

**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.**

[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:

- 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:

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.

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 constructed 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/devmanagment/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.