

ITEM 5.3

4/01038/13/FUL - CONSTRUCTION OF ONE 2 BED DWELLING WITH ASSOCIATED CAR PARKING LAND AT IVYCOTE, ST. ALBANS HILL, HEMEL HEMPSTEAD, HP3 9JP APPLICANT: MR S WRIGHT-BROWNE

[Case Officer - Paul Newton]

[Grid Ref - TL 06653 06317]

Summary

The application is recommended for approval. The site falls within the urban area of Hemel Hempstead wherein the principle of residential development is supported in land-use terms. The design of the dwelling is considered appropriate in its context and will not be harmful to the streetscene. The proposal will not result in any significant loss of amenities to neighbouring residential properties or the adjoining mosque. Adequate parking and access will be provided for the proposed dwelling.

Site Description

The application site is sited between a semi detached property Ivycote/Kilncotes and Hillcrest on the south eastern side of St Albans Hill opposite the Hemel Ski Centre site. The site currently accommodates a small detached bungalow.

The site slopes steeply up towards the rear of the plot with a significant height difference between the lower land at road level and the rear garden boundary.

The site is located within an area dominated by two storey residential development with occasional examples of three storey flatted development at Gilbert Burnett House and townhouses to Crabtree Lane. The appearance and scale of buildings at Hemel Ski Centre and Jarmans opposite reflects the importance of these buildings as landmark structures.

Hillcrest was formerly a detached chalet bungalow, however, for many years the property has been used as a Mosque. This property has its front elevation facing towards the application site.

Proposal

The application proposes the demolition of an existing bungalow building and the construction of a 2 storey detached dwelling in between Ivycote/Kilncotes and Hillcrest. A driveway with space for 2 spaces will be provided to the side of the unit adjacent to Kilncotes. A tiered amenity space of 10.5m x 10.7m will be provided to the rear with existing trees/hedge along the rear boundary largely retained.

Referral to Committee

The application is referred to the Development Control Committee due to a similar application being previously refused by DCC.

Planning History

2438/07 - fourteen flats - refused

4/00192/10/FUL - Construction of 2 bed dwelling with associated car parking -
Granted 1/4/2010

4/00146/13-Demolition of Bungalow and construction of 3 bedroom dwelling -
Refused - 13/05/13 - Awaiting appeal decision.

Policies

National Policy Guidance

NPPF

Circular 11/95

Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 10, 11, 13, 51, 54, 58, 99, 111, 122 and 124
Appendices 1, 3 and 5.

Supplementary Planning Guidance

Development in Residential Areas
Environmental Guidelines
Area Based Policies

Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Policies NP1, CS1, CS4, CS8, CS11, CS12, CS13 and CS29.

Representations

Hertfordshire Highways

On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to a condition relating to the storage of construction materials to ensure they do not interfere with the public highway.

Trees and Woodlands

I commented on this application in March 2010. While I did recommend the retention of several trees within an existing hedge, I did not consider these trees sufficiently valuable to merit protection either by TPO or a Planning condition. I can therefore confirm that at present, there are no trees worthy of retention on this site.

Contaminated Land Officer

The site is located immediately adjacent to potentially contaminative former land uses (lime works and landfill site). Consequently there may be land contamination issues associated with this site. I recommend that a contamination condition be applied to this development should permission be granted.

Response to Neighbour Notification

Quwwatul Islam

We are writing to strongly object of any further development on this site especially to the planning application for a construction of a 1x two-bed dwelling with associated car park on land adjacent to Ivycote, St Albans Hill, and Hemel Hempstead, HP3 9JP. We strongly oppose the construction of the above mentioned development.

The main reasons for the objection is:

Considerations

Policy and Principle

The application site falls within the urban area of Hemel Hempstead where the principle of residential development is supported. The previous approval, although no longer extant, further endorses this position since it was approved under a very similar policy regime. Although a slightly larger 3 storey dwelling was recently refused on the site this application should be considered on its individual planning merits. The key issue is therefore whether the proposed dwelling can be satisfactorily accommodated on the site without harming the streetscene or amenities of neighbouring properties.

Impact on Street Scene

The site falls within the Crabtree Character Area which is described in the Area Based Policies as *"An area strongly characterised by regularly spaced inter-war housing based on a road structure of parallel roads ascending the north-east side of the Gade Valley, and substantially infilled and extended with housing from all ages onwards"*. There are a wide variety of house types and designs in the area, mainly two storey in height but there are a number of higher 3 storey buildings such as Gilbert Burnet House. The area around the application site is not particularly characteristic of other development in the area and perhaps the key feature when approaching the site is the large landscaped bank fronting St Albans Hill. The Guidance for this area indicates that infilling may be acceptable subject to the Development Principles.

The dwelling will be sited between a two storey semi-detached cottage known as Kilncotes and a chalet bungalow known as Hillcrest which is used as a Mosque. The Mosque building sides onto the road and is sited on land significantly above the highway.

The proposed two storey dwelling will be of different character than the neighbouring properties, however, bearing in mind the mixed character in the immediate area it is considered this will not be harmful to the overall streetscene. The dwelling is of similar design to the properties recently constructed to the rear of Kilncotes and Ivycote and is shown to be constructed with the same materials.

The building is to be sited almost in line with the adjacent dwellings and further forward than the mosque. In terms of siting the position is considered acceptable and will not harm the overall streetscene.

The ridge height of the property will be 0.635m below that of Ivycotes/Kilncotes and 2.157m below that of the mosque building and will therefore not appear incongruous or out of context in height terms.

In the context of the neighbouring dwelling and the Mosque it is considered the proposal will not appear so dominant or harmful to the streetscene to justify refusal. Although houses have recently been constructed to the rear of Ivycotes/Kilncotes this application needs to be considered on its individual merits. In assessing the previous applications to the rear it should be noted that the Council was satisfied that the construction of the 3 houses to the rear together with the construction of a house to the side of Ivycote/Kilncotes would not constitute overdevelopment of the site.

Impact on Trees and Landscaping

The proposal will result in the loss of a number of conifer trees along the side boundary of the site. However, the trees are not particularly attractive specimens and are not worthy of protection. The submitted plans indicate additional planting will be provided to the front/side of the property.

Impact on Neighbours

An objection has been received from members of the neighbouring mosque. In response to the concerns raised

• Visual Intrusion

There is no right to a view in planning terms. Although the building will be more prominent than the existing bungalow it would not be so visually intrusive to justify refusal. It should be noted there are no adopted guidelines for distances between the front of dwellings/Mosque and the side elevation of a proposed dwelling. The side of the dwelling will be 9m from the front elevation of the Mosque with a lower ridge height. The dwelling is of the same height, design and location as that previously approved in 2010.

• Overlooking loss of privacy

There are no windows in the side elevation facing the Mosque. Although there will be oblique views from the rear bedroom window due to the relative height of the first floor windows and the existence of an existing fence views would be obscured and

grounds for refusal could not be sustained.

- Highway safety

The application proposes the provision of 2 off-street parking spaces for a 2 bedroom dwelling which meets the maximum parking standards of 1.5 spaces. The highway authority have confirmed they have no objections to the proposals in Highway safety terms.

The area to the front of the existing bungalow is currently utilised on occasions for parking for existing residents. It should be noted that the previous approval indicated the provision of 2 spaces in this location. The plans have been amended to indicate the relocation of a lamppost to allow safe access to the spaces.

- Loss of light/overshadowing

The proposed building will clearly be more visually prominent than the existing bungalow being taller and closer to the boundary. However, due to the juxtaposition, the dwelling will be sited North east of the Mosque, there will be no significant loss of sunlight or overshadowing.

The front upper floor rooms of the Mosque are used as bedrooms for the preachers. Although the proposed dwelling will appear more dominant than the existing landscaped boundary it will not result in a significant loss of light as the building will not encroach the 25 degree angle commonly used in assessing light levels. The proposed ridge height of the dwelling is below that of the existing neighbouring dwellings and significantly below the ridge level of the mosque and therefore reasonable skylight will be maintained.

It should be noted there are no minimum guidelines relating to front to front or front to back relationships between residential properties. In addition it should be noted that the mosque sits much further back from the road than the proposed dwelling to the south-west of the proposed dwelling and therefore sunlight to the mosque will not be significantly affected.

Other matters

The proposed garden of the unit of 10.6m is slightly below the minimum guidelines of 11.5m laid down in Appendix 3 of the Adopted Plan, however, due to the orientation of the dwellings to the rear and the land levels this will not result in any issues in relation to overlooking. The guidelines in relation to garden sizes do accept that reductions in garden depth may be acceptable in areas in close proximity to open land which is the case in this instance. In addition the garden, although not particularly deep, has a generous width of 10.7m and is considered acceptable in size terms for a property of this scale. The plans have been amended to improve the usability of the garden by creating a large sunken patio area immediately to the rear of the dwelling. This will create a large, enclosed sitting out area of approximately 50sqm.

Bearing in mind comments from the Contaminated Land officer in relation to previous

uses in the area (lime works/landfill) a contamination and land stability condition has been imposed.

Due to the constrained nature of the site and close relationship with surrounding properties conditions have been imposed to prevent further extensions, outbuildings and alterations without planning permission.

Although it is recognised that an application for a 3 storey, 3 bedroom dwelling was recently refused by committee this application needs to be considered on its individual merits. The current application differs in 3 key areas to the refused scheme namely the height - 2 storey rather than 3, the design - this follows that on the properties recently approved to the rear, and its position - it is now further forward lining up with the neighbouring cottages and creating a deeper more usable garden area. These changes overcome the concerns previously expressed by the committee in relation to height, massing, limited garden areas, overdevelopment and impact on the neighbouring mosque.

It should also be noted that the scheme is almost the same as that approved in 2010. The committee should be mindful that circular 3/2009 in relation to costs awards states:-

'The following are examples of circumstances which may lead to an award of costs against a planning authority.....

failing to grant a further planning permission for a scheme subject of an extant or recently expired permission where there has been no material change in circumstances'

Although the NPPF has been introduced since the previous approval and the Core Strategy is at an advanced stage there are no specific changes in policy direction in relation to housing development in sustainable urban locations.

Conclusions

The construction of a dwelling on this site is acceptable in principle. The design of the dwelling is well proportioned and appropriate in its context. It is considered the proposal will not result in a significant loss of amenities or harm to 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 **No development shall take place until details of the materials to be used in the construction of the external surfaces 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 a satisfactory appearance to the development and to accord with the requirements of Policy 11 of the DBLP 1991-2011 and Policy CS 12 of the Pre-Submission Core Strategy(including modifications) .

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

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with the requirements of Policies 11 and 99 of the DBLP 1991-2011 and Policies CS 12 and 25 of the Pre-Submission Core Strategy(including modifications) .

4 Prior to the commencement of the development hereby permitted a slope stability report shall be submitted to and approved by the local planning authority in writing. The development shall be constructed in accordance with the approved statement.

Reason: To ensure the stability of the site and surrounding land accord with the requirements of Policy 11 of the DBLP 1991-2011 and Policy CS 12 of the Pre-Submission Core Strategy(including modifications) .

5 The development hereby permitted shall not be occupied until the arrangements for vehicle parking (including the construction of a dropped kerb and relocation of the lamp post) as shown on Drawing No.SL01B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and to accord with Policies 11, 51 and 58 of the

DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy (including modifications).

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification), no extensions, garages/outbuildings, windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings/Mosque, site stability, visual amenity to ensure adequate amenity space and to ensure a high quality development as required by Policy 11 of the DBLP 1991-2011 and Policy 12 of the Pre-Submission Core Strategy (including modifications).

- 8 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance Policies and Policies NP1 and CS 28 and 29 of the Pre-Submission Core Strategy(including modifications)

- 9 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety accord with the requirements of Policies 11, 51 and 58 of the DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy(including modifications)

- 10 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety Policies 11, 51 and 58 of the DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy(including modifications)

- 11 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a basic hazard assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a "conceptual model" of the site is constructed and a basic hazard assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 12 **All remediation or protection measures identified in the Remediation Statement referred to in the above condition shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

INFORMATIVE:

The applicant is advised that Phase I and Phase II reports relating to site contamination should be carried out by or under the direction of a suitably qualified person.

These reports should comply with BS 10175 which clearly sets out how a site investigation and risk assessment should be carried out.

Contaminated Land Planning Guidance can be obtained from Environmental Health or via the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

HIGHWAY INFORMATIVES:

The highway authority requires that any modifications to the existing vehicle crossover should be undertaken by approved contractors and that the works are carried out to their specification by a contractor who is authorised to work in the public highway. The applicant will need to apply to the South West Hertfordshire Highways Area Office (Telephone 01923 257000) to arrange this.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where new dwellings are acceptable in principle in accordance with Policies 2 and 9 of the Borough Plan. The proposed dwelling would have a traditional appearance which would assimilate with other dwellings on St Albans Hill. There would be no detrimental impact on the appearance of the street scene. The amenity of adjoining neighbours would not be significantly adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 11, 51, 58 and Appendices 3 and 5 of the Borough Plan and Policies CS 8, 9, 11, 12 and 13 of the Pre-Submission Core Strategy (including modifications).

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 51, 54, 58, 99, 111, 122 and 124.
Appendices 1, 3 and 5.

Supplementary Planning Guidance

Development in Residential Areas
Energy Efficiency and Conservation
Environmental Guidelines
Water Conservation.

Pre-Submission Core Strategy with Modifications

NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS25, CS28, CS29, CS31, CS32

Note 3 - 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.