

**4/00146/13/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF THREE BED DWELLING.
LAND AT IVYCOTE, ST. ALBANS HILL, HEMEL HEMPSTEAD, HP3 9JP.
APPLICANT: MR S WRIGHT-BROWN.**

[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 although larger and more dominant than a previously approved scheme on the site 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 Ivycote 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 small bungalow and its replacement with a 3 storey detached dwelling. The dwelling features a half hipped front gable with a feature two storey projecting bay. The dwelling will be constructed with a grey slate roof and off white rendered walls. Slate hanging tiles are to be utilised on the projecting bay and the upper floor of the building. A driveway with space for 2 spaces will be provided to the side of the unit adjacent to Ivycote. A tiered amenity space will be provided to the rear of the property.

Referral to Committee

The application is referred to the Development Control Committee at the request of Ward Councillor Mahmood due to concerns expressed locally as to whether the development is sympathetic to the environment.

Planning History

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

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 conditions relating to provision/retention of parking spaces, details of surface water drainage and provision storage and delivery space during construction.

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

Original Plans

Letter and a petition from Quwwatul Islam with 307 signatures objecting to the proposal for the following reasons

- visual intrusion (view from bungalow will be lost)
- overlooking/loss of privacy (40-50 primary aged children attend daily religious classes)
- highway safety
- loss of light/overshadowing to the front of the mosque

Amended Plans

- The revised scheme have not allayed the fears resident and users of the Mosque
- scheme is not considerate to its neighbours having a solid 3 storey high wall diectly in front of the front door, downstairs windows and front bedroom windows.
- the accommodation is occupied daily by the Imams
- hard to imagine a 3 storey building less than 10m away from a bungalow
- too much mass and obstruction
- local community unanimously object to these proposals
- the proposals are against the spirit of localism and the community wist to exercise their "right to challenge"

Considerations

Policy and Principle

The application site falls within the urban area of Hemel Hempstead wherein the principle of residential development is supported. The previous approval although no longer extant further endorses this position. 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 detached cottage known as Ivycote 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 three storey dwelling will be of different character than neighbouring properties, however, bearing in mind the mixed character in the immediate area it is considered this will not be necessarily harmful to the streetscene. It is considered that the dwelling is well proportioned and of attractive design.

The building is to be sited almost in line with the side of the mosque and further back from the road than Ivycote. In terms of siting the position is considered acceptable and will not harm the overall streetscene.

After discussions with the architect the height of the dwelling has been reduced. The ridge level of the building is now shown to be 0.875m higher than Ivycote and approximately 0.675m below the ridge height of the Mosque. 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.

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.

Impact on Neighbours

None of the surrounding residential properties have objected to the proposals. Although the extension will be sited beyond the rear of Ivycote it will not breach the 45 degree line. The windows in the side elevation facing Ivycote are shown to be obscure glazed avoiding any overlooking.

There is a recent development of 3 dwellings which have been sited on the higher ground to the rear of Ivycote. Due to the position of these properties and the relevant land levels, it is considered the proposal will not significantly impact on the amenities of these properties.

Strong objections have been received from the adjoining mosque users. As a result of these concerns the applicant met with the Mosque representatives and agreed to a number of amendments which have resulted in the reduction of the height of the building and the inclusion of a privacy wall on the rear elevation to avoid any overlooking of the washroom. However, after re consultation the Mosque Committee have confirmed they still wish to maintain their objection - a response to the Mosque communities concerns are laid out below

- Visual Intrusion (View enjoyed will be lost)

There is no right to a view in planning terms. Although the building will be significantly 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 slightly lower ridge height.

- Overlooking loss of privacy

The construction of a privacy screen on the rear elevation of the building will prevent any significant overlooking of the Mosque and the Washroom. There are no windows in the side elevation facing the Mosque.

- Highway safety

The application proposes the provision of 2 off-street parking spaces for the 3 bedroom dwelling which meets the maximum parking standards of 2.25 spaces. The highway authority have confirmed they have no objections to the proposals in Highway safety terms. It should be noted that the previous approval indicated the provision of 2 spaces in this location.

- Loss of light/overshadowing

The proposed building will clearly be more visually prominent than the existing bungalow being significantly 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 respective buildings are of similar height above road level 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.

Other matters

The proposed garden of the unit of 6.7m is 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 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 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.

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.

The Mosque Committee have raised comments regarding the Localism Act. The Act clearly seeks to give more power to local communities and authorities by devolving power downwards the right to challenge enables local communities to challenge to take over local services however, this is not relevant to the consideration of this planning application, nevertheless the concerns raised by the community are material considerations which need to be considered in the assessment of the planning application.

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.

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. Although the dwelling will be larger and more prominent than the existing dwelling it is considered the proposal as amended 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:

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 Policy 11 of the DBLP 1991-2011.

- 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, including the provision of sustainable drainage;**
- **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.

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

P0101b-col.RevA1

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

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. P0101b-col.RevA1 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 Policy 58 of the Adopted DBLP 1991-2011.

- 6 **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.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no 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 and to ensure a high quality development as required by Policy 11 of the Adopted DBLP 1991-2011.

- 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.

- 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.

- 10 **Prior to the commencement of development details of areas to be used for construction vehicles and storage during construction shall be submitted and approved by the local planning authority. These areas shall be retained for this purpose during the construction/development phase.**

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

- 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 is of attractive, well proportioned design and would not harm the streetscene. 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.

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.
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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.