.

Reason:

To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy In accordance with Policies and procedures of Dacorum

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No responses received.

## **Considerations**

### Policy and Principle

This proposal has been the subject of two unsuccessful recent applications (4/01450/14/FUL and 4/03189/14/FUL). The earlier application was refused on grounds of insufficient car parking and loss of employment land while the most recent proposal was refused on the latter point. While car parking is no longer a major issue, the loss of employment land continues to be a key policy consideration. This remains pertinent as the proposal involves the loss of 1,360 m<sup>2</sup> of a relatively modern and purpose-built office accommodation.

In GEAs appropriate employment generating development is encouraged in accordance with Policies CS4, CS14 and CS15 of the Core Strategy and saved Policy 31 of the DBLP.

The site falls within the Maylands General Employment Area (Local Plan Policy 31) wherein a mix of B-uses is encouraged. Core Strategy Policy CS15 (Offices, Research, Industry, Storage and Distribution) states that GEAs will be protected for B-class use. Therefore, this is not a location to which the Council would generally be seeking to direct D2 uses (locations in town and local centres are preferred).

However, it is acknowledged within the supporting text of the Core Strategy (paragraph 12.4) that GEAs can sometimes be the most appropriate location for non B-class uses, such as bulky leisure uses. The text goes on to state that "whilst these types of uses will not be encouraged in GEAs, they may be permissible as an exception to policy where clear justification exists and they comply with other policies and objectives." Furthermore, the site is located within The Engine Room Character Zone for East Hemel Hempstead where it is envisaged that a mix of industrial, commercial and flexible business uses will continue to be offered. It is noted that areas on the periphery, such as the application site, offer more flexibility for bulky non B-Class including some leisure uses.

The Core Strategy is supportive of new social infrastructure (Policy CS23), however

this should not be at the expense of other policies in the plan.

All schemes are expected to be of high quality and to be sympathetic to the appearance of the area (Policies CS10, 11, 12 and 13).

The main issues in this case relate to the impact of the change of use on the strategic employment policies of the Plan and whether any exception should be made and the impact on adjoining amenities.

#### Case for exception

The current application is similar in nature to 4/01450/14/FUL and 4/03189/14/FUL, and is accompanied by evidence to support the proposal. It is worth noting that the Council has given approval for a range of uses along Mark Road, including a gymnasium for the Sapphire School of Gymnastics at 24 Mark Road, very close to Mark House. In addition, the Council decided not to take enforcement action against an unauthorised change of use to a gym elsewhere in Mark Road.

Amongst other things, the evidence explains the difficulty of letting the premises for B-class uses (the ground floor has been vacant since 2008, the first floor since 2010). Clearly, the building is proving hard to let, and this may be due to the after effects of the recession. However, the evidence submitted suggests that there has not been a significant increase in overall demand for commercial office space in Hemel Hempstead, indeed in recent months there has been no significant lettings at all. It is also noted that even Maylands Avenue as a core office location is struggling to attract office occupiers. Key sites are being converted to housing such as the former HSBC Call Centre and Woodlands House where alternative uses are being explored. This move towards greater flexibility in use within key employment areas is supported by the Government through recent initiatives such as changes from office to residential accommodation without the need for planning permission.

The proposed use would continue to generate levels of employment not dissimilar to the existing use and use of the neighbouring units. It is anticipated that 16 people would be employed at the site; the previous use in 2008 provided employment for 20 people and it is understood that the neighbouring units 1 and 2 employ approximately 20 - 25 employees. Given that the site is not located within the core office area of Maylands, the likelihood of higher intensity office use which is generally found closer to the core is less. On this basis, an expectation of 16 people to be employed at the site following a significant period of vacancy is welcomed and some weight afforded to this provision.

The applicant has submitted further information outlining the need for a low cost gym in addition to the facility at Jarman Park, as requested by Strategic Planning officers. The applicant's agent considers that the site and position of this potential new facility will attract both new and experienced gym users. Typically low cost gyms attract members from a smaller catchment area and therefore Mark Road is ideally sited to serve the needs of those on the industrial estate and the local community.

The proposed plan is to create an additional 'gym' facility rather than just 'low cost' which can compliment the existing facilities at Sportspace Hemel Hempstead. In effect the market is being expanded by the proposal by making more facilities

available to a wider audience. Gym membership is around 12% of the population so there is a huge latent demand in this area that is currently not being served. Evidence shows that approximately 30% of new members of low cost gyms have never been members of a gym before. An increase in demand is therefore expected as a result of the facility.

Usage levels at Sportspace Hemel Hempstead remain high since the opening of the low cost Jarman Park facility. In some areas demand has increased as more people have committed to a healthier lifestyle and are looking for more than 'just a gym' benefitting from the additional facilities on offer. The gym at Mark Road will include an extensive group exercise timetable, a facility that is currently oversubscribed at Sportspace Hemel Hempstead. A different mix of equipment is to be provided that is between what is available in the Jarman Park facility and the top level equipment provided at Sportspace Hemel Hempstead.

As part of their submission, the applicant has shown that there is very limited availability of premises that meet their requirements. Following a search since April 2013 only four available properties were identified that broadly met the requisite criteria, with 36 Marks Road identified as the most suitable at the outset. Negotiations commenced and more recently only two of the four properties were available. The landlord of the second property did not deem the low cost gym use suitable for the unit and discussions ceased. It is noted that all four premises were located within Maylands Business Park.

The southern end of Mark Road is mixed in character comprising food outlets, retail/trade counters, car repairs. As such it is considered that the proposed use would not be out of character with the surrounding uses; a gymnasium use is considered to be compatible and indeed complementary to the surrounding uses. Not only would it provide a facility for the residents in proximity to the locality, it would also provide a valuable facility for the employees of the Maylands GEA. Opening hours are proposed around working hours so that the facilities can be utilised in the early hours and late evenings (0600 - 2200 Monday - Friday inclusive).

An absence of sensitive uses in proximity to the site ensures that the proposed development would not have any impact on amenities arising from people visiting the site in the early hours and late evening. For this reason it is acknowledged that the location within the GEA is potentially suitable for the proposed use, as indicated in the Core Strategy which suggests in supporting text that bulky non B-class uses such as leisure may be appropriate subject to other development plan policies. Furthermore there are not many sites within the Borough that are able to successfully accommodate a leisure facility that has specific space and parking requirements without having an adverse impact on local amenities.

It is concluded that whilst the proposed change of use is contrary to the Council's loss of employment land policy, evidence submitted with this amended application goes some way to addressing the previous reasons for refusal. It is also noted that a number of other factors weigh in favour of the proposal, such as: provision of social infrastructure in accordance with Policy CS23 and associated health benefits to the local community; the complementary nature of the facility within an employment area providing a service to workers; generation of employment levels comparable to the previous and surrounding uses; the lack of suitable sites elsewhere in the

Borough; the mixed character of the immediate area allowing a more flexible approach. In the light of the above points it is considered that a sufficiently strong and robust case has been presented that justifies an exception being made to Core Strategy Policy CS15.

#### Effects on appearance of building and street scene

There would be no adverse effects to the building or street scene. No changes are proposed to the appearance of the building or the site other than the installation of any necessary bicycle storage facilities. The area between the entrances to units 1/2 and units 3/4 will accommodate cycle parking stands should it be demonstrated that it is required through demand in the longer term. The existing landscaped areas will be retained.

The proposal would comply with Policies CS11 and 12.

#### Impact on Highway Safety

No changes have been proposed to the access arrangements and car parking which were considered to be acceptable in the previous application and as reported below.

The proposed floorspace is 1360 sq m Gross Internal Floorspace.

In accordance with saved Appendix 5, the proposal should provide some 90 car parking spaces based on 1 space / 15 sq m gross (external) floor area. It should be noted that this is double the intensity of an office / high tech / light industry use where provision is on the basis of 1 space / 30 to 35 sq m gross floor area.

The use should therefore provide almost double the number of spaces currently proposed (46) to serve units 3 and 4, plus some 55 short term cycle spaces and 2 long term cycle spaces based on 1 space / 25 sq m GFA.

The proposal would retain the existing 46 parking spaces and modify and supplement the existing 4 cycle parking spaces to provide a total of 25 cycle spaces. In addition there are said to be some 42 unrestricted street parking spaces on the eastern side of Mark Road.

The proposal would ostensibly be significantly short on car spaces. However, the applicants have undertaken a detailed car park survey and report which, based on comparison with a competitor site at Slough (slightly larger in size than here), indicates that the level of parking throughout a typical weekday at that site never exceeded 36 cars or 78% of capacity (at 1900 hours). The application site provides 46 spaces and thus there would be ten spaces available above the peak usage at Slough. In addition, it is noteworthy that the remaining 48 spaces on site (allocated to the adjoining units 1 and 2 Mark House) are very rarely wholly utilised, whilst many of the 42 on-street parking spaces in Mark Road are also vacant. Therefore, it is considered that there would be sufficient parking capacity within the site to accommodate the usage without impacting on the highway. But even if there were a greater usage, there would likely be available parking on the adjacent site or within Mark Road itself to take any overspill. On this basis it is considered that the provision

below standard is justified in this case.

There would thus be no impact on highway safety and the Highway Authority has raised no objections.

Three locations are proposed for the provision of sheffield cycle stands (26 cycles in total).

Location 1 - 8 cycles adjacent to the entrance door in lieu of existing landscaping.

Location 2 - 8 cycles adjacent to the entrance to the site

Location 3 - 10 cycles in lieu of existing provision for units 3 and 4.

It is stated that the survey from Slough and also from Hemel Sports Centre do not indicate a need for 26 cycle parking spaces as results there show a maximum of 4 and 8 cycles parked. However, cycle use will be weather dependant and the survey date (October 8th 2014) was mixed with heavy showers. Nevertheless it is accepted that 26 would appear more than sufficient, although overcapacity would be desirable to encourage cycle use.

The applicants state that a condition should be applied that requires the provision of the cycle spaces shown at Locations 2 and 3 together with a travel plan to monitor cycle usage for 3 years allowing the additional cycle location to be provided if usage exceeds 16.

This is accepted in principle. However, the description of Locations 1 and 2 appear to have been mixed up. Location 1 is next to the entrance door but does not appear to involve any need to lose landscaping. Location 2 on the other hand is adjacent to the site entrance and does involve the loss of landscaping. The loss here would be unfortunate given its prominence to the street scene. It would result in harm to the amenities of the area not to mention the fact that it would not be convenient for cyclists or as secure. Therefore the provision of this area of cycle parking is not supported in visual, security or convenience terms. Locations 1 and 3 are acceptable. An alternative location should be considered for rack 2 such as a car parking space.

Subject to the above, the proposal would accord with Policy CS12 and saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

#### Impact on Neighbours

The site is an industrial area and there are no nearby or adjoining residential occupiers in the area.

Other than the potential impact of additional on-street car parking, the proposal would have no material impact on the amenities of adjoining uses.

The proposal would accord with Policy CS12.

## Sustainability

In accordance with CS29 and Para. 18.22 of the CS a C-Plan and CS29 statement have been submitted. The details are considered acceptable.

## CIL

Policy CS35 of the Core Strategy 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 Dacorum Borough Council Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1<sup>st</sup> July 2015. This application is not CIL Liable.

## **Conclusion**

Whilst the proposed development is contrary to the Council's loss of employment land policy, other material considerations amount to an exception to Policy CS15 in this instance. The use of the premises as a bulky leisure use within a peripheral location of the GEA is complementary to the employment uses of the area, contributing to the regeneration of Maylands Business Park. The evidence submitted with this amended application demonstrates the demand for the facility with associated health benefits for both workers and local residents. In the light of the points made above, it is considered that the applicants have presented a strong enough case to justify an exception being made to Core Strategy Policy CS15. It is therefore recommended that the application be approved.

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 Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.**

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS32 of the Core Strategy.

- 3 No development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the**

**local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 4 **Prior to occupation of the development, a “Green Travel plan”, identifying the reduction in staff and visitors travelling to the development by private car, shall have been submitted to and approved in writing by the local planning authority and shall then be carried out in accordance with the approved GT plan. The GT plan will include the following:**

- **Projections into the future based on the intention to increase year on year the proportion of trips by public transport, walking and cycling and reduction in trips made via private motor car.**

**On approval the Travel plan and its contents are to be updated on an annual basis one year after the date of their approval. The Plan and its updated successors is to made fully available upon request to the Local Planning Authority and County Highways Agency**

Reason: To promote sustainable transport measures to the development in compliance with Core Strategy policy CS8 and CS29.

- 5 **The development hereby permitted shall not be occupied until parking layout and arrangements including cycle parking shown as Location 1 and Location 3 submitted in accordance with the approved plan No. 12189/01/22 Car Park Layout shall have been provided and permanently retained thereafter. Additional cycle parking is to be provided on site should it be necessary to meet the requirements established in the Green Travel Plan.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Core Strategy Policies CS8, CS28 and CS29.

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

**0072 005A;  
12189/01/22;  
Site Location Plan.**

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 at the pre-application stage and during the determination process which lead 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**

**4/02257/15/FUL – SINGLE STOREY INFILL EXTENSION TO REAR OF BUILDING, VARIOUS DOOR AND WINDOWS ADDED TO FRONT, REAR AND SIDE ELEVATIONS**

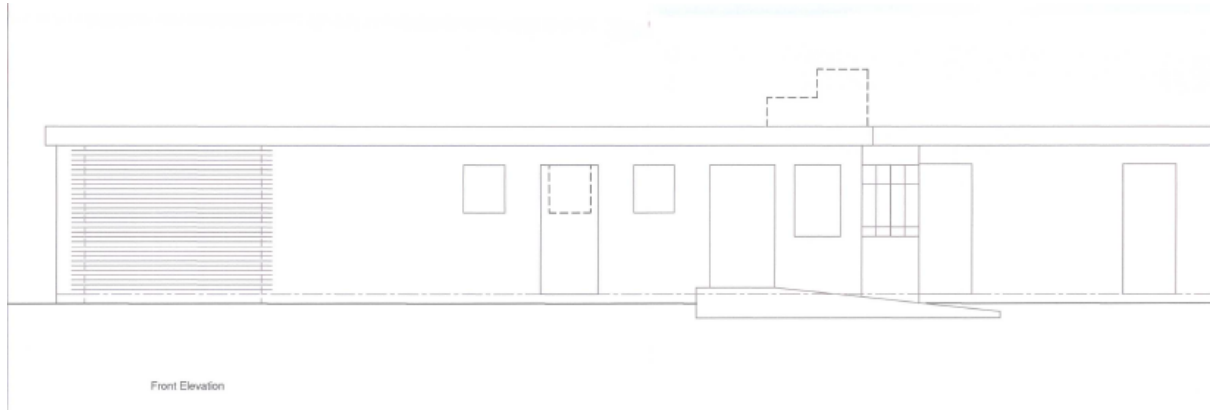
**WOODWELLS CEMETERY, BUNCEFIELD LANE, HEMEL HEMPSTEAD, HP2 7HY**



**ITEM 5.04**

**4/02257/15/FUL – SINGLE STOREY INFILL EXTENSION TO REAR OF BUILDING, VARIOUS DOOR AND WINDOWS ADDED TO FRONT, REAR AND SIDE ELEVATIONS**

**WOODWELLS CEMETERY, BUNCEFIELD LANE, HEMEL HEMPSTEAD, HP2 7HY**



**4/02257/15/FUL - SINGLE STOREY INFILL EXTENSION TO REAR OF BUILDING.  
VARIOUS DOOR AND WINDOWS ADDED TO FRONT, REAR AND SIDE ELEVATIONS..  
WOODWELLS CEMETERY, BUNCEFIELD LANE, HEMEL HEMPSTEAD, HP2 7HY.  
APPLICANT: DACORUM BOROUGH COUNCIL.**

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[Case Officer - Briony Curtain]

## **Summary**

The application is recommended for approval.

Consent is sought for a very modest in-fill extension to an existing building, which is set within a well established, fully enclosed cemetery site. The design of the extension mirrors the existing building (flat roof) and the materials to be used would match. The proposal would thus appear as a natural continuation of the existing building and would regularise the existing irregular footprint, it would thus improve the overall appearance of the building and harmonise well. The buildings are set to the very south of the site, and the rear of them is concealed from public view.

The proposals comply with Policy CS12 of the Core Strategy.

## **Site Description**

The application site is the Woodwells Cemetery site located between the Breakspear Way access to the M1(to the south) and Boundary Way to the north. Specifically, the application relates to the single storey buildings to the south-western corner of the site.

## **Proposal**

Full Planning Permission is sought for a single storey rear extension to the existing office building. The extension would in-fill the existing void to the rear of the building and essentially 'square' off the footprint. The extension would be flat roof and adjoin the adjacent structures.

It is also proposed to introduce additional windows and doors. To the front the garage door would be bricked in and a small existing window would be replaced with a door. To the rear an existing door would be partially bricked in and a window introduced in its place.

## **Referral to Committee**

The application is referred to the Development Control Committee as it is owned by Dacorum Borough Council.

## **Planning History**

4/02105/09/FUL    EXTENSION TO INTERNAL ROAD  
                          Granted  
                          08/02/2010

4/02105/09/FUL    EXTENSION TO INTERNAL ROAD

08/02/2010

4/01330/08/FUL SOIL BUND AT REAR  
Granted  
07/08/2008

4/00850/08/FUL SPOIL STORAGE AREA  
Granted  
13/05/2008

4/01578/07/FUL ACCESS RAMP TO NEW FRONT ENTRANCE DOOR TO  
RECEPTION/OFFICE. NEW WINDOW ADJACENT RAMP AND INFILL  
EXISTING ENTRANCE DOOR  
Granted  
21/08/2007

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

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

## **Summary of Representations**

### Environmental Health

Does not wish to restrict the grant of permission

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

No comments received

## **Considerations**

### Policy and Principle

The site is designated as open land. New development on designated Open Land is subject to Core Strategy Policy CS4 and saved DBLP Policy 116.

These policies state that in open land areas the primary planning purpose is to maintain the generally open character. The proposed extension in an in-fill extension

between two existing structures and as such would have no impact whatsoever on the openness of the wider site. From all directions it would be viewed against the backdrop of the existing building. The proposal would not compromise the aims and objectives of the open land designation.

#### Effects on appearance of building / site

The extensions proposed are modest in size and scale and acceptable in design relating well to the existing building. They would improve the overall appearance of the buildings and regularise the footprint. The window and door amendments to the front and rear elevations would not alter the overall character or appearance of the building. There would be no visual harm.

The building subject of this application are located to the very south-western corner of the cemetery, set within a fully enclosed area and the rear elevation is entirely concealed from public vantage points.

The proposal would comply with Policy CS12 of the Core Strategy.

#### Impact on Neighbours

Given the enclosed, nature of the site and the mature landscape screen to the west and south, there would be no harm to the amenities of adjacent sites. Furthermore the site is bounded to both of these sides by highways.

#### Sustainability

A sustainability Statement has been submitted as part of the proposal and confirms that all reasonable efforts will be undertaken to ensure the construction of the development is sustainable.

#### Other Material Planning Considerations

None.

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 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:**

**15050/01**  
**15050/02**  
**15050/03**

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

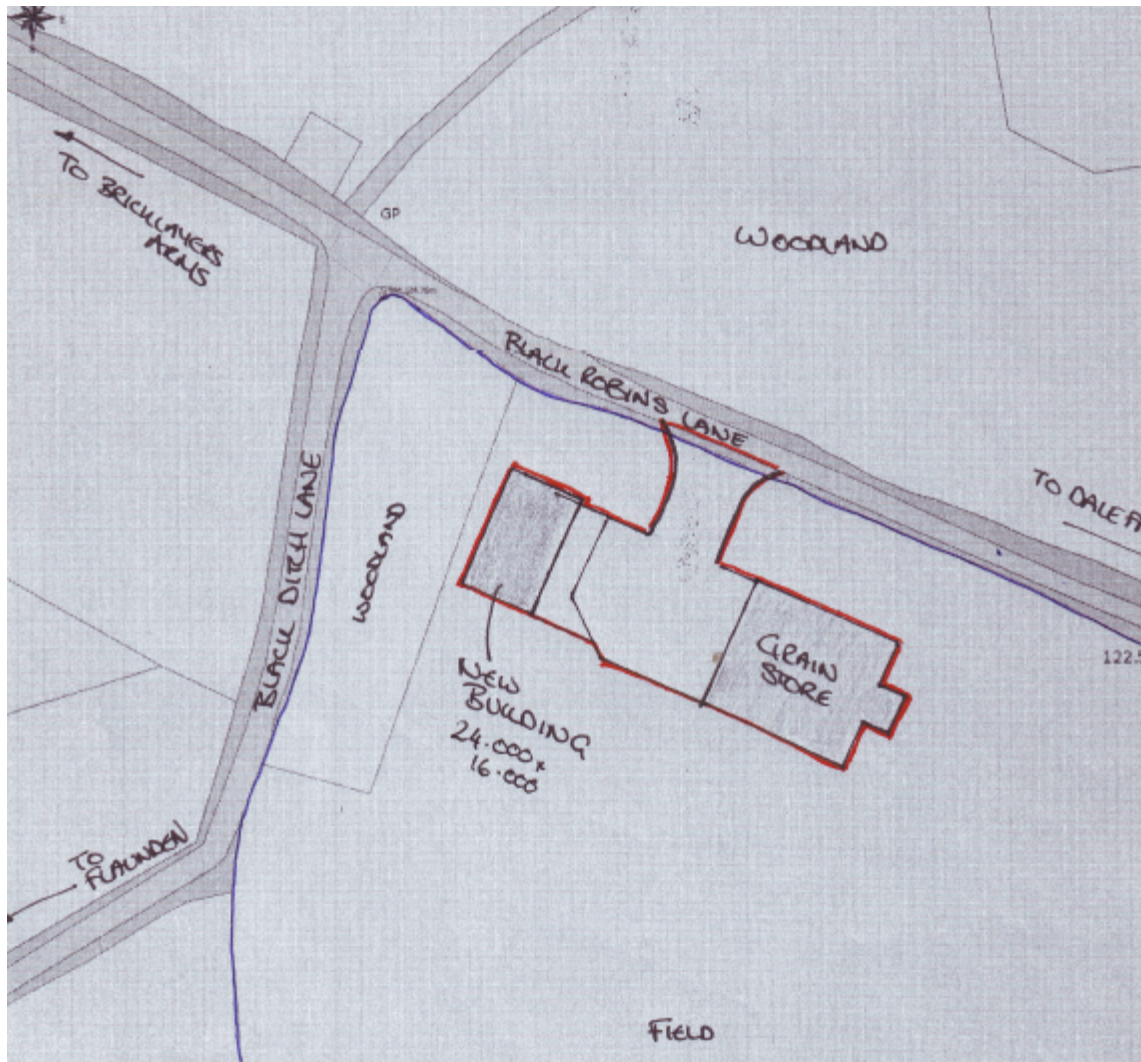
Article 31

Planning permission/advertisement consent/listed building consent 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 5.05**

**4/01529/15/FUL – CONSTRUCTION OF A GENERAL PURPOSE BUILDING IN EXISTING FARMYARD**

**BLACK ROBINS FARM, BLACK ROBINS LANE, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0FU**

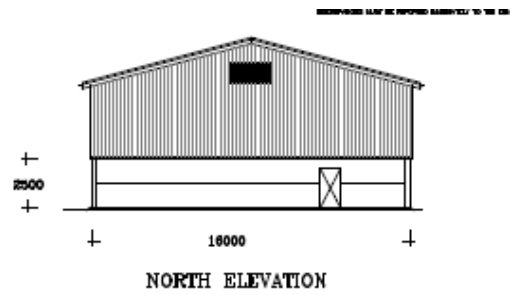
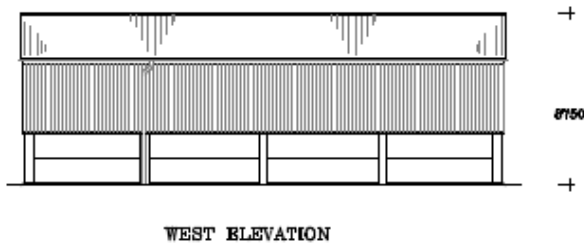




**ITEM 5.05**

**4/01529/15/FUL – CONSTRUCTION OF A GENERAL PURPOSE BUILDING IN EXISTING FARMYARD**

**BLACK ROBINS FARM, BLACK ROBINS LANE, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0FU**



**4/01529/15/FUL - CONSTRUCTION OF A GENERAL PURPOSE BUILDING IN EXISTING FARMYARD.**

**BLACK ROBINS FARM, BLACK ROBINS LANE, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0FU.**

**APPLICANT: Felden Park Farms Ltd -Mr William Peck.**

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[Case Officer - Joan Reid]

## **Summary**

The application is recommended for approval. The site is located within the Green Belt wherein buildings for the purposes of agriculture are considered appropriate in accordance with the NPPF and policy CS5 of the adopted Core Strategy. The building is not considered to result in significant harm to highway safety as stated by the Highway Authority and accords with policy CS8 of the adopted Core Strategy.

## **Site Description**

The application site relates to an area of land to the south of Black Robin Lane and bounded by Black Ditch Lane to the west and Flaunden Hill to the east, comprising part of the 179 hectare agricultural holding of Sharlowes Farm. The land has a gradual slope up to the north. The boundaries are of dense hedgerow with the southern boundary abutting a drainage ditch along the side of Black Robin Lane. Permission was granted in 2011 for a large building on the site which has been constructed together with an area of hardstanding.

## **Proposal**

The application seeks planning permission for a new general purpose building measuring 16m by 24m and extending to a height of 8.75m, together with extension of the yard between the existing store and the proposed building. The building is to be framed in grey painted steel and clad in grey corrugated steel. The building is to be used for storage of machinery, fertilisers, plant etc and will also house a staff room, workshop and toilet. The new building is to be used in conjunction with the existing grain store and for operation of agricultural use of Sharlowes Farm which extends to an area of 400 acres.

## **Referral to Committee**

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

## **Planning History**

4/03742/14/AGD	CONSTRUCTION OF GENERAL PURPOSE BUILDING Prior approval not required 03/02/2015
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4/00580/12/DRC	DETAILS OF HARD AND SOFT LANDSCAPING AND TREE PLANTING AS REQUIRED BY CONDITIONS 4 AND 6 OF PLANNING PERMISSION 4/01411/11 (CONSTRUCTION OF A GRAIN STORE) Granted 17/05/2012
4/01411/11/FUL	CONSTRUCTION OF A GRAIN STORE Granted 15/02/2012
4/00700/11/AGD	CONSTRUCTION OF GRAIN STORE Prior approval not required 19/05/2011

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 99  
Appendices

### Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)

## **Summary of Representations**

### Bricklayers Arms

By allowing a further building to be erected to this site, I object for the following reasons:

There will be a serious injury or fatality waiting to happen as these huge tractors and articulated lorries with their huge wide loads past within 3/4 feet of our front door of the Bricklayers Arms, in Black Robbins Lane. Our Pub restaurant is in a narrow lane within the village of Flaunden which gives the only access from surrounding villages to Black Robins Existing warehouse/building.

I have had serious complaints from our patrons regarding how dangerous our little lane has become over the past year or two since the Farm building was erected with articulated wide tractor vehicles on certain days passing every 10/15 minutes.

One complaint was a customer who told me that their car was badly damaged along the side of his car and roof due to the protruding rear wide load a tractor which came from Black Robins Farm. The customer chased the tractor driver in his car for several minutes and was verbally abused by the driver who denied the incident (I have the customers details if the council would like to talk to him).

I would suggest that a council planner visits our premises one morning/afternoon and sees for themselves how dangerous these vehicles really are and how an increase in the number of these articulated vehicles could potentially seriously injure or cause a fatality to one our patrons or villagers. These huge vehicles are far too wide for our narrow lanes, drive too fast and too numerous in numbers which is having a detrimental affect on safety in the Black Robins Lane, surrounding area and on our business.

We use to be a real family pub with many children visiting on weekends but over the course of the last year or so, since the farm warehouse has been built just a few hundred meters down the road, parents are too scared to bring children to the restaurant, incase they step outside the front door and the worst happens.

These vehicles are causing untold damage to the road surface and creating holes including our car park where they encroach when passing other vehicles.

I can only see the above situations getting much worse with an increase of vehicles with the additional building if erected especially worsening during the harvest season.

I believe the original building should never have been built due to the predicted danger these vehicles bring upon our villagers and visiting patrons

#### Flaunden House

I am writing in connection with the proposed new farm building on Black Robbins Lane. I am familiar with the area as my house on Black Ditch Lane overlooks the existing farm building built in 2012, and I have looked carefully at the plans for the proposed additional building.

Sharlowes Farm, in the middle of Flaunden, is surely not large enough to warrant not one but two huge buildings for machinery, storage, etc. The proposed new building, along with the existing one, will obviously be to service the three farms in the area,

not just Sharlowes.

I know this is not relevant to the case, but, once everything is relocated from the buildings in the middle of Flaunden, the farm owner will no doubt apply for planning permission to convert the old buildings into homes, to the detriment of the village.

The applicant says in his application that the location of the new building is 'rural and secluded'. Rural yes, secluded no. The current building is an eyesore and a second barn will only compound this. Driving into Flaunden along Black Robins Lane, one looks at it and feels disappointed that beautiful countryside such as we have around here is so spoilt by a huge ugly metal building, right on the road, way out of proportion to a tiny village such as ours. The proposed building will have 'slightly higher eaves and ridge than existing' – so it will be an even greater blot on the landscape.

There is no doubt there is increased noise and traffic in and around the village, especially near the Bricklayers Arms, and this will continue to increase if this new building is constructed.

I urge you not to allow this planning application to be granted

#### Flaunden Parish Council

Development Control Committee passed plans for a grain store on a green field site in 2011, following strong objections from Flaunden Parish Council and many local residents. The grain store was erected in 2012 to replace the existing grain store half a mile away in the centre of Flaunden Village.

Flaunden is a small village, within the green belt, with an active and thriving community. It is an area that has retained its unique character and charm as a result of careful historic planning protection.

#### Reasons for Objection

The large buildings are out of character with the surrounding countryside and detrimental to the distinctive character of Flaunden. Permitted Development has already been granted for a large building and Flaunden Parish Council was extremely disappointed not to have the opportunity of commenting on this application. We believe that another large building in the green belt, and on what was previously a green field site, will completely change the character and distinctiveness of our village. The PC is surprised that an agricultural building can be approved when it is so detrimental to the local environment.

#### Comments on Application

The Design and Access Statement calls the site 'Black Robins Farm'. This site is not a "farm" but a grain store with a concrete turning circle. This site has previously only been referred to as part of Sharlowes Farm, it is not a 'stand alone' farm but a yard as part of the larger farm complex, the remainder is remote from the grain store.

The proposed application states the need for further storage capacity and staff facilities which were not mentioned in the previous application – there is adequate

storage at Sharlowes Farm (in the centre of Flaunden), including staff facilities, workshop and a toilet.

Applicant states that the site is 'remote from village – this is not the case. The grain store is only a short distance from a Grade II listed building The Bricklayers Arms Public House. 40 ton lorries have to pass within 2m of its front door.

Applicant mentions 'area of mature woodland to the west of the site, screening the buildings and yard area'. Unfortunately, since the erection of the grain store in 2012 this area of woodland has been significantly reduced, making the store more visible from the road than the plans would suggest.

The proposed works will have visual impact on neighbours, particularly as trees have been removed on the site. The site can be seen by residents of Blackditch Lane, New House Farm and are highly visible from Footpath FD11, which forms part of the Chiltern Way.

### *Cropping and Farming Operations*

Applicant states the proposed building would relieve traffic going through the village. We do not believe this can be the case, indeed since the construction of the grain store in 2012 traffic going through the village, including very large vehicles from outlying farms has increased considerably, contrary to the assurances given when permission was granted. These vehicles are unsuitable for the small country lanes around Flaunden. There is no way of accessing the Grain Store without going through some part of Flaunden Village. Flaunden Parish Council do not believe the proposed traffic control plan (Appendix was not available for us to view) will relieve traffic going through the Village.

### *Proposed New Building*

Advantages are stated as ;  
2/3 – Application states: 'Eliminate the need for lorries to enter Flaunden Village' and significantly reduce the number of agricultural vehicle movements along public roads'. However, there is no way of accessing the site without going through the village at some point. Herts Highways have not been able to keep up with the repair of surrounding roads nor have been able to repair the very large potholes at the side of the carriageways created by the large vehicles already accessing the grain store. Large machinery has not previously been stored in Flaunden, bringing larger vehicles into the village will have unacceptable implications to listed buildings and for residents and road users.

4 – Applicant states, 'Reduce risk of theft and damage'. To our knowledge there has been no record of any security issues at Sharlowes Farm, so we do not see any justification to the statement that the grain store will be a 'safer and more secure location'.

### Conclusion

It seems obvious that Felden Farms Ltd is bringing in grain from other farms, it is not crop yield solely from Flaunden. Why if Flaunden has the smallest crop yield would you invest in a building and propose further development on the site. Flaunden Parish Council believe that the drive is to create redundant buildings at Sharlowes

Farm in the centre of the village, with the possible intention of obtaining redevelopment permission.

Whilst the proposed increase in size on the already agreed development may seem minor, it may have cumulative effects on the area, leading to a greater development and further applications in the future.

### New House Farm

1 The applicant describes the site as "Farmyard" and whilst they may have registered HP3 OFU with the postal authorities as "Black Robins Farm" it should be noted this is not a farm but an isolated large grain store with a concrete turning yard for vehicles. Erected in 2012 by Felden Farms Ltd to replace their old grain store seven hundred metres again in Sharlows Farm yard in the centre of Flaunden village - as referenced in their application.

2 The English Oxford Dictionary defines a farmyard as "a yard surround by farm buildings". The Officers/ and or Planning Committee may wish to take into consideration a question addressed to a recent Parish Meeting as to whether the application may have in mind for applying for a rural worker's dwelling on the site and in effect create a new farm yard on this site that was until recently an arable field in the Green Belt.

3 It is disappointing that the applicant did not attend the Parish Meeting unlike previous landowner who was always willing to meet with the local community.

4 There appears to be no reference to any consultation with Three Rivers District Council and/or Sarratt Parish Council. The field in which the development is proposed forms the boundary with both. They have records regarding complaints of damage and disruption caused by a number of very large 40 tonne vehicles from Felden Farms using the unsuitable narrow single track Flaunden Lane from Belsize to service the existing isolated grain store on this site. This new application is likely to exacerbate this problem.

5 Hertfordshire Highways Department have been approached to consider erecting advisory signs Not suitable for HGVs on Flaunden Lane, between Dale Farm corner and the other smaller grain store at the Belsize end of Flaunden Lane. Officers and/or the Planning Committee may wish to take this fact into consideration when considering any recommendations for this planning application.

6 The application makes reference to a Traffic Management Scheme to minimise the need for large agriculture machinery and supporting equipment to use the narrow rural lanes surrounding Felden Farms Land in and around Flaunden. Unfortunately appendix A referring to this matter is not included with the online consultation documents.

7 However it is noticeable that the headlands in the adjoining fields are already used by the applicant's workforce when undertaking the transfer of fertilisers from one tonne bags on trailers etc. In addition the applicant has widened gateways from their land into the lanes. It is assumed there is no proposal for hard-core or other inappropriate material to be used to reinforce the load bearing properties to existing

headlands or field margins or for any new surfaced tracks to be created?

8 The existing grain store is highly visible (as will be the proposed store) from Footpath FD11 forming part of the Chiltern Way. It is a disappointment that Felden Farms arable planting regime generates questions and often criticism by members of the public using the Chiltern Way on why they do not follow well published guidelines on Arable Field Headlands by leaving a defined field biodiversity margin. This would be in line with recommendations supported nationally by DEFRA, the Herts local liaison Farmland Group and the CPRE, English Heritage, the NFU and others. One presumes the Officers and other the Planning Committee will take this issues into consideration should the proposed Traffic Control System create a potential environmental threat to the Biodiversity of the existing hedges and very narrow field margins or even the Chilterns Way.

9 Finally we request that the Planning Officers and or the Planning Committee should decide if this application to modify an application already approved contravenes the NPPF guidelines for the erection of buildings in the Green Belt. This is neither a Brown Field Site nor it is an Agricultural Farmyard it is simply a request to enlarge a building to store equipment and materials on Green Belt land.

Whilst at first sight the change may appear minor it may have the potential cumulative effect to be a significant change should be enlarged isolated store require a greater degree of security leading to further applications following for example a rural workers dwelling on this site.

#### Archaeological Officer

In this instance, there is unlikely to be an impact on significant heritage assets of archaeological or historic interest; therefore, I will be making no comment at this time.

#### 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.

Note: the slight increase in volume of the general purpose building from the approved permission of 360m<sup>2</sup> to 384m<sup>2</sup> is unlikely to lead to conditions that would in turn have a detrimental impact on the adjacent public highway.

### **Considerations**

#### Policy and Principle

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are buildings for agriculture and forestry. As such, buildings necessary for agriculture are considered to be appropriate buildings in the Green Belt and do not need very special circumstances to justify them.



### Impact to Character of the Area

It is without doubt that the existing building which has already been erected is not domestic in scale and appears as a large prominent building within the setting. This proposal will add to the built form on the site and will appear as a large industrial scale building within the countryside. It is however, important to consider the need for agricultural buildings in the countryside which are necessary to ensure that the countryside continues to function. It is also necessary to consider that there is very limited restriction in policy terms to the erection of agricultural buildings in the Green Belt and large buildings of the same nature as currently proposed, often do not require consent. As such, it is considered that whilst, the proposed building would not improve the character of the setting, it is necessary to serve adjacent agricultural land and significant weight must be given to the permitted development fall back position.

### Impact on Trees and Landscaping

There would not be any significant harm to existing hedgerows or trees as a result of the scheme. Planting was provided which is still maturing as part of the previous consent.

### Impact on Highway Safety

It is noted that concern has been raised from the Parish Council and neighbouring properties that as a result of the development, an increase of large vehicles would be using the immediate road network and result in potential Highway Impact. Hertfordshire Highways have been consulted on the scheme and have raised no objection.

Further information has been sought from the applicants regarding the traffic movements of the farm to and from the proposed and existing building: Removal of grain from the store takes place over a six month period. Each lorry carries 29 tonnes and the store has a capacity of 1500 tonnes – we therefore have some 52 vehicle movements which, on average, is 2 a week, however these movements would be more frequent than 2 per week during summer months. Having regard to the advice from Hertfordshire Highways, the type of vehicles that one would expect on a country road associated with agriculture and the permitted development fall back position, it is considered unreasonable to objection highway grounds. It is also noted that at the time of a site visit, there were a number of cars parked outside the Bricklayers arms on the road, which were causing obstruction in their own right.

### Impact on Neighbours

There would be harm to any neighbouring properties in terms of loss of light, privacy or visual intrusion as a result of the development.

### Other Material Planning Considerations

#### Permitted Development Rights

A certificate of Lawful Development for a building similar in size, height and location has been granted as the agricultural building would not require planning permission through the provisions of the General Permitted Development Order 2015. As such, significant weight have been afforded to this fall back position for a very similar building (1 metre less in length and less than 1m more in height). It is considered that the proposed building is not materially different in harm to that which could be constructed without requiring planning permission.

It is also noted that the Parish Council and others are concerned that permission for the proposal would give rise to redundancy of the farm located within the village and may be subject to future development. Any future development of the farm within the village would be subject to a planning consent however it is evident that the buildings are not to current standards for the agricultural use.

**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:**

2027-1-1  
2027-2-1  
2027-A4-20  
2027-2-2A

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

**ITEM 5.06**  
**4/02191/15/FHA – PART TWO STOREY, PART SINGLE STOREY REAR**  
**EXTENSION**

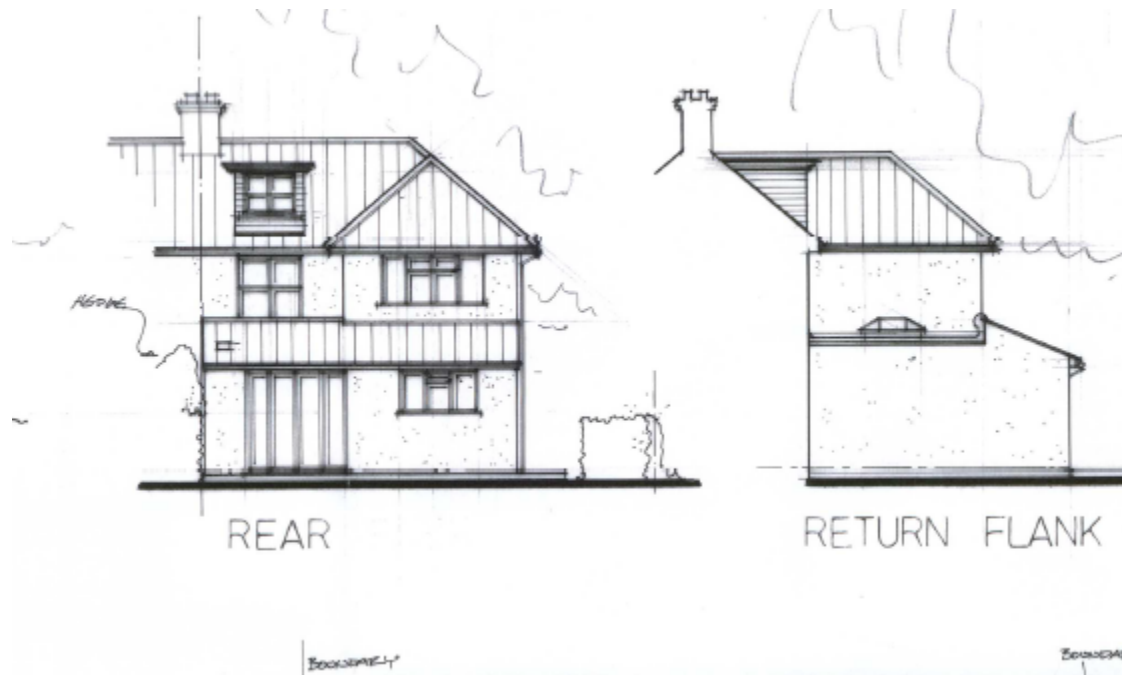
**7 CHAPEL CLOSE, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QG**



**ITEM 5.06**

**4/02191/15/FHA – PART TWO STOREY, PART SINGLE STOREY REAR  
EXTENSION**

**7 CHAPEL CLOSE, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QG**



**4/02191/15/FHA - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION.  
7 CHAPEL CLOSE, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QG.  
APPLICANT: Mr & Mrs Wallace.**

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[Case Officer - Rachel Marber]

## **Summary**

The application is recommended for refusal for the following reasons:

(xxix) The application site is located in the Rural Area beyond the Green Belt. Within this area there is strict control over built development. The cumulative size increase of proposed and previous extensions would result in a disproportionate addition, over and above 50% the size of the parent dwelling. Consequently, the proposed would result in detrimental impact upon the openness and visual amenity of the Rural Area.

(xxx) The proposed part single, part two storey rear extension, by reason of excessive depth in conjunction with height and the close proximity to the neighbouring property would result in severe loss of outlook and light for neighbouring residents at number 8 Chapel Close. The application has therefore failed to secure good standards of amenity for existing and future occupiers of land and buildings.

Henceforth the proposal fails to meet the requirements of the NPPF (2012), policies CS7, CS11, CS12 of the Core Strategy (2013) and Saved Appendix 7 and policy 22 of the Local plan (1991).

## **Site Description**

The application site is located to the south of Chapel Close, Little Gaddesden. The site comprises of a 1920s semi-detached dwelling house located within the designated Chilterns Area of Outstanding Natural Beauty and Rural Area. The dwelling house is externally finished in brown rendered masonry with a plain tiled half hipped roof. To the front of the dwelling there is a driveway formed of hard standing. Parking provision would sufficiently accommodate two domestic cars.

Chapel Close is a cul-de-sac and consequently the property was built as part of a wider road of similarly constructed properties. All properties are alike in regards to architectural detailing, separation gap, height, size and build line. The area has a verdant aspect emphasised by the large front garden plots serving the dwellings. Several properties have been extended within the street scene; however the overall character of the area remains very evident.

## **Proposal**

The application seeks permission for a part single, part two storey rear extension in order to provide additional living accommodation for a dining area and kitchen at ground floor level, and an enlarged bedroom and additional ensuite at first floor level. The existing rear dormer would also be replaced within the proposed alterations.

## **Referral to Committee**

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

## **Planning History**

4/00440/00/FHA SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING REAR DORMER EXTENSION  
Granted  
22/06/2000

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy (2013)

CS7- Rural Area

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 22- Extensions to dwellings in the Green Belt and Rural Area

Policy 97- Chilterns Area of Outstanding Natural Beauty

Appendix 3 - Gardens and Amenity Space

Appendix 7 - Small-scale House Extensions

## **Constraints**

Rural Area of Little Gaddesden

- Chilterns Area of Outstanding Natural Beauty
- Area of special control for adverts

## Summary of Representations

### Comments received from local residents:

#### 8 Chapel Close

##### **Objection**

- Loss of light
- Overbearing and loss of outlook

#### DBC Trees & Woodlands

##### **No Objection**

*"No trees or significant landscape features on this site."*

### Comments received from consultees:

#### Little Gaddesden Parish Council

##### **Support**

*"Little Gaddesden Parish Council have reviewed this application and have no objections."*

## **Key Considerations**

### Principle of Development within a Rural Area

#### *Policy*

The application site resides within a Rural Area where Policy CS7 of the Core Strategy (2013) advises that limited extensions to existing buildings are acceptable provided that there is no detrimental impact on the character and appearance of the countryside. Saved policy 22 of the Local Plan (1991) promulgates that development should not be inappropriate or result in disproportionate addition, over and above 150% the floor area of the original building.

#### *Assessment*

The table below compares the floorspace of the existing dwelling house against the proposed and previous alterations.

	Original	Previous Extensions (4/00440/00/FHA)	Proposed extension
Floorspace (approx..)	85.5m <sup>2</sup>	42.065m <sup>2</sup> (+49%)	37.9m <sup>2</sup> (+94%)

In accordance with the submitted application the rear extension has a maximum proposed depth of 2.65 metres, width of 7.35 metres and height (to ridge) of 4 metres; which including the first floor addition would create a total proposed floor of 37.9m<sup>2</sup>, resulting in a cumulative floor space increase of 80m<sup>2</sup> (approximately). This would result in an 94% increase in total dwelling floorspace. This is a significant increase in total dwelling size and would result in a disproportionate addition well over the maximum 50% increase permitted under policy 22 of the Local Plan (1991).

It is important to note that due to the proposal residing within the Chilterns Area of Outstanding Natural Beauty a Permitted Development fall-back position is null void.

Subsequently, the proposed would result in a disproportion addition over and above the size of the original dwelling house, resulting in unmitigated impact upon the Rural Area. The proposal fails to comply with the NPPF (2012), policies CS7, CS11, CS12 and Saved policy 22 of the Local plan (1991).

#### Principle of Development in the Chilterns AONB and Impact on Visual Amenity

##### *Policy*

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).

Paragraph 60 of the NPPF states that, *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

In addition, paragraph 64 of the NPPF states that *'permission should be refused for development of poor design that fails to take opportunity available for improving the character and quality of an area and the way it functions.'*

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, 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.

### *Assessment*

The proposed extension would be of simple traditional design comprising of cream painted rendered masonry walls, plain tiled hipped roof and powder coated aluminium/timber stained windows and doors tiles; all of which would complement the existing dwelling house. These materials are considered acceptable for this type of proposal and would not detriment the appearance of the Chilterns AONB.

Moreover, no aspect of the proposed rear extension would be visible from the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing house and wider street scene. For this reason the proposed rear extension is considered to be a subservient element as it would not detract from the appearance of the existing building. In addition, the proposed design and roof form of the rear extension would match the parent dwelling and remain subservient to the existing dwelling house.

In regards, to the proposed replacement of the rear dormer, it would be marginally smaller in diameter than the existing and would be a minor change, of nominal impact upon the visual amenity of the dwelling house.

Overall, it is considered that the single storey rear extension and rear dormer would be subservient additions to the appearance of the dwelling house and street scene; accordingly the proposed coheres with the NPPF (2012), saved policy 97 and appendix 7 of the Dacorum Local Plan (1991) and policies CS11, CS12 and CS24 of the Core Strategy (2013).

### Effect on Amenity of Neighbours

#### *Policy*

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. Moreover, appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest first floor neighbouring habitable window.

#### *Assessment*

Although, the first floor of the rear extension does not breach the 45 degree line as drawn from the neighbouring habitable windows, the ground floor element of the proposed does significantly beach this 45 degree line as drawn from neighbour pair

number 8 Chapel Close resulting in a loss of light and outlook. The detrimental harm caused as a result of the proposed would be heightened by the close proximity of the extension to the neighbouring pair. Moreover, the proposed height (4 metres) coupled with the expansive overall depth (6 metres) of the proposed single storey rear extension would appear overly dominant and result in severe visual intrusion to the residents at number 8 Chapel Close. It is also important to note that Appendix 7 of the Local Plan (1991) states that single storey rear extension should only be up to 3 metres deep on the party wall boundary between semi-detached or terraced houses. This proposed rear extension's depth of 6 metres along the boundary of number 8 Chapel Close is a direct breach of the policy requirement. Therefore, it is considered that the proposed would appear overly dominant and result in a loss of outlook and light to neighbouring residents at number 8 Chapel Close.

No invasion of privacy would occur as a result of the rear extension as no windows are proposed directly facing neighbouring properties. Furthermore, the proposed sliding doors, windows and replacement dormer to the rear elevation are appropriate in size, position and height; in-keeping with the existing fenestrations of the dwelling house. Subsequently, they would not result in additional impact on the residential amenity and privacy of neighbouring residents.

Appendix 3 of the Local Plan states that rear extensions should not result in momentous loss of rear garden space; a 40 metre (approximately) deep garden would be preserved as a result of the proposed. This would be significantly more than the 11.5 metres recommended.

Thus, it is considered that the proposed would result in a loss of daylight and outlook to neighbouring residents at number 8 Chapel Close and would appear overbearing and dominant. As such, the proposal would fail to comply with the NPPF (2012), appendix 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

### Other Considerations

#### *Sustainability*

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. In this instance a sustainability checklist has been completed and submitted by the applicant for the proposed extension.

The checklist highlights that during the construction of the rear extension water and waste consumption would be minimised. Moreover, the proposed materials would be sourced from sustainable sources, with building insulation levels upgraded and water and electricity supply would be preserved. Furthermore a tree would be planted in order to incorporate at least one new tree per dwelling/per 100sqm.

Overall, the proposed sustainability checklist is considered to satisfy the sustainability criteria as set out under policy CS29 of the Core Strategy (2013).

#### *Pre App Advice*

Although, Pre application advice was sought for the proposed rear extension in 2014, no formal report or email was generated as a result of the meeting. The only comments noted by the Planning Case Officer was that "*Proposals appeared to be generally permissible - depth of first floor extension only question.*" Moreover, the applicant is made aware that although every effort is made to provide comprehensive advice at pre app stage, it is advised that this service constitutes officer opinion only, based on the information supplied, and is not binding on the Council. In particular, should a formal planning application be submitted, other matters pertinent to the proposed development may be raised by further details, third parties and consultees.

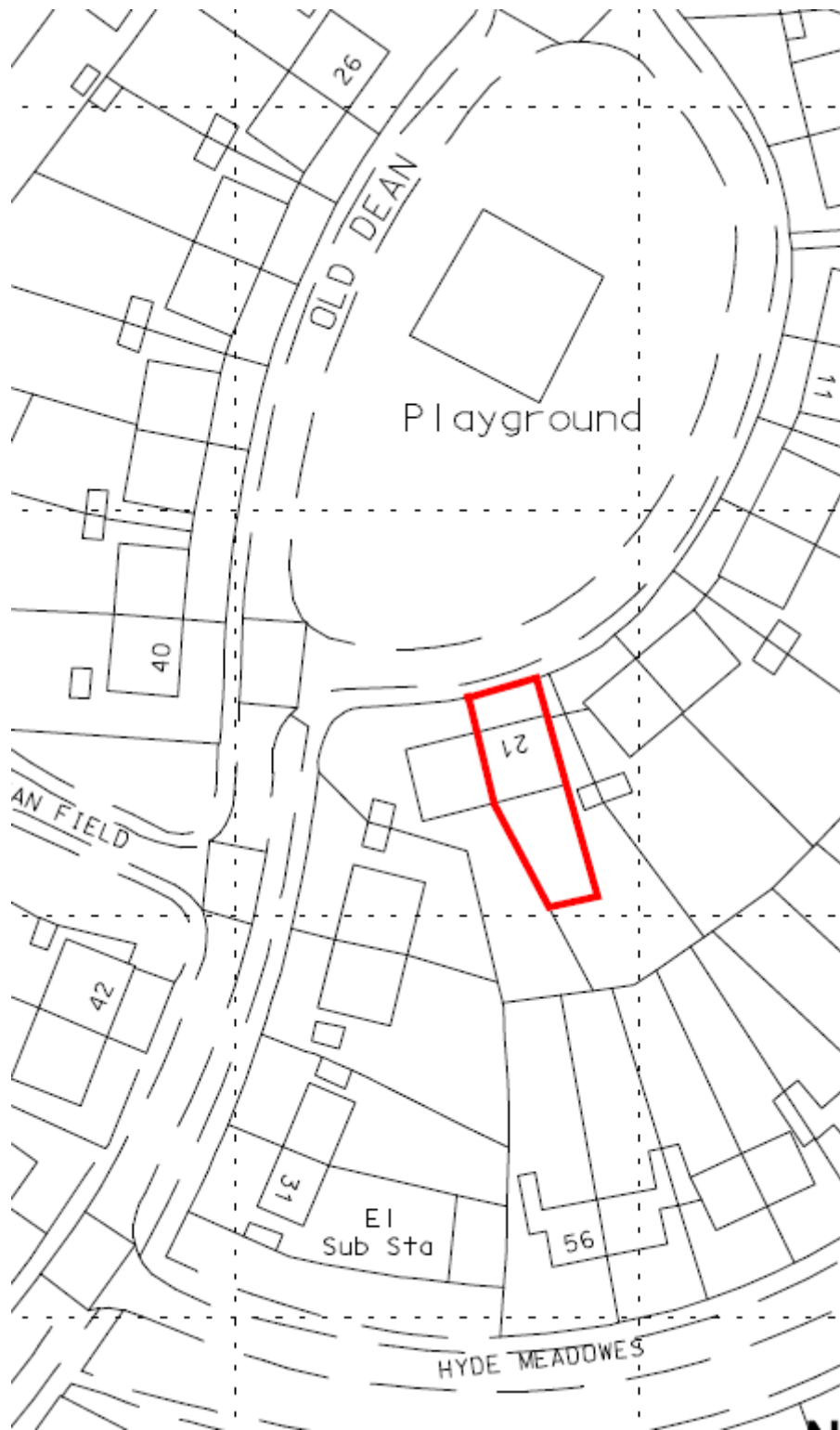
RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1. The application site is located in the Rural Area beyond the Green Belt. Within this area there is strict control over built development. The cumulative size increase of proposed and previous extensions would result in a disproportionate addition, over and above 50% the size of the parent dwelling. Consequently, the proposed would result in detrimental impact upon the openness and visual amenity of the Rural Area.**
- 2. The proposed part single, part two storey rear extension, by reason of excessive depth in conjunction with height and the close proximity to the neighbouring property would result in severe loss of outlook and light for neighbouring residents at number 8 Chapel Close. The application has therefore failed to secure good standards of amenity for existing and future occupiers of land and buildings.**

**Henceforth the proposal fails to meet the requirements of the NPPF (2012), policies CS7, CS11, CS12 of the Core Strategy (2013) and Saved Appendix 7 and policy 22 of the Local plan (1991).**

**ITEM 5.07**  
**4/02436/15/FHA – SINGLE STOREY REAR EXTENSION**

**21 OLD DEAN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ET**

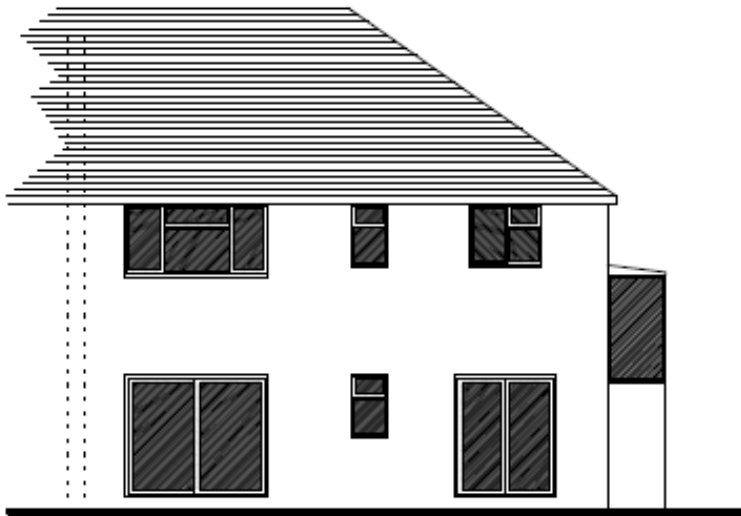


**ITEM 5.07**

**4/02436/15/FHA – SINGLE STOREY REAR EXTENSION**

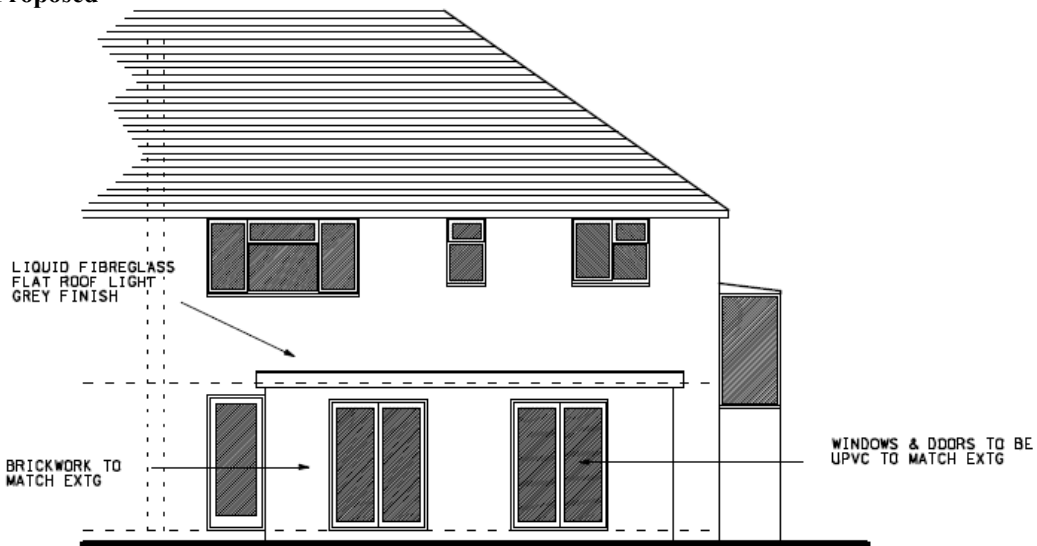
**21 OLD DEAN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ET**

**Existing**



**Rear Elevation**

**Proposed**



**Rear Elevation**

**4/02436/15/FHA - SINGLE STOREY REAR EXTENSION.  
21 OLD DEAN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ET.  
APPLICANT: Ms Hibbert.**

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[Case Officer - Jason Seed]

### **Summary**

The proposal comprises a single storey rear extension which is of modest dimensions and acceptable design and as such, is considered to comply with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved DBLP Appendix 7 - Small Scale House Extensions.

### **Site Description**

The site comprises a two storey semi-detached dwellinghouse which is situated on the southern side of Old Dean. The site is located within Bovingdon, which is designated as a Large Village.

The surrounding area is almost entirely residential in terms of both use and character.

### **Proposal**

The proposal comprises a single storey rear extension which is to be constructed of brickwork to match existing and windows and doors made from UPVC to match the existing. The extensions extend to a depth of 4m and height of 2.65m with a flat roof.

### **Referral to Committee**

The application has been referred to the Development Control Committee as the Freehold of the subject property is owned by DBC.

### **Planning History**

None

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

#### Adopted Core Strategy

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

#### Saved Policies of the Dacorum Borough Local Plan

## Appendix 7 - Small Scale Residential Extensions **Summary of Representations**

Bovingdon Parish Council - Support

Asset Management Team - Objected on the grounds that the proposed development may make working on and maintaining the building difficult, the extension would not be covered by DBC buildings insurance, the lease would require variation, the granting of permission would set a precedent within Old Dean and concerns about damage to host property as a result of construction. Also stated that the leaseholder does not own the structure of the building, they only own the *interior* of the flat - DBC owns the freehold of the building and the land. Further claimed that the leaseholder has not given notice to DBC that they wish to extend the flat.

Response - Matters of buildings insurance, lease arrangements, and potential damage to the host property are not material planning considerations. With regards to precedent, each individual planning application is judge upon its own merits and as such, no weight is given to this objection. Irrespective of planning consent, it will be for the occupier of the property to ensure that all consents from DBC Asset Management Team are in place before commencing work.

In respect of the matter of ownership, the applicant's agents confirmed in an email to the Planning Registry Team on 03/07/2015 that Certificate B had been completed and supplied a copy of this, along with a copy of the Article 6 Notice that was served on DBC on 02/07/2015.

### **Considerations**

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The principle of an extension in this location is acceptable and should be considered primarily against Core Strategy Policy CS12: Quality of Site Design and saved DBLP Appendix 7 - Small Scale House Extensions.

#### Effect on Street Scene and host property

Policy CS12 of the Dacorum Core Strategy (September 2013) and saved DBLP Appendix 7 - Small Scale House Extensions combine to ensure that proposed developments do not have an adverse impact on the character and appearance of an area.

It is considered that the proposed development is of modest dimensions and would be constructed of materials to match the host dwelling. Furthermore, the fenestration is such that it would reflect that which is present within the host property and as such, it is considered that the proposal accords with the requirements of the aforementioned policies and is therefore acceptable.

#### Effect on Amenity of Neighbours

The projection of the rear extension would be limited to approximately 4m and would be located a sufficient distance from the habitable room windows of the neighbouring properties as to ensure that the development would not create a significant

detrimental impact on the amenity of the neighbouring residents.

Due to the orientation of the dwelling, the limited height of the single storey extension and the distance from the boundaries of the neighbouring properties, it is considered that the development would not have an adverse impact on light or amenity to adjoining properties

In terms of privacy, the development would contain windows in the south elevation. However, existing fencing and boundary vegetation provide screening at the rear of the curtilage boundary. It is therefore considered that privacy would not be impacted upon by the development. Finally, it is noted that no objections have been received from neighbouring properties.

The application is therefore considered to be acceptable with regards to the protection of neighbouring amenity and duly accords with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved DBLP Appendix 7 - Small Scale House Extensions.

### **Conclusions**

In an area that is characterised by residential dwellings, the proposed single storey rear extension would not create an incongruous feature in the street scene and would not have a significant detrimental impact on the character of the area or the amenity of the neighbouring properties.

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:**

PL/001  
PL/002  
PL/003

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

- 3 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.



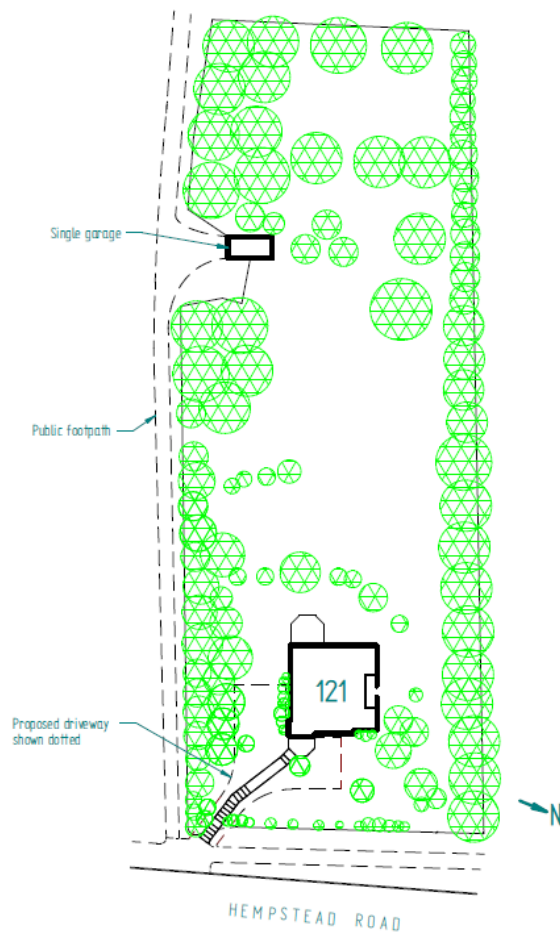
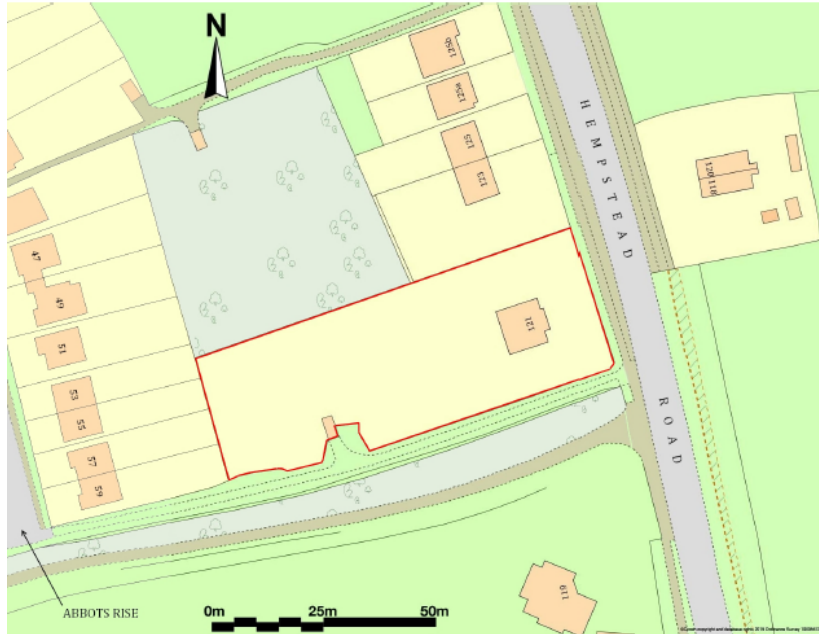
## **INFORMATIVE**

Please be advised that you will require the consent of Dacorum Borough Council (as Freeholder) prior to commencing any works associated with the implementation of this planning permission.

**ITEM 5.08**

**4/01941/15/FHA – CONSTRUCTION OF DRIVEWAY AND HARDSTANDING TO THE FRONT AND SIDE OF EXISTING HOUSE**

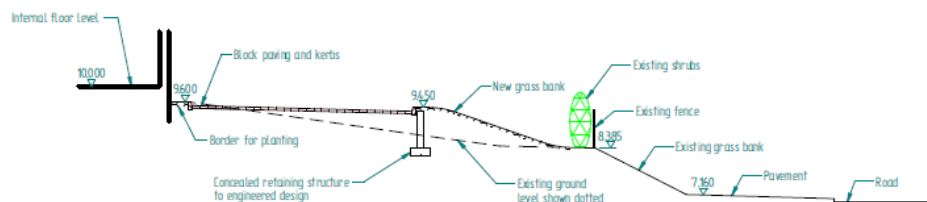
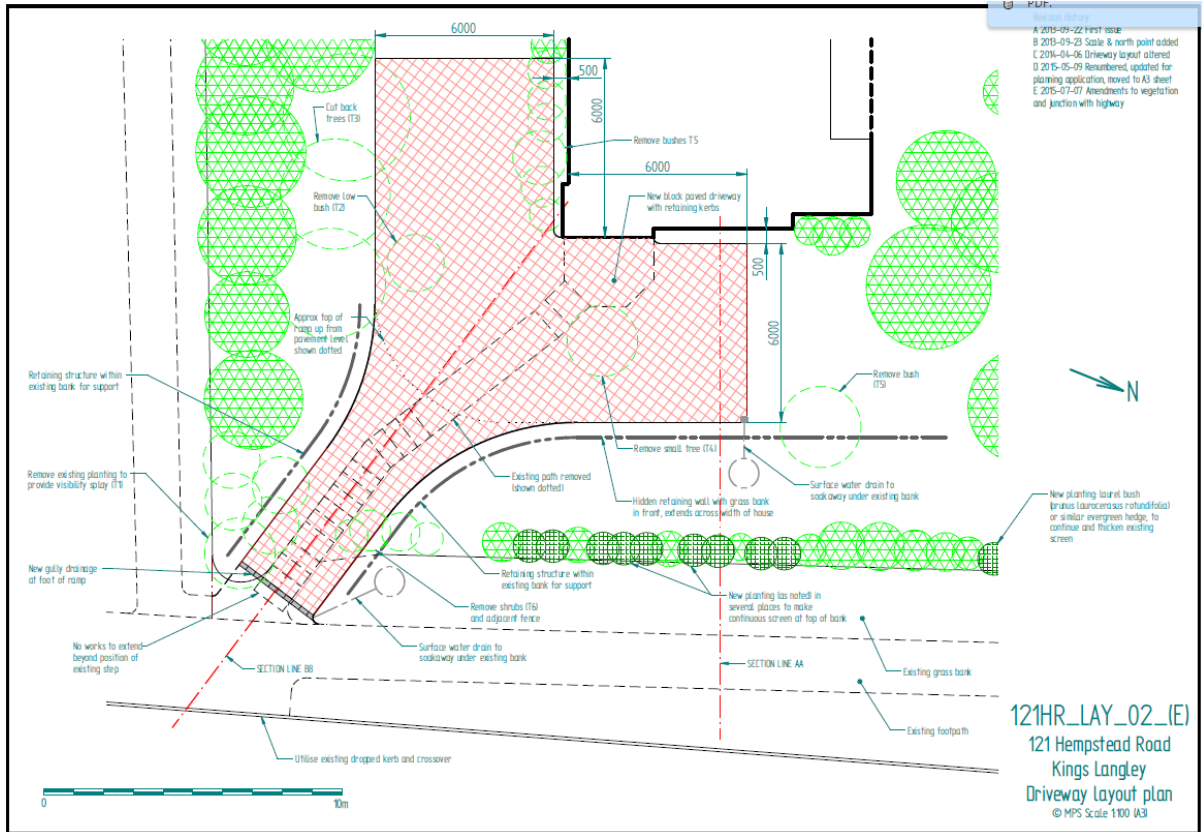
**121 HEMPSTEAD ROAD, KINGS LANGLEY, WD4 8AJ**



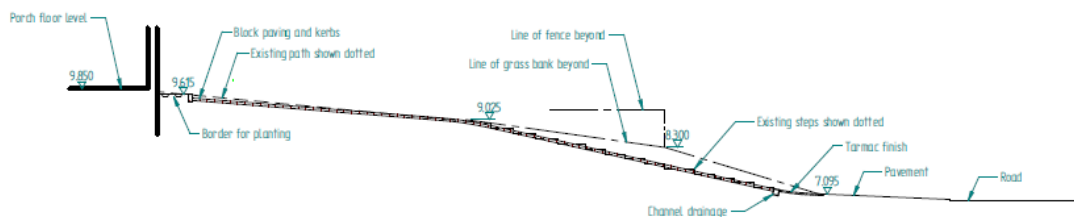
**ITEM 5.08**

**4/01941/15/FHA – CONSTRUCTION OF DRIVEWAY AND HARDSTANDING TO THE FRONT AND SIDE OF EXISTING HOUSE**

**121 HEMPSTEAD ROAD, KINGS LANGLEY, WD4 8AJ**



AA Section through front of garden



BB Section along line of existing path

**4/01941/15/FHA - CONSTRUCTION OF DRIVEWAY AND HARDSTANDING TO THE FRONT AND SIDE OF EXISTING HOUSE.  
121 HEMPSTEAD ROAD, KINGS LANGLEY, WD4 8AJ.  
APPLICANT: MR MILES STEDMAN.**

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[Case Officer - Martin Stickley]

## **Summary**

The application is recommended for approval.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The proposal would improve car parking on the site. Therefore, the proposal is considered acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policy 58, and saved Appendices 5 and 7 of the Dacorum Borough Local Plan (DBLP).

## **Site and Surroundings**

The application site comprises a two-storey detached dwelling on the western side of Hempstead Road, within the residential area of Kings Langley. The property is bordered on one side by a track, which is designated as a public footpath. The current detached garage on the site is accessed via this footpath. The street scene comprises a wide variety of semi-detached and detached dwellings differing in designs and sizes, together with commercial properties.

## **Proposal**

The application seeks planning permission for the installation of a new driveway to the front of the property. The driveway would be accessed through an opening on the most eastern corner of the curtilage onto Hempstead Road. The proposed driveway would include a soakaway.

## **Referral to Committee**

The application is referred to the Development Control Committee at the request of Kings Langley Parish Council and Councillor Alan Anderson on the grounds that the proposal would remove soft vegetation which is screening the property from the roadway, detrimentally hardening the street scene. Furthermore, both the Parish Council and Councillor Anderson raised concerns over highway safety.

## **Planning History**

4/00279/11/FUL ALTERATIONS & EXTENSIONS TO EXISTING HOUSE TO FORM TWO DWELLINGS  
Refused  
19/04/2011

## **Relevant Policy**

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

#### Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

### **Summary of Representations**

#### Kings Langley Parish Council

Object.

The Council objects to this application on two grounds:

- 1) This proposal would involve removing soft vegetation which is screening the property from the roadway, hardening the street scene detrimentally;
- 2) The proposal would add a steep driveway direct onto an A-road, with limited visibility splays, and conflict with the adjacent trackway thus far used for access by this and two other properties

#### Cllr Alan Anderson

I object to this application on the same grounds as the Parish Council, and that if you feel permission could not be withheld, I would be grateful if this application could be referred to Borough colleagues on the DC Committee.

By way of background information, the applicant removed a little of the front vegetation only very recently, so the plans are not strictly accurate and the proposal to a small degree is retrospective.

#### *Comments on amended scheme*

The attached document doesn't offer any change from what was originally proposed, doesn't prevent the removal of the vegetation screening the site, doesn't answer most of the concerns raised by the highways authority, and, incidentally, contains an absurd argument concerning the existing access arrangements.

I'm afraid I therefore still object, for the material planning considerations already provided.

#### Trees & Woodlands

Have reviewed the following application it appears that only relatively minor trees are being removed and although there is a slight de-greening of the setting it is insufficient to raise any objections. There is a public right of way immediately to the entrance to the proposed drive - Highways or Clayton Ray may wish to take a view on that.

## Highways Department

Our Highways department originally objected to the scheme for the following reason:

(xxxi) The alignment and location of the new vehicular entrance would cause conflicts with vulnerable road users (pedestrians) that would be detrimental to their safe passage on the public highway.

However, additional information was submitted by the applicant and correspondence with our Rights of Way team led to the following comment.

*I had understood earlier that our Rights of Way team were very concerned about the conflict that this proposal would lead to. I thought Clayton (RoW Officer) had been part of that recommendation. However now I have his thoughts in writing and he is saying that (a) there is sign of vehicles having used the footpath as stated by the applicant and queried by me and (b) 'I can't see that it is something we could strongly object to from the PRow perspective'.*

*I would therefore like to change my recommendation to Grant with Conditions.*

Please see below for the final comments received from 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:

- No access shall be brought into use until it has been laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on drawings 121HR\_LAY\_02\_(E) 'Driveway layout' and 121HR\_DET\_01\_(A) 'Driveway sections'. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water on to the public highway.

Should permission be granted I recommend inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to

bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. The views of the highway authority on a full householder application for construction of driveway and hardstanding to the front and side of the existing house at 121 Hempstead Road, Kings Langley have been sought.

Additional information was provided in the form of drawing 121HR\_LAY\_02\_(E) 'Driveway Layout plan' and a 5-page document 'Revised and additional information regarding planning application 4/01941/15/FHA' dated 13 July 015.

The drawing shows two 'section lines' which are presumably illustrated on as cross-sections. Of these Line BB is critical to my assessment of the scheme since it shows the construction and slope of the proposed driveway. This is shown on drawing 121HR\_DET\_01\_(A) which was not provided with the amendment but was, in fact, part of the original application information. I am satisfied that it shows an arrangement that could provide access that would make a reasonably safe connection to the public highway. However it is an offence to discharge surface water on to the public highway and in order to prevent this details will be required prior to construction of the drainage system that will need to be robust enough to operate without frequent clearing.

Since then I have discussed the proposals with Clayton Rae who is responsible for the Public Rights of Way (PRoW) network in Dacorum. He has confirmed that (a) there is sign of vehicles having used the footpath as stated by the applicant and queried by me and, crucially, (b) 'I can't see that it is something we could strongly object to from the PRoW perspective'.

I note that bullet point d in point 1 of the 5-page document makes reference to the use of Footpath 44 for access to a garage in the rear garden of the property. I see no evidence of such usage and note that the eastern (Hempstead Road) is too narrow for a car to enter and that the western (Abbots Rise) end is obstructed by a concrete bollard. What evidence can be provided that this manoeuvre takes place and that it is lawful given the footpath's formal status on the Definitive Map?

The current practice of parking on the footpath and verge is strictly speaking illegal whereas to park on the carriageway is not deemed to be safety hazard since no waiting or parking restrictions are in place to deter it.

In the final point of the supplementary document the applicant states that advisory note AN1 would not be required since they do not propose to carry out any work in the highway. However, were they be successful in gaining the permission of the LPA, They would be required to carry out such work since the footway has been designed and constructed to take the load of pedestrians and they would be intending to use it for the passage of vehicles which would require a stronger construction. This work would either be carried out by a contractor employed by HCC or by the applicant's own contractor working under a minor Section 278 Agreement with HCC. Information on these is available on the County Council's 'Guidance for Developers' web page at <http://www.hertsdirect.org/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagement/guidevs/>.

## **Considerations**

The main issue of relevance to the consideration of this application relates to the impact of the works on the on the character and appearance of the dwellinghouse and street scene in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan (DBLP). Other issues of relevance relate to the impact of the proposal on the amenities of the neighbouring properties (Policy CS12 and saved Appendix 7) and the impact on car parking/highway safety (saved Policy 58 and saved Appendix 5 of the DBLP).

### Effect on Appearance of Building and Street Scene

An assessment of the impact of the proposed works has considered the impact on the appearance of the building and street scene. The proposal would not have an adverse impact on the visual amenity of the property or the wider street scene. The works would be situated to the front of the property and would result in the loss of soft vegetation, exposing the proposal to the public realm. Trees and Woodlands responded to the scheme by stating: *"Having reviewed the following application it appears that only relatively minor trees are being removed and although there is a slight de-greening of the setting it is insufficient to raise any objections"*.

Although Trees and Woodlands had no objections, the removal of soft vegetation is still considered a negative aspect of this proposal and was objected to by both Kings Langley Parish Council and Councillor Alan Anderson. Therefore, the applicant was approached for amendments. An amended scheme was submitted which includes replacement planting to offset the some of the vegetation loss and ultimately soften the image on the street scene in accordance with Policies CS11 and CS12. It should be noted that none of the vegetation within the curtilage is protected and therefore the applicant is well within his rights to remove all of the vegetation from his property if he wishes.

It should also be noted that the numerous properties within close proximity to the application dwelling have installed driveways (No's. 118, 119, 120, 123 and 125a). Both 118 and 120 Hempstead Road, adjacent to the application site, have large areas of hardstanding, which are extremely prominent on the street and framed with large imposing walls and gates. The direct neighbour at 119 Hempstead Road also benefits from a large area of hardstanding (more than double the size than proposed), and when moving southwards down the road is fairly prominent. No. 119 is also bordered with imposing walls and gates. When compared to



the neighbouring areas of hardstanding and enclosure, it is considered that the proposal would be fairly insignificant.

In conclusion, it is not considered that the proposed works would significantly detract from the character of the street scene or the appearance of the dwelling in accordance with Policies CS11 and CS12 of the Core Strategy.

#### Effect on Amenity of Neighbours

There would be no significant harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed hardstanding would not impact the neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

#### Access, Car Parking and Highway Safety

Currently the applicant parks on a strip of grass land (amenity land) bordering the adjacent highway. Parking vehicles in this area causes obstructions to pedestrians and has caused considerable damage to the grass verge. The property does benefit from a detached garage in the rear garden (see 121HR\_LAY\_01\_(A)), however, accessing this garage involves driving up a public footpath, which causes obstructions to pedestrians using this path and raises issues with regards to safety. Furthermore, the footpath has not been maintained is currently overgrown. Therefore, manoeuvring a car down the thin pathway would damage vegetation and potentially the vehicle.

With regards to access and car parking, the proposal is deemed as an improvement in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan. Hertfordshire Highways raised some initial objections with regards to highway safety, stating "the alignment and location of the new vehicular entrance would cause conflicts with vulnerable road users (pedestrians) that would be detrimental to their safe passage on the public highway".

However an amended plan, alongside some additional information, was submitted by the applicant and Hertfordshire Highways responded with the following: "I had understood earlier that our Rights of Way team were very concerned about the conflict that this proposal would lead to. I thought Clayton (RoW Officer) had be part of that recommendation. However now I have his thoughts in writing and he is saying that (a) there is sign of vehicles having used the public footpath as stated by the applicant and queried by me and (b) I can't see that it is something we could strongly object to from the PRow perspective".

Therefore, Hertfordshire Highways decided to change their recommendation to 'grant with conditions'. The conditions are set out below.

1. No access shall be brought into use until it has been laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

2. Prior to the first use of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on drawings 121HR\_LAY\_02\_(E) 'Driveway layout' and 121HR\_DET\_01\_(A) 'Driveway sections'. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water on to the public highway.

It became apparent that both of the conditions listed above could be met under an 'approved plans' condition. Hertfordshire Highways were approached and Nick Gough agreed that the conditions could mostly be met under an 'in accordance with the approved plans' condition. However, he did state that although the details of drainage are listed on the drawings, further information would be required (i.e. dimensions of the channel/gully).

Hertfordshire Highways also recommended the inclusion of several advisory notes that would also be added to the decision notice if approved.

**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 Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on drawings 121HR\_LAY\_02\_(E) 'Driveway layout' and 121HR\_DET\_01\_(A) 'Driveway sections'.**

Reason: To ensure satisfactory access into the site and for the avoidance of doubt.

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

121HR\_DET\_01\_(A)  
121HR\_LAY\_02\_(E)

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.

## 6. APPEALS

### A. LODGED

- 4/00310/15/OUT Grand Union Investments Ltd  
DEMOLITION OF EXISTING BUILDINGS AND THE DEVELOPMENT OF THE SITE TO PROVIDE 5 FAMILY HOUSES (USE CLASS C3) INCLUDING THE RETENTION AND PART REBUILD OF THE EXISTING STABLE BLOCK. DETAILS OF ACCESS WITH ALL OTHER MATTERS RESERVED.  
ASHLYNS FARM, CHESHAM ROAD, BERKHAMSTED, HP4 2ST
- 4/00539/14/FUL Howmac Homes Limited  
CONVERSION AND CHANGE OF USE OF FIRST FLOOR OFFICE (B1a) AND GROUND FLOOR ENTRANCE TO THREE SELF-CONTAINED FLATS (C3)  
20 HIGH STREET, TRING, HP23 5AP
- 4/00540/14/LBC Howmac Homes Limited  
INTERNAL ALTERATIONS TO FIRST FLOOR OFFICE AND GROUND FLOOR ENTRANCE TO FACILITATE CONVERSION FROM OFFICES (B1a) TO THREE SELF-CONTAINED FLATS (C3)  
20 HIGH STREET, TRING, HP23 5AP
- 4/00723/15/FHA MR & MRS G NEWCOMBE  
GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION ABOVE 5 THE OLD FORGE, TRING ROAD, LONG MARSTON, TRING, HP234RL

### 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**

4/01369/14/OUT

Peplow  
DEMOLITION OF SIDE EXTENSION TO NUMBER 20 AND  
CONSTRUCTION OF DETACHED FAMILY DWELLING AND  
PEDESTRIAN ACCESS - OUTLINE APPLICATION (INCLUDING  
ACCESS, APPEARANCE, LAYOUT AND SCALE) WITH CAR PARKING  
IN AREA OF DEMOLISHED GARAGE AND PEDESTRIAN PATH ONLY  
TO DWELLING.

LAND TO REAR 18 & 20 MILLFIELD, BERKHAMSTED, HP4 2PB

**F. ALLOWED**

4/03176/14/RET

Sure Trading Ltd  
RETENTION OF SINGLE STOREY SIDE EXTENSION, LOFT  
CONVERSION AND EXTENSION. EXTENDED AND ALTERED  
DRIVEWAY  
8 MANOR ROAD, TRING, HP235DA

The Inspector considered that the scheme has a somewhat awkward roof arrangement with the ridge to the front gable rising above the ridge of the main roof. The front dormer is also a dominant feature within the roof plane, given that the ridge of the dormer extends to the ridge height of the main roof, although in all other respects, it is appropriate in terms of its siting and scale in relation to the roof form. However, the Inspector considered that the impact of these aspects of the scheme design on the street scene are limited to certain viewpoints. These street scene views are principally when approaching the property from the south; from directly in front of the property the scale and proportions of the front gable do not stand out against the height of the main roof and approaching the property from the north the property is not prominent in the street scene.

The Inspector went to consider that the four dormers to the rear are also more dominant features in terms of their relationship to the ridge height of the main roof, but overall they are of a scale and form that they do not detract from the character and appearance of the property or of the local area and she found that the materials are appropriate in the context of surrounding development and respect the street scene. Overall, the Inspector considered that whilst some aspects of the scheme, taken individually, are awkward in terms of their design, the design incorporates features which are common in the local area and, taken as a whole, generally accords with the street scene. It was noted that objections have been raised regarding the impact on neighbours' living conditions however the Inspector considered that the alterations, particularly to the roof form would not materially harm the outlook for any of the surrounding neighbours, taking into account the relationship of neighbouring properties and the appeal dwelling and the scale of the alterations and extensions to the property.

## **7. EXCLUSION OF 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: