

**4/02495/15/FHA - DEMOLITION OF EXISTING DETACHED SINGLE STOREY GARAGE, TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION. 42 Highbarns, Hemel Hempstead, HP3 8AF.
APPLICANT: Mrs Hurst.**

[Case Officer - Nigel Gibbs]

Summary

This application is recommended for refusal. The site is located within the residential area of Hemel Hempstead wherein extensions to dwellings are acceptable in accordance with Policy CS4 of the Dacorum Core Strategy.

No 42 occupies a prominent position within this part of Highbarns. The proposed two storey side extension would be visually incompatible with the dwellinghouse and the local street scene and for this reason is recommended for refusal. It is contrary to Policies CS11 and CS12 of Dacorum Core Strategy and the design expectations of saved Dacorum Borough Local Plan Residential Character HCA 19 (Nash Mills) and saved Appendix 7.

There would no overriding harmful impact upon the residential amenity of no. 40 Highbarns 40 and no. 27 Chambersbury Lane. There are no other layout/ parking objections. The development can be carried out with no inbuilt outstanding geological/ land stability or ecological issues. Drainage and water supply can be addressed at the construction stage in the knowledge of the lack of any identified geological issues.

Site Description

Nos. 42 and 40 are a pair of hipped roof semi detached dwellinghouses located on the western side of Highbarns.

No. 42 is directly opposite the Highbarns - Chambersbury Lane junction. The dwelling occupies a prominent position in relation to the lower part of Chambersbury Lane to the immediate south. This is due to the combined effect of its angled south eastern flank wall and its raised/elevated profile. No. 42 is set back from the public footpath featuring a front garden, detached garage and associated driveway. There is a detached shed to the rear of the garage. The garage and shed adjoins the common boundary with no.27 Chambersbury Lane.

Nos. 27 and 25 form the adjoining pair of semi detached dwellings in a different alignment to no. 42 and at a lower level. No. 27 features a two storey side extension and single storey gable roof rear extension which adjoin the common boundary with no.42.

At the rear of no. 42 a patio adjoins the dwellinghouse's back elevation which is higher than the main rear garden. The rear of nos. 42 and 40 are separated by boundary fencing. The rear elevations of nos. 42 and 40 are in the same plane. Neither dwelling has been subject to rear extensions.

Proposal

Background

The Initial Scheme involved a larger two storey side extension and a single storey rear extension adjoining the common boundary with no. 40. This would have been recommended for refusal and has been superseded by a Revised Scheme which is described below.

Revised Scheme

The Revised Scheme is for rendered hipped roof two storey side and single storey rear extensions adjoining the rear common boundary with no. 27 Chambersbury Lane. The garage and shed will be demolished to accommodate the proposed extensions.

Two Storey Side Extension. The 'reverse L shaped' two storey side extension will be attached to no. 42's south eastern flank wall , being recessed 0.3m behind the house's front southern corner. The extension will be inset from the angled common boundary with no. 27 Chambersbury Lane by between 2m at the front and 1m behind this, reflecting the extension's shape/ footprint. The wider front part will measure about 3.8m wide and 3.4m deep .The stepped narrow rear part will measure about 3.9m in depth and 2.6m in width. The extension's ridge level will be about 0.4m below the existing. A study and dining room will be provided at ground floor with a first floor master bedroom and associated en suite.

Single Storey Rear Extension . This will measure about 3.2m in depth and width, inset 2m and 1.6m from the common boundary with no. 27 Chambersbury Lane . Its floor level will be the same as the existing dwellinghouse raised above the existing patio which will be linked by steps. The side double patio door will be about 3.9m from the fenced common rear boundary with no.40 which separates the respective patios.

Referral to Committee

The application is referred to the Development Control Committee as requested by Jan Madden, the Ward Borough Councillor.

Constraints

Within the Residential Area of Hemel Hempstead: HCA 19 Nash Mills

High Barns Former Chalk Mines: Identified to be within the Inner Area. However, in the carrying out the necessary remediation of the land stability of the chalk mines no. 42 was excluded from the identified/ necessary remediation works , being outside the area of the associated Derelict Land Clearance Grant.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Policy Guidance Notes

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 –Sustainable Design and Construction

Also : Hemel Hempstead Place Strategy

Dacorum Borough Local Plan (saved policies)

Policies 13, 51, 54, 58, 63 and 113, 119 and 120

Appendices 3, 5 and 8

Supplementary Planning Guidance/ Documents

Environmental Guidelines,

Area Based Policies (May 2004) HCA 19 : Nash Mills

Summary of Representations

Nash Mill Parish Council

Initial Scheme

- First Response

The Parish Council are currently seeking legal advice from the Assistant Director Legal Services) concerning this application.

There is slight confusion as to whether this house is in the 'Inner Zone'. As NMPC was led to believe that only properties in the 'Outer Zone' at this point can submit planning applications.

- Formal Response

No objections subject to neighbours objections.

NMPC have subsequently received a telephone call from a local resident in Highbarns who had complained that the proposed works were out of character with the surrounding properties. NMPC request this comment is logged.

Revised Scheme

Responses from four of the five Parish Councillors who form the Planning Committee. The fifth Councillor Lisa Bayley had to declare an interest as she lives next door to the applicant.

Chair of Planning Councillor Peter Lardi has no objections.

Councillor Helen Gough objected as she feels that the amended scheme would have a potentially adverse effect on the light and privacy of the neighbours.

Councillor Terence Collins has no objections.

Councillor Louise Gross objects she feels that the scheme is too big, has a bulky extension and would be over bearing to neighbours and look out of place in the street.

Ward Borough Councillor Jan Maddern

Initial Scheme

Having studied the plans for the above planning application and visited the area, I feel that this application would benefit from being considered by the Development Control Committee.

I am very concerned about this application for four reasons:

1. This is a substantial extension to the property which is adjacent to the area of land within the land dereliction order, and within the original inner study area. I have serious concerns about land stability in this area.
2. The conservatory that is proposed would overwhelm the property adjoining, number 40 Highbarns, due to the way the land falls away steeply to the rear of no 40. Their patio area is some considerable amount lower than the rear of the property and as no. 42 is south of number 40 it would in my opinion seriously block sunlight from the garden of no.40.
3. The side extension will stand forward of the property to the other side of Chambersbury Lane and I believe would also overwhelm this property.
4. The size and appearance of the side extension would change the fascia of the property to the extent that it will have a negative impact on the street scene.

Please can you call this application in so the DCC can properly consider the impact that it would have on the local area.

Revised Scheme

Any comments will reported at the DCC meeting.

Hertfordshire County Council: Highways

Recommendation

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:

All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. (Reason: In the interest of highway safety and free and safe flow of traffic).

Highway Comment

Although the Highway Authority in principle has no objection to the proposed extension the loss of the garage space may be concerned to the LPA as this may lead to a shortfall in off street parking as a result. It is clear that whilst the existing access does not need to be modified the applicant may wish to consider creating further off street parking to the front garden area. 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 the above conditions to the grant of permission.

Hertfordshire Ecology

There are no ecological records relating to this property or its immediate environs. However there are a few old records of bats in this area of Hemel Hempstead although these do not relate to roosts. The location is reasonably close to the edge of Hemel adjacent and close to the grounds of Abbots Hill School and Long Deans nature reserve, which will have bats. Consequently it is quite possible that bats will use the adjacent urban areas at least occasionally.

The location of the site is characterised by roads, housing and small- moderate gardens, with scattered trees and shrubs locally and adjacent to the house. These provide habitats for bats although the area does not appear especially rich in typical bat habitat.

The house roof appears in good condition with no obvious gaps or missing tiles; certainly of an age perhaps more favoured by bats, there also appears to be a modern soffit in good condition (from Google streetview), leaving little or no likely access gaps.

The garage has very limited potential for bats being of a design and condition which is unlikely to offer significant opportunities - the unusual gable design is unlikely to have an enclosed roof area which may be otherwise open to normal garage use.

Whilst the garage's demolition and roof works will or are highly likely to have an impact on bats if present, based on the above considerations Hertfordshire Ecology does not consider there is a sufficiently high likelihood of bats being present to justify the LPA

requiring a bat assessment of the buildings on this occasion.

6. However, bats and their roosts remain protected and could still be unexpectedly discovered during the course of any works. Consequently Hertfordshire Ecology advise that an informative is placed on any approval to the effect that:

- *If bats or any evidence of them is discovered during the course of any works, works should stop immediately and advice sought as to how to proceed. This may be obtained from: A suitably qualified ecological consultant; Natural England: 0845 6014523; The UK Bat Helpline: 0845 1300228 or Herts & Middlesex Bat Group: www.hmbg.org.uk ;*

Thames Water

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. It is requested that a drainage strategy (plan) is provided for surface water which contains the point of connection to the public sewerage system.

Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

- 1 store rainwater for later use,
- 2 use infiltration techniques, such as porous surfaces in non-clay areas,
- 3 attenuate rainwater in ponds or open water features for gradual release,
- 4 attenuate rainwater by storing in tanks or sealed water features for gradual release,
- 5 discharge rainwater direct to a watercourse, and
- 6 discharge rainwater to a surface water sewer/drain

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.

Affinity Water

Affinity Water have no responsibility for sewers or drains. It is recommended that

Thames Water is consulted.

Comments received from local residents

Initial Scheme: 40 Highbarns

1. Procedural Issues

One of the writers is the Vice Chairman on Nash Mills Parish Council. However this writer revoked her right to attend its planning meeting on Monday 13 July 2015 due to the conflict of interest.

There are a number of strong objections as an immediate neighbour, attached to 42 Highbarns. The proposal will have a serious impact on no.40's property and the standard of living.

The writers invite for a representative of the Planning Department to meet with at no. 40 to enable the writers to illustrate the objections.

The writer would also like to exercise the right to attend the planning meeting should the application be considered by the DCC to the writer's case.

A range of photographs have been received from no. 40.

2. Rear Conservatory Objection

The plans online do not show all measurements or the scale of the drop from no.42 's patio to ground level as explained below. There is also no context or heights on the plans.

- 2.1 Overshadowing/loss of light

The land that nos. 40 & 42 stands on slopes away from the highway and house therefore the close proximity combined with the height would mean that it would substantially overshadow the dining room, patio and garden dining area:

1. No.40 's patio doors are very close (approx. 1m) to the party wall where the solid brick wall of the conservatory is planned and this is the only source of light in our dining room.

2. The proposed conservatory is being built on a patio that is significantly higher than no.40's by 0.85 metres. Therefore if this added to the height of the planned conservatory brick wall it will cause overshadowing on no.40's top patio walk way and lower patio/dining area. The patio has been in place for 15 years.

It is understood that the LPA take into consideration the loss of an acquired right to light (right to light is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years). One of the occupiers has been in the property for 24 years so will be seeking advice on this from a

dedicated Right to Light surveyor.

- 2.2 Ground stability and drainage

The proposed works could have an impact on the stability of no. 40 due to it being on a party wall and the land concerned is sloping away from the house. Any excavation work could have a serious adverse impact.

Another consideration and concern due to the land sloping away from the house is drainage. It is assumed that the water authority has inspected the full plans for potential issues.

There is a joint downpipe between the conservatory wall and the fence line; Due to the gap being insufficient as shown on the plans this will not be able to be maintained unless there is access to no. 40's garden and the fence is taken away.

Regarding any works going ahead, it is understood that nos. 40 & 42 are not included in the area covered by the Derelict Land Clearance Order and will therefore not be included in the technical report by Hyder's Report. This makes both properties more vulnerable to concerns regarding land stability.

- 2.3 Detrimental Physical Impact

The conservatory would have an overwhelming impact due to its size, siting and brick wall. It represents an un-neighbourly form of development and will have an overbearing effect.

- 2.4 Party Wall Etc, Act 1996

There has been an approach by several Party Wall Surveyors advising us that no. 40 is entitled to specialist surveys under the Party Wall Etc, Act 1996. No. 40 would be exercising this right should planning be approved.

- 2.5 Other . Again due to the insufficient gap between the conservatory wall and fence, there are concerns about how the wall be maintained and how the roof of the conservatory will be cleaned as both will be a prominent part of the outlook from the upstairs back room window and garden.

3. Side Extension Objection

- 3.1 Detrimental impact

By reason of its size and siting represents an un-neighbourly form of development that would have an adverse impact on the scale and character of no. 40 and neighbouring properties by reason of an overbearing effect. It would be out of keeping with the design and character of a semi-detached property in Highbarns. It does not respect local context and street pattern or, in particular, the scale and proportions of

surrounding buildings, therefore it would be entirely out of the character of the area.

As the external dimensions are not shown it is very difficult to see from the plans submitted the total height & width of the proposed side extension. There is a request for the external dimensions.

The side extension does not step back from the main property and appears to sit flush with the front of the house and therefore massively imbalances the semi-detached property on one side. There will be a complete loss of the house's style house in comparison with the same semi-detached 1930's dwellinghouse's .

Due to the road layout, nos. 40 & 42 Highbarns are protruding in relation to neighbours properties; Therefore this would exaggerate the side extension's prominence.

- 3.2 Ground stability and drainage

As above.

4. Requests

If the planning is approved it is requested that the following are addressed:

1. Controlled hours of operation. This is also with regard to privacy.
2. Consideration will also need to be given about how and where construction vehicles and staff would gain access to the property for unloading and parking without causing a highway hazard or inconveniencing neighbours.
3. Bearing in mind the size of the proposed gap between the fence and conservatory wall, the materials used would need to be fascia bricks and not rendered due to there being no access to maintain it unless no. 42 Highbarns have access to no.40 and remove the fence.
4. The cleaning of the conservatory roof as this will be our outlook from the upstairs back room window.
5. Compensation for any cleaning required to any part of no.40 due to us having to endure dust and dirt from the proposed work. No. 40 was painted in February of this year and would very likely need to be painted again.
6. Consideration for mature trees planted in the rear garden, so they are not damaged in any way.

Revised Scheme

No. 42 would like to have discussed the plans further hence the request for an extension of time. It has been a little difficult over the Christmas period with 4 days of the 14 being ruled out due to public holidays and then so many people being away.

No. 42 is glad to see that the revised scheme addresses many of no.42's concerns from the original plans.

There is however one last issue of concern regarding loss of privacy. It is very unclear from the plans what the height of the patio and rear extension will be. Due to the two lines drawn on the rear elevation (on the plans) it appears that these show that the patio height will be increased to the height of their internal floor (this is different from the existing patio height). The line is shown to extend along our property inferring that our patio is at that increased height also which it is not.

If the plans are correctly interpreted this increase in height will result in a loss of privacy and overlooking from the rear garden room particularly from the patio doors and the patio. The orientation of the rear doors would change and directly face our property unlike at present.

If the upper line on the plans does not indicate the height of the patio no. 42 is still concerned that there would be a loss of privacy from the step out of the garden room which directly faces no. 40 above.

As the plans are so ambiguous no. 42 has requested clarification prior to a decision being made.

Considerations

Principle

Within the built up area of Hemel Hempstead extensions are acceptable. There are a range of relevant policies material to the proposal. These are Dacorum Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design), Saved DBLP Appendix 7 and the Character Area Appraisal for Nash Mills HCA19.

- *Core Strategy Policy CS11 (Quality of Neighbourhood Design)*

This specifies that within settlements and neighbourhoods, development should:

- a) respect the typical density intended in an area and enhance spaces between buildings and general character;
- b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- c) co-ordinate streetscape design between character areas;
- d) protect or enhance any positive linkages between character areas;

- e) incorporate natural surveillance to deter crime and the fear of crime; and
- f) avoid large areas dominated by car parking.

- *Core Strategy Policy CS12 (Quality of Site Design)*

This specifies that on each site development should:

- a) provide a safe and satisfactory means of access for all users;
- b) provide sufficient parking and sufficient space for servicing;
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
- d) retain important trees or replace them with suitable species if their loss is justified;
- e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
- f) integrate with the streetscene character;
- g) respect adjoining neighbours in terms of layout, security, site coverage, scale, height, bulk, materials and
- viii) landscaping and amenity space.

- *Saved DBLP Appendix 7 (Small Scale Extensions)*

This specifies that amongst a range of issues that:

Extensions should harmonise with the existing house and the surrounding area in the following respects:

(i) Existing House. The extension should harmonise with the original design and character of the house in terms of scale (it should not dominate the existing house or project above the roof line), roof form (it should match the existing house in terms of design angle of pitch and materials), window design (it should match the existing windows in terms of size, proportions, divisions and materials) and external finishes (it should match as closely as possible in terms of type, colour and texture).

A reasonable private garden/amenity space should remain following the construction of the extension, and it should not bring the house unduly close to a wall of an adjoining dwelling.

(ii) Surrounding Area

Any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to:

(a) roof line - no extension should disrupt a clear consistent roof line and form;

(b) building pattern - if a row of houses of uniform design and building line forms an attractive group in the street scene, then extensions should not detract from this group effect; and

(c) design details - where features such as windows, doors, roof and wall materials, bays, porches, etc are of a consistent design, it is important for any extension or alteration to reflect the original character of a house; this should not alter the character of an area by reducing the space around and between dwellings which would give a cramped appearance.

iv).Side Extensions

Strict requirements will apply to prominent side extensions, but mainly to those parts that are clearly visible from the street. If the extension is on or near a flank it should not extend for an excessive distance beyond the rear wall of the adjoining house.

Side extensions can often upset the balance of the front elevation of the house and therefore may need to be set back from the front wall.

A side extension should not block access to the rear of a property. A gap should be left between buildings and/or side boundaries (as per Appendix 3,Layout and Design of Residential Areas, (iii) Spacing of Dwellings). In cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area.

Some extension at first floor level may be feasible. This should be designed to avoid the creation of a terraced or semi-detached character and to respect the above space standards.

(v) Rear Extensions

Normally rear extensions are hidden from public view; the greatest visual impact is on the immediate neighbours. High design standards should still be applied but the Council's prime concern is with the safeguarding of the effect of an extension on neighbouring properties should be considered at the outset. The projection of rear extensions from the parent building should not excessively enclose or seriously affect the daylighting to an adjoining owner's habitable rooms (kitchen, lounge/dining room, bedroom). Such extensions should be avoided on a boundary wherever possible and should be of limited length.

The permissible outward projection of rear extensions will be assessed with regard to individual site factors such as orientation and levels, the visual effect of the extension on the original building and the retention of space around it. Single single storey extensions, up to 3 m on the party wall boundary between semi-detached or terraced

housing are normally acceptable.;

- *The Character Area Appraisal for Nash Mills 7: Development within the Plot*

This expects:

Extensions: Should normally be subordinate in terms of scale and height to the parent building.

Detail: No special requirements.

Means of enclosure: Enclosure of front garden areas by planting is encouraged.

Private landscaping: Further planting encouraged throughout.

The area analysis confirms that with regard to '*Views and Vistas*' there are 'good serial views along most roads'.

Visual Implications/ Design/ Effect upon the Street Scene

As confirmed the dwellinghouse occupies a very prominent position within the local street scene. Therefore with due regard to the expectations of Policies CS11, CS12 and DBLP Appendix 7 and HCA19 any extension at the front or side requires very careful consideration.

There is no doubt that the construction of a hipped roof two storey side extension at no.42 is acceptable in principle. Whilst the Revised Scheme does dilute the impact of the Initial Scheme, it will wholly fail to complement/ harmonise with the appearance of the dwellinghouse when viewed from opposite at the Highbarns - Chambersbury Lane junction. When viewed and approached from the lower part of Chambersbury Lane the extension will totally dominate the appearance of this part of the street scene, representing an unduly assertive and strident focal point creating a very intrusive impact. This is because of the combined effect of its height, bulk and its very elevated position, given the major effect of angle of its the flank wall in relation to Chambersbury Lane. This is despite the 'softening effects' of the hipped roof. The extension will also appear cramped in relation to no. 27 Chambersbury Lane.

It is acknowledged that a range of extensions have been granted planning permission in the local area. This includes the two storey side extension at no. 27 Chambersbury Lane which abuts the common boundary with no 42. However, the proposal will have a materially fundamentally different impact with a resultant seriously harmful effect upon the original cohesive design of this part of Highbarns wherein the changing levels have added significant visual quality to the local street scene. Importantly this includes no. 42's existing 'return flank wall'.

In recommending refusal for very robust 'street scene' design reasons it has been taken into account that :

- Under 'permitted development' the existing hipped roof could be modified to a gable and a single storey side extension added without needing planning permission with a significant resultant very harmful impact. However, this fallback position is still materially different from the harmful impact of the two storey proposal.
- A further recessed two storey hipped roof side extension could be constructed without the identified harm due to the diluted effect of the resulting flank wall and a lower profile hipped roof. It is understood from discussions with the Agent that the Applicant is unable to agree to this. This takes into account the loss of a side pedestrian access to the dwellinghouse and a smaller master bedroom.

Impact upon Residential Amenity

This is in terms of the above mentioned policy expectations regarding the physical impact (i.e whether overbearing/ oppressive/ visually intrusive), privacy, receipt of day and sunlight and noise/ disturbance.

No. 40. The Initial Scheme would have been detrimental to the residential amenity of this dwellinghouse due to the effect of the single storey extension. The Revised Scheme's alternative single storey side extension will have no harmful effect in terms of physical impact and the receipt of light. The Revised Scheme's submitted drawings have been supplemented by a drawing showing the single storey extension's detailed relationship with no. 40. There will be some overlooking towards no. 40 from the side patio side window, however this would not be so significant to justify a refusal.

No. 27 Chambersbury Lane . Both the Initial and Revised Scheme's two storey side extensions do have some impact upon the front bedroom window of the extension at no. 27. However , the harm could not be so significant to justify a refusal. The Revised Scheme's single storey rear extension will have no adverse impact.

Others. There will be no harm.

Retained Garden

The dwelling will be served by a substantial garden.

Parking/ Highway Safety /Access Implications

Hertfordshire Highways raise no highway safety/ access/ parking objections.

The existing garage is not of modern design with limited usefulness. Whilst there would be the displacement of the garage there is still the opportunity for parking at the front of the dwellinghouse. It would be most unusual based upon current practice to refuse an application for a domestic extension based upon the loss of a parking facility, especially in a location where there is curtilage parking available , notwithstanding a

heavy reliance upon on street parking in the locality.

Fire access is feasible.

Access for persons with disabilities. The ground and first floor could be adapted to facilitate access to the first floor.

Crime Prevention / Security

There are no objections. The provision of the side gate can be lockable and there is natural surveillance from the front of the extended dwellinghouse.

Geological Implications: Land Stability

Context

Paragraph 109 of the National Planning Policy Framework confirms that the planning system should contribute to and enhance the natural and local environment by:

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 120 advises that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

NPPF paragraph 121 advises that , amongst a range of matters planning policies and decisions should also ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Land Stability at no.42: General

There has been a major vacuum in the available expert technical knowledge

regarding current land stability until the end of last year. As Members are aware the reports upon the Chalk Mines Stabilisation Programme have only very recently been published and therefore before then Council's position was one of a very precautionary approach in considering any applications within the Highbarns Inner and Outer Highbarns Areas. In advance of these reports the Council would have been unable to support an application at the site due to the 'geological uncertainty'.

In this context the Council decided that due to no. 42's location in relation to the defined Inner and Outer High Barns former Chalkmine Areas a separate geological/geotechnical assessment was necessary. This was to consider whether the geological conditions are safe to construct extensions at the site.

The Report for no. 42 : Chalk Mine and Visual Inspection Report by Arcadis

1. Exterior.

(a).The dwelling's exterior is rendered and painted and while in a generally reasonable state of repair there was evidence of cracking and deterioration of the render particularly on the front façade to the left of the front door. The cracks are sub-horizontal above the doorway level and follow the line of the underlying bricks. Coincidentally, there is a downpipe collecting run-off from the roof also at this location and there has been a collapse of a soakaway in a similar position at the adjacent no. 40 Highbarns.

(b).It is possible that the aforementioned cracking may be due to poor construction and the use of soakaways close to the property rather than any underlying subsidence from mine workings.

2. Conclusion.

(a).Based upon the pre-treatment investigations, grouting and post treatment validation works progressively towards No. 34 Highbarns, there is no evidence to suggest the Highbarns mine complex extends under No. 42. Based on the evidence and information available No. 42 was properly assessed as not to be within the Derelict Land Clearance Order boundary.

(b). Moreover, there is no clear visual evidence from the property inspection of mine relating subsidence although the property does show signs of minor movement specifically to the façade on the left hand side of the front door. The cracking identified is of unknown origin but should be considered when determining the form of foundations for any future development.

(c).Based on all of the information and evidence examined by Arcadis, the risk of an untreated mine existing at No. 42 is no higher than elsewhere in Hemel Hempstead and so for planning purposes, the site should be assessed on the presumption that

there is no mine present.

(c).Notwithstanding this, the chalk bedrock is subject to solution features and any development should give appropriate regard to the possibility of weak ground arising from natural features affecting the overlying superficial deposits and site investigations should be adequate to define this possibility.

Overview

Significantly Arcadis confirm that the risk of an untreated mine existing at No. 42 is no higher than elsewhere in Hemel Hempstead and so for planning purposes, the site should be assessed on the presumption that there is no mine present.

Therefore in the knowledge of this expert advice there are no identified land stability reasons resulting from mine working to withhold the grant of planning permission.

Drainage

It is not usual for the LPA to consult either Thames Water or Affinity Water upon a domestic extension. The reason in this case was due to the site's location within the High Barns Area. With the subsequent receipt of a positive geotechnical report foul/ surface water drainage and water supply can be addressed through Building Regulations at the construction stage. The issue of the effects of additional soakways will need to be considered given the Arcadis Report's reference to the effect of existing soakaways.

Bats/ Ecological Implications

The demolition of the garage and modification of the roof have been considered by Hertfordshire Ecology which raises no objections.

Policy CS29: Sustainable Construction

A sustainability statement (Policy CS29 Checklist) has not been submitted .If permission is granted this can be subject to a recommended condition.

Exterior Lighting

There will be no external lighting.

Environmental Impact Assessment

This is not necessary.

Article 35

There has been an appropriate level of dialogue in seeking a positive design solution. Despite this the Revised Scheme cannot be supported due to the aforementioned

design reasons.

In seeking a positive design solution there has been the parallel and unique difficulty of considering the geological implications. The application was submitted in advance of the publication of the reports upon the effectiveness of the land stabilisation/ remediation programme at High Barns former Chalkmines.

After the expert legal advice from Council's Assistant Director (Legal) the LPA decided to request the carrying out of an independent geological survey for the site due to the extenuating circumstances of the site's very sensitive location within the High Barns Former Chalkmines Area. This has been entirely funded by the LPA which has been in the wider public interest, with no available 'in house' specialist technical input available.' This report has been in the context of the main reports regarding the remediation works.

As a consequence there have been delays in reporting the application to the DCC. Without this geotechnical input the LPA did not know whether inbuilt geological land stability problems remain. The report's findings are very reassuring with no identified outstanding issues.

Due to the timings of receiving the geotechnical report in mid December 2015 and preparing the planning report for the DCC – and with reference to the revised scheme- there has been no feasible alternative but to present the application to this meeting rather than 17 December 2015.

Conclusion

The proposed two storey side extension would fail to complement/ harmonise with the appearance of the dwellinghouse and have a detrimental impact upon the established street scene. For this reason it is recommended for refusal.

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

- 1 No. 42 occupies a very prominent elevated position within the local residential street scene in relation to both the lower part of Chambersbury Lane to the south and the Highbarns - Chambersbury Lane junction opposite, representing a focal point. No. 42 features a spacious relationship with no. 27 Chambersbury Lane when viewed from the junction.**

Due to its massing and its forward projecting, elevated and angled position, the proposed two storey side extension would introduce a very assertive and dominant feature within the Highbarns locality failing to complement/harmonise with and would not appear subordinate to the existing building, appearing cramped in relation to no. 27

Chambersbury Lane. As a consequence the two storey side extension would seriously detract from the appearance of the established local street scene/ streetscape character. The proposal is therefore contrary to Policies CS11 (a), (b) and (d) and CS12 (f) of the Dacorum Borough Core Strategy and the saved Dacorum Borough Local Plan 1991-2011 Supplementary Planning Guidance HCA19 and Appendix 7.

Article 35 Statement:

Planning permission has been refused for this proposal for the clear reason set out in this decision notice. There were detailed discussions to consider the significant implications of a side extension at the dwellinghouse. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.