

**4/02008/11/FUL - ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED SCHEME).  
THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA.  
APPLICANT: BLACK LAB DEVELOPMENTS LTD.**

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[Case Officer - Yvonne Edwards]

[Grid Ref - SP 98498 07762]

### **Summary**

The application is recommended for approval.

The amended scheme has addressed the reasons for the dismissal at appeal of the 2010 application. This has been achieved by reducing the proposed openings in the Grey House itself, in both size and number, and by reducing the number of proposed dwellings to five. The pair of semi-detached dwellings has been removed, being replaced by one, 2-storey dwelling which has been designed to complete the courtyard element of the scheme. This has reduced the loss of the garden thus retaining further trees and leaving a wide gap between the Grey House and the new dwelling to its side. It is considered that the reasons given by the Inspector for dismissing the appeal on the previous submission have been addressed successfully and this scheme may be granted permission.

### **Site Description**

The Grey House is a large Victorian villa in a prominent hillside site at the top of Kitsbury Road, within the Berkhamsted Conservation Area. It is set in large grounds for the immediate area, which is characterised as a transition between the high density terrace dwellings to the north and the low density detached dwellings to the south. The dwelling is in a poor state of repair and the grounds are overgrown. There are a number of trees on the site, including a collection of fruit trees, which are currently protected by an area tree preservation order.

The vehicular access to the site is directly adjacent to steps at the entrance of the alleyway leading to Anglefield Road. The gate piers and associated walls are in a poor state and the downhill section of the wall has collapsed.

### **Proposal**

It is proposed to restore the Grey House, with a new rear wing to replace the existing, subsiding wing. This would be shorter, but wider, to contain a double garage with parking in front on the ground floor and bedroom above. The made ground which forms the front slopes to the dwelling is to be partly excavated to allow the cellar to become a lower ground floor, with a single leaf door proposed in each bay. The Kitsbury Road elevation front door has been redesigned to complement the architecture of the dwelling better, with a reduced opening and small canopy.

The existing garage is to be demolished and the entrance widened slightly to allow access to the site. A site access drive is proposed to go east-west across the site and would give access to two tiers of development: the rear tier would be on the upper part of the site and a two-storey dwelling is now proposed to the west of the Grey House. The rear tier would contain one and a half storey dwellings, set partially lower than the existing ground level to maintain subservience to the Grey House. A lodge (2-bed dwelling) is proposed to the eastern boundary, with a short terrace of three dwellings, one 3-bed and two 4-bed, proposed to the west of this;

the terrace would have sunken patios to the rear. The single dwelling (Gardener's House) would be a 4-bed, two storey dwelling, with an attached garage which would be one of a pair of single garages completing the enclosure of the courtyard; the second garage would serve the coach house. There would be two dedicated parking spaces per dwelling, with room for informal parking on the access road.

The submitted plans have been amended to remove the Grey House dormer window to the front roof slope and redesign the doors. Other minor alterations have been made to the design of the proposed dwellings. Minor amendments have also been made throughout to rectify errors made due to the use of superseded base plans.

### **Referral to Committee**

This application is before the committee due to the differing views of Berkhamsted Town Council and as the previous application was refused by the committee.

### **Policies**

#### National policy guidance

PPS1, PPS3, PPS5, PPS9

Circular 11/95

#### Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120

Appendices 1, 3, 5, 7

Conservation Area Character Appraisal for Berkhamsted

#### Supplementary Planning Guidance

Environmental Guidelines: Section 7

#### Pre-Submission Draft of the DBC Core Strategy

Policies CS1, CS12, CS17, CS27, CS29, CS31, CS32

### **Representations**

#### Berkhamsted Town Council

The Town Council have objected for the following reasons:

- Scale and massing which represents an overdevelopment of the site
- Lack of balance between the built development on site and green (garden) space
- Lack of amenity space for buildings 2-5 and garden space which is incompatible with the surrounding area
- Insertion of tall narrow windows to expose the basement which would elongate the shape of The Grey House (Contrary to the Planning Inspector's recommendations)
- The insertion of the front dormers which are alien to the property and surrounding area (Contrary to the Planning Inspector's recommendations)

Contrary to Policies 11,120 and Appendices 3 and 7 Dacorum Borough Local Plan, Planning Policy Statements 3 and 5, and previous Planning Inspector's recommendations

### Conservation and Design Officer

Following detailed negotiations resulting from the appeal decision, I confirm that I now find this scheme acceptable and consider that the Planning Inspector's concerns have been adequately addressed.

I am satisfied that the scheme will not have a harmful effect on the character or appearance of the conservation area or on the Grey House which is a local heritage asset. The courtyard development will create an attractive enclosed area and the gardener's house will adequately maintain open views across the valley.

I am happy this is recommended for approval subject to conditions and the removal of permitted development rights.

### Tree Officer

I make the following comments in relation to this application, in addition or revision to previous comments included below to plans for this site (4/01151/10/FUL);

- Tree removal has previously been discussed, the quantity and location of trees agreed by the applicant and this department.
- It is apparent that the removal of an additional Apple tree is proposed close to the boundary of The Grey House and dwelling 3, as shown on the site plan. The removal of this Apple tree is regrettable but understood given its position near to the main vehicular access to dwellings 3, 4 and 5.
- There is scope within the grounds of the proposed Grey House plot to replace this Apple tree with another of similar variety and appearance.
- The existing grounds of The Grey House are covered by Area Tree Preservation Order. As such the duty to replace each tree removed due to the development of the site could be imposed. Tree replacement should reflect in number and variety that lost to development. Tree replacement proposals should be agreed with this department stating tree species, tree size, location, planting specification and maintenance regime.
- Tree planting had been proposed in the original scheme between new dwellings and the north-western boundary. However, in these revised plans there is insufficient space in which to plant at this location. Additional areas of planting should be identified.
- Although built structures are proposed close to the north-western boundary it is unlikely that the installation of necessary foundations will affect vegetation in adjoining property. Here vegetation is of small size and so root systems will reflect this and be unaffected by the excavation of foundations.
- Details of ground protection measures should be forwarded to this department for approval, showing how the root protection areas (RPAs, BS5837:2005) of retained trees are to be safeguarded.

### Environmental Health Officer

No comments to date.

### Contaminated Land 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 I recommend that a contamination condition be applied to this development should permission be granted. I

note from the submitted sustainability statement it appears that a Phase 1 site investigation has been undertaken. Ideally this should be submitted to the Council for approval prior to determination of the application.

#### Herts Highways

No comments to date.

#### Herts Property Services

No comments to date.

#### Herts Biological Records

I have considered the accessible details of the above and have the following comments:

1. There are two principle ecological issues associated with the impact of the development proposals on this site: orchard habitat within the grounds of the Grey House and bats.

2. In respect of the orchards (as part of the grounds of the Grey House), the current D&A Statement refers to Policy 11. It is clear that the loss of 90% of the fruit trees -which together technically meet 'Priority Habitat' status as an orchard - will mean that the impact will not satisfy the requirements of Policy 11. However, we have no further information on this site other than that available previously and it is unlikely that the site would meet Wildlife Site status (which locally is more rigorous than the Priority Habitat status to take account of the potential for garden sites with half a dozen small trees to meet the criteria). However recent survey work (2011) across the county has demonstrated the significance of even relatively small sites of some historic standing in supporting a rich and characteristic lichen flora. Therefore what would effectively be the complete loss of this orchard site locally will be harmful.

3. The inspector's views at the Appeal further endorse the current nature of the site in respect of the role it plays as part of the conservation area. Unless the proposals are significantly modified in respect of the extent of new development, this character will be degraded as they will reduce the substantial gardens and largely undeveloped nature of the plot. Despite accepting other aspects, this is recognised as a fundamental issue by the Inspector.

4. The previous application's concerns regarding desirable retention of trees in respect of landscaping contrasts somewhat with the almost wholesale loss of trees the proposals will cause.

5. Consequently, whilst the new proposals may have overcome some of the issues sufficiently to justify an approval of the current application, I consider the proposals, if approved, remain sufficiently damaging locally to require compensation for their impact on the orchard and wildlife habitat it generally provides. The provision of a commuted sum for orchard conservation as proposed previously would appear entirely consistent with the desire of the applicant to minimise the impact of the proposals. Whilst this will not serve to achieve this on this site, the opportunity to provide a future replacement resource elsewhere in the locality is not an unreasonable requirement if the current proposals are approved.

A commuted sum should be paid to enable a replacement orchard to be created locally to compensate for the loss of the feature within the site. This should enable a sufficient number of fruit trees to be planted to create a discrete new feature on suitable land elsewhere, of a similar size and variety of trees.

Any monies could be paid to Hertfordshire Orchards Initiative, which is the County Biodiversity Action Plan Group established to further orchard conservation within the county. £1000 would contribute to a new orchard of 25 trees and support the

enabling work of HOI.

6. In respect of bats, no evidence was found previously despite the circumstances which appeared highly likely to support bats. Consequently a supervised roof stripping was advised. However, given that the original report is now over one year old and circumstances may have changed, I advise that another Inspection Survey is undertaken prior to any works commencing and a report made available to the LPA. Given the lack of previous evidence, I would be content if this was to be undertaken as a Condition of approval rather than a requirement before current determination, although as this can be undertaken at any time of year, strictly speaking this could be undertaken now. However in the circumstances I do not see why this should hold up a determination at this stage given that a previous survey found no evidence. Another inspection survey is primarily precautionary, but if this was to prove positive, further surveys and a mitigation strategy would be a necessary requirement before the Condition could be discharged to enable the development to proceed.

7. In any event, I advise that if approved, it would be sufficient to attach an informative to any permission relating to bats

#### English Heritage

We do not wish to offer any comments on this occasion.

#### Fire Officer

No comments to date.

#### Thames Water

Sewerage infrastructure - we would not have any objection to the above planning application.

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

#### Crime prevention officer

No comments to date.

#### Local residents

There have been numerous letters of objection from local residents. These have centred on a number of issues most notably: the loss of a garden; the scale and design of development; access; road safety; loss of wildlife habitat; loss of trees; overlooking and parking.

These are summarised by address where this has been provided:

89 Cross Oak Road  
overdevelopment in conservation area

overlooking  
loss of privacy  
noise from cars close to garden boundary  
tree loss especially on boundaries  
affects wildlife habitat  
impact on road congestion and safety at the intersection with Charles Street  
potential danger to pedestrians, especially young children  
threat to quality of area

#### 93 Cross Oak Road

no consultation with residents by developer  
the proposals jeopardise the integrity of the conservation area  
the proposals are out of context with the surrounding building lines, layouts and patterns  
felling of a number of trees  
increase in the number of cars  
inadequate access  
over development of the site

#### 95 Cross Oak Road

overdevelopment of backland, still an imbalance of built form and garden  
adverse effect on grey house and conservation area  
gardens are too small  
tree loss especially on boundaries  
loss of privacy due to garden overlooked by bedroom window  
visual intrusion  
noise  
lack of proper visibility splays and limited access for dust cart

#### 105 Cross Oak Road

only one fewer house than previous  
overdevelopment  
fails to maintain the balance between built development on the site and its gardens  
development neither enhances nor preserves the conservation area  
access road remains a potential danger to pedestrians, especially young children  
brick wall at garden bottom  
overlooking  
no shortfall of housing supply  
the edge of Victorian Berkhamsted  
plot provides a green backdrop  
the site adds to the variety of the townscape

#### 87 Charles Street

a gross overdevelopment of this house and gardens  
development does not preserve or enhance the established character or appearance of the area  
unacceptable removal of trees  
provides a green backdrop  
potential danger to pedestrians, particularly young children going to and from school  
unacceptable pressures on street parking  
fails to maintain the balance between built development on the site and its gardens

#### 5 Kitsbury Road

out of keeping with the conservation area  
overspill parking from visitors will place further unacceptable pressures on highway

the site currently provides valuable wildlife habitat which would be lost to the proposed development

21 Kitsbury Road

affects an attractive hilltop perspective  
affects green space/wildlife habitat  
pressure of cars to end of the road  
affect the safety of young children walking up to Greenway school

25 Kitsbury Road

overdevelopment  
tree loss  
potential danger to pedestrians, particularly young children going to and from school  
out of keeping with the conservation area  
insufficient parking at the site for visitors

32 Kitsbury Road

overdevelopment  
subservience of grey house  
lack of balance

35 Kitsbury Road

reduction in spaciousness  
local community should decide on development  
access issues  
danger to pedestrians, particularly young children  
loss of wildlife habitat  
damaging to conservation area  
doubling of traffic in adjacent highway  
no visitor parking  
loss of green backdrop  
loss of varied townscape  
no need for dwellings

38 Kitsbury Road

out of keeping with the conservation area  
increased traffic  
out of scale

39 Kitsbury Road

over development of the site and would not be in keeping  
safety impact on the public footpath  
impact on road congestion and safety at the intersection with Charles Street  
not sympathetic to the character of existing homes

39a Kitsbury Road

out of keeping with the conservation area  
overdevelopment  
danger to pedestrians, particularly young children  
insufficient parking at the site for visitors

Tamarisk Kitsbury Road

danger to pedestrians, particularly young children  
out of keeping with the conservation area

overdevelopment

#### 2 Kitsbury Terrace

overdevelopment out of keeping with density of existing  
too much additional traffic leading to parking issues  
traffic crossing pavement used by school children  
insufficient school places and parking in town

#### 5 Kitsbury Terrace

overdevelopment  
danger to pedestrians, particularly young children

#### Longmead Kitsbury Terrace

access is too close to the alleyway  
overdevelopment

#### 2 Anglefield Road

loss of rare fruit trees  
overdevelopment  
access unsafe for pedestrians  
creation of parking congestion  
garden is important for tranquillity

#### 4 Anglefield Road

out of keeping with the conservation area  
houses are too close together  
overlooking neighbouring gardens  
dangerous entrance point would discourage those with small families from walking into town  
insufficient parking at the site for visitors  
development still overwhelms the Grey House  
integral garages out of keeping with a beautiful Victorian property

#### 6 Anglefield Road

new houses will detract from open character  
the Grey House will be crowded and confined and not enhanced  
the site should be for low density housing  
the proposals would not respect the established building lines  
the houses would not be subservient and would be out of proportion  
the wall should be retained  
5 houses will increase the burden on facilities  
the scheme is oppressive and cramped  
the lodge will be extended under pd or permissions  
loft conversions will exacerbate overlooking  
garden lengths will be less than the required minimum and out of character for the area; they will be overshadowed by trees and on a north slope, leading to neighbour disputes due to loss of light  
removing trees would be wrong  
overlooking to rear garden and swimming pool  
the "visibility margin" on sight lines will lead to a high likelihood of a child being injured  
dust cart and fire appliance access to houses is doubted  
no visitor parking on site will lead to congestion and reversing vehicles  
lack of disabled access to the lodge should be a reason for refusal  
tree loss and habitat destruction  
bat survey is out of date



15 Shrublands Avenue  
overdevelopment  
loss of rear wing of Grey House  
objection to NE roof slope dormer window  
lodge is incongruously small  
other dwellings now denser group and garages are too close to boundary  
plans do not show how raised position of orchard is addressed

17 North Road Berkhamsted  
danger to pedestrians  
lack of proper sight lines  
garden, tree and habitat loss  
overdevelopment

In addition, The Grey House Association, a group of local residents, are represented by a planning agent who has submitted objections:  
the Inspector's concerns were not confined to the proximity and form of the semi-detached houses;  
the replacement dwelling for the pair of semis remains a substantial building, especially as it is now attached to the terraced houses;  
there is no material change in the "substantial gap" other than an increase in space between the Grey House and the closest building to the west, but any notional benefit is outweighed by enclosure due to the two storey scale link;  
the proposal fails to restore balance between the house and gardens;  
the linkage of the Gardener's House to the terrace has led to a more enclosed and dominant development, urbanising the site with loss of openness which not preserve or enhance this part of the Conservation Area;  
lost opportunity to landscape on boundary behind the garages;  
in the context of changes to PPG13, the site will not provide adequate parking;  
plans are invalid;  
neighbouring trees should be considered on the north-west boundary.

## **Considerations**

### The Previous Scheme

The previous scheme for this site - alterations and extension to existing house and construction of six new dwellings - was refused permission and dismissed at appeal. The Inspector concluded that the alterations to the north elevation of the Grey House would unbalance the appearance of the House (paragraph 11) and that the proposal would fail to maintain the balance between built development on the site and its gardens (paragraph 14). He was content that the design of the Coach House and Outbuildings, and of the Lodge, were acceptable and sympathetic to the character and appearance of the area (paragraph 13). However, he considered that the pair of semi-detached dwellings to the side of the Grey House together with the terrace with associated hard standing would unduly urbanise the site, eroding the spacious garden landscaped setting of the house to an unacceptable degree (paragraph 10).

He agreed with the Highway Authority that the access would be acceptable in terms of highway safety (paragraph 17) and he accepted the level of parking (paragraph 18). He stated that the proposals would not result in material overlooking of properties or gardens nor would the scheme have had an overbearing impact on the outlook of neighbours (paragraph 19).

### Policy and Principle

The development of dwellings in a residential area is acceptable in principle. The development of dwellings in rear gardens has been the subject of the recent alterations to PPS3. Garden land is now not considered as a brownfield site, but this does not place an embargo on the construction of dwelling in gardens. Site specific aspects are important consideration in assessing such schemes, as is the character of the conservation area with respect to density and design; these considerations are not affected by changes to PPS3. Thus the principle of permitting residential development within a residential area is not affected, although the removal of the minimum density figure of 30 dwelling per hectare does allow more sympathetic schemes to come forward on sites such as this. The Inspector concurred with this (paragraph 9 and 10). The dwellings would need to be acceptable under Policy 120 of the Local Plan, where development should preserve or enhance the character and appearance of the Berkhamsted Conservation Area. The National Planning Policy Framework: Consultation Draft has now been published and, as such, has little weight. However, there are no material considerations within that document which would change the assessment of this proposal. Similarly, the Pre-Submission Draft of the DBC Core Strategy has some weight but the saved policies are still pertinent.

### The Grey House

The Grey House is an important heritage asset in Berkhamsted, although not worthy of listing. It is an imposing Victorian villa set in its own, extensive, walled grounds encompassed by the Berkhamsted Conservation Area. Directly adjacent and opposite are other detached houses in their own grounds. The importance of the Grey House is reflected in the character of this imposing building with its long views over the Bulbourne Valley and the extent of its generous curtilage. The house, its spacious grounds and its boundary wall are considered to make a positive contribution to the Conservation Area lending a strong rationale and distinctive character to the conclusion of Kitsbury Road. The building and its setting visually dominate the subsidiary buildings further north east of Kitsbury Road, reflecting the historical development of the area and the importance of this building. This scheme would restore the dwelling, albeit with some changes to elevations, and retain the imposing dwelling within the historic walls of the site.

The proposed alterations have been amended in accordance with the opinion of the Inspector: the north elevation dormer window has been removed and the access to the sub-basement is now proposed via a single-leaf door, thus requiring the removal of smaller proportion of the backfill which is in front of the basement. The proposed main entrance in the Kitsbury Road elevation has been reduced in width and given a canopy to signal its role as the front door.

### The new dwellings

The layout and design of this scheme has been amended to address the Inspector's reason for dismissal of the previous submission. The primacy of the Grey House on the site has been enhanced by the removal of the pair of semi-detached dwellings. These have been replaced by the Gardener's House, a 4-bed, two storey dwelling; the replaced semi-detached dwellings were two and a half storey. This dwelling has been attached to a pair of single garages which, in turn, are attached to the terrace of three dwellings thus creating a semi-enclosed courtyard. This has allowed a gap of 16 m to be maintained to the north-west of the Grey House, allowing the retention of a group of trees which will be supplemented by further planting by condition to ensure that the setting of the Grey House is maintained in longer views.

The Gardener's House would be L-shaped, with a pitched roof, prominent chimney, brick eaves detail and tile banding on the roof. It would have an open porch and a single storey rear extension to the proposed dining room, in octagonal form. The house is acceptable in both design and materials.

All of the dwellings would be subservient to the Grey House in height. The Gardener's House would have a ridge height 2500mm lower, with the Lodge being 900mm lower and the terrace would vary between 400mm and 1900mm lower than the Grey House. The ridge heights given by dwelling number on the site plan are considered to remove the need for a condition on levels.

The layout continues established building lines for both tiers of development, with the design still endeavouring to create a sympathetic grouping of buildings which could have existed in Victorian times to give a settled appearance to the development. The completion of the courtyard, with the attachment of the Gardener's House, is considered a better solution in design terms. These dwellings have been kept as low as possible given the sloping nature of the site. The design is acceptable to the Conservation and Design officer with conditions on materials.

Owing to the location of the site on the hillside within the conservation area, it is considered necessary to removed permitted development rights for extensions and alterations to the dwellings, to protect the historic wall and to control the provision of renewable including wind turbines and solar pv arrays.

#### Access and parking

The introduction of a rumble strip and the reinstatement of the 4.1m wide entrance all serve to signal to drivers that they should approach this gateway with caution. Sight lines are acceptable to the Highway Authority. This access was acceptable to the Inspector in terms of highway safety. Changes to PPG13 are alterations to guidance and the parking standards in the statutory local plan still pertain: the scheme is acceptable with respect to parking provision. A condition will be imposed to ensure that the garages are retained for that use in the interests of highway safety.

#### Impact on neighbours

The site is very well-wooded and much of the cover at the boundaries would be retained, with supplementary planting to be conditioned. Trees are also common at the rear/sides of neighbouring dwellings. The spacious layout of the neighbouring dwellings means that there would be no overlooking nor overbearing aspects to the proposals: the nearest dwelling would be over 40 m from the proposals. There would, however, be some views into the site, especially in winter months. The Inspector found the layout of the dismissed scheme to be acceptable with respect to residential amenity. He stated that those proposals would not result in material overlooking of properties or gardens, nor would that scheme have had an overbearing impact on the outlook of neighbours; the current scheme would be the same as - or no worse than - that assessed by the Inspector.

#### Trees

The trees on the site are currently protected. The Tree Officer has worked with the applicant's agent to maintain the maximum number of trees, but many are at the

ends of their safe, useful life and cannot be retained. The Hornbeam is growing around the void of the old air raid shelter and is considered likely to have insufficient root structure to be retained. Supplementary planting is to be conditioned as are details on tree protection measures.

### Bats

There is no evidence of bat activity on the site from the first survey undertaken; a second survey has now been completed which again shows no evidence. It is therefore considered that the local planning authority's duties in this respect have been discharged but an informative will be added for the avoidance of doubt.

### Sustainability

The Energy Statement suggests that these dwellings would be sustainable and would achieve Code 3 of the Code for Sustainable Homes which is welcomed. The Energy Statement mentioned a number of options including solar tiles and rainwater harvesting for which details have not been given so this will be conditioned.

### Construction

Owing to the location of the site at the top of a cul-de-sac it is considered that conditions are required to ensure that construction activity has the minimal adverse effect on the area. Thus all construction activity shall be undertaken on the site, but without detriment to protected trees, and wheel washing shall occur on the site.

### S106 Unilateral Undertaking

A unilateral undertaking has been submitted in accordance with the requirements of the Planning Obligations SPD of May 2011. The Inspector could not support financial contributions for youth services, childcare or sustainable transport and these are no longer required by the Unilateral Undertaking. The County's Senior Ecology Officer has requested a commuted sum to enable an orchard to be established locally.

The Heads of Terms are:

Child Play Space Contribution

Cycle Networks Contribution

Library Contribution

Natural Green Space Contribution

Orchard Contribution

Playing Pitches Contribution

First and Middle School Contribution

Travel Smart Contribution

Monitoring and Administration Contribution

### Objections

A number of objections were received from neighbours; these are examined in the context of the Inspector's Decision Letter.

The Inspector was satisfied that there would be no material overlooking, no overbearing development, no reason to conclude that the level of parking would be unacceptable; and that the scheme would be acceptable in Highway safety terms.

He did not dismiss the appeal on the grounds that the gardens would be too small, and considered that density is a question of balance, not a particular level. He did not mention over-shadowing by trees as a concern, and he strove to keep the site as well-wooded as practical, encouraging boundary planting.

Other matters: future site development is to be controlled by the removal of permitted development rights to avoid overdevelopment by extension, although this is already better controlled in conservation areas, by no permitted development rights for side extensions for example; the walls of the site are to be retained; fire and refuse vehicle access is acceptable; a new bat survey has been undertaken; some tree loss is acceptable; and the Unilateral Undertaking would help alleviate the increased burden on facilities.

Objections on the grounds of overdevelopment, detracting from character, adverse effect on the Grey House, lack of subservience and loss of habitat are all noted but it is considered that the reduction of mass and bulk by the replacement of the semi-detached dwellings by the smaller Gardener's House has allowed the Grey House a much improved setting, allows more tree planting and retention of more of the existing habitat.

The Grey House Association objections are addressed below:

The amended scheme is considered to allow sufficient space between the Grey House and the Gardener's House. The linking of the terrace with the Gardener's House will create an attractive enclosed area in the view of the Conservation and Design Officer, who considers that the Planning Inspector's concerns have been adequately addressed. She also states that the gardener's house will adequately maintain open views across the valley.

The amended plans contain all details necessary for validation with the exception of a Heritage Statement which, as a local validation item, may be required; one was not required for this site, which has been the subject of extensive pre-application considerations, a previous submission and subsequent appeal and is well-understood in heritage terms.

The parking provision is acceptable under the standards of the Local Plan which is a statutory document.

A condition will address potential harm to trees in the gardens of neighbours. The scheme will allow for additional planting to maintain the setting of the Grey House to balance any reduction of planting potential on the north-west boundary.

## **Conclusions**

It is considered that both the quantum and the location of development to the side of the Grey House have been sufficiently reduced in size and distance from the Grey House that the concerns of the Inspector have been addressed with respect to the balance between built development and the gardens on the site. The design of the Gardener's House is acceptable, as is the attachment to the twin garages to complete the courtyard. The amendments to the alterations to the Grey House itself now accord with the views of the Inspector and are acceptable for approval.

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

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

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

- 3           **No development shall take place until details including sample panels of the materials, brick bond, mortar mix and render detailing 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 the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 4           **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; details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.**
- **trees to be retained and measures for their protection during construction works;**
- **details of root protection areas of trees in adjacent gardens and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

**The approved landscape works shall be carried out in accordance with**

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

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 5 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 6 **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 in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 7 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

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

**falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

**Part 2 Class B**

**Part 40 Classes A, B, C, G, H and I.**

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 Conservation Area and historic wall in accordance in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 9 **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) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 10 **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.

- 11 **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:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - 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;
- (iii) 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 Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

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**No trees shall be removed within the bird nesting season (March – Sept) until a report prepared by a suitably qualified ecologist providing an assessment of their use by nesting birds has been submitted to and approved in writing by the local planning authority. Any works shall be undertaken in accordance with the approved plan.**

Reason: In the interest of nature conservation in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011.

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 residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the Grey House or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 11, 99 and 120 of the Borough Plan. The development would preserve or enhance the character of the Conservation Area.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

**Part 3 General Proposals**

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120

**Appendices**

Appendices 1, 3, 5 and 7

**Supplementary Planning Guidance**

Environmental Guidelines – Development in Conservation Areas or Affecting Listed Buildings

**Pre-Submission Draft of the DBC Core Strategy**

Policies CS1, CS12, CS17, CS27, CS29, CS31, CS32

INFORMATIVE

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