



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 20 MARCH 2014 at 7.00 PM

Council Chamber, Hemel Hempstead Civic Centre

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Mrs G Chapman
Clark
Conway
Guest
R Hollinghurst
Killen
Macdonald

McKay
Rance
Reay (Vice-Chairman)
G Sutton (Chairman)
Whitman
C Wyatt-Lowe

Substitute Members

Councillors Mrs Bassadone, Collins, Elliot, Harris, Peter and R Sutton.

For further information please contact: Pauline Bowles, Members Support Officer on Tel: 01442 228221, E-mail Pauline.bowles@dacorum.gov.uk or visit our web-site www.dacorum.gov.uk

PART I

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1. MINUTES

The minutes of the meeting held on 27 February 2014 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Pauline Bowles Members Support Officer Tel: 01442 228221 or by email: Pauline.bowles@dacorum.gov.uk

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served' basis:

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

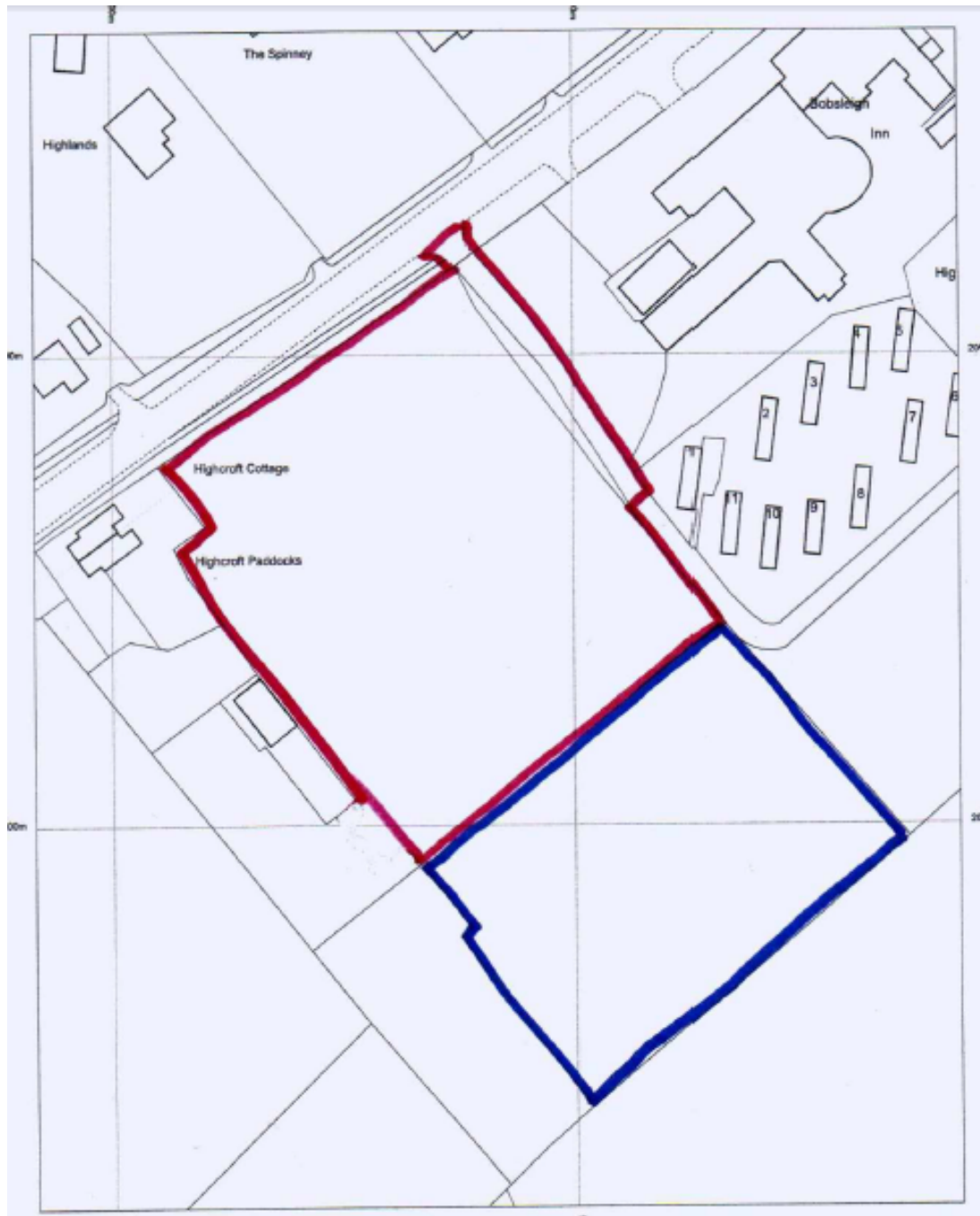
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5. PLANNING APPLICATIONS

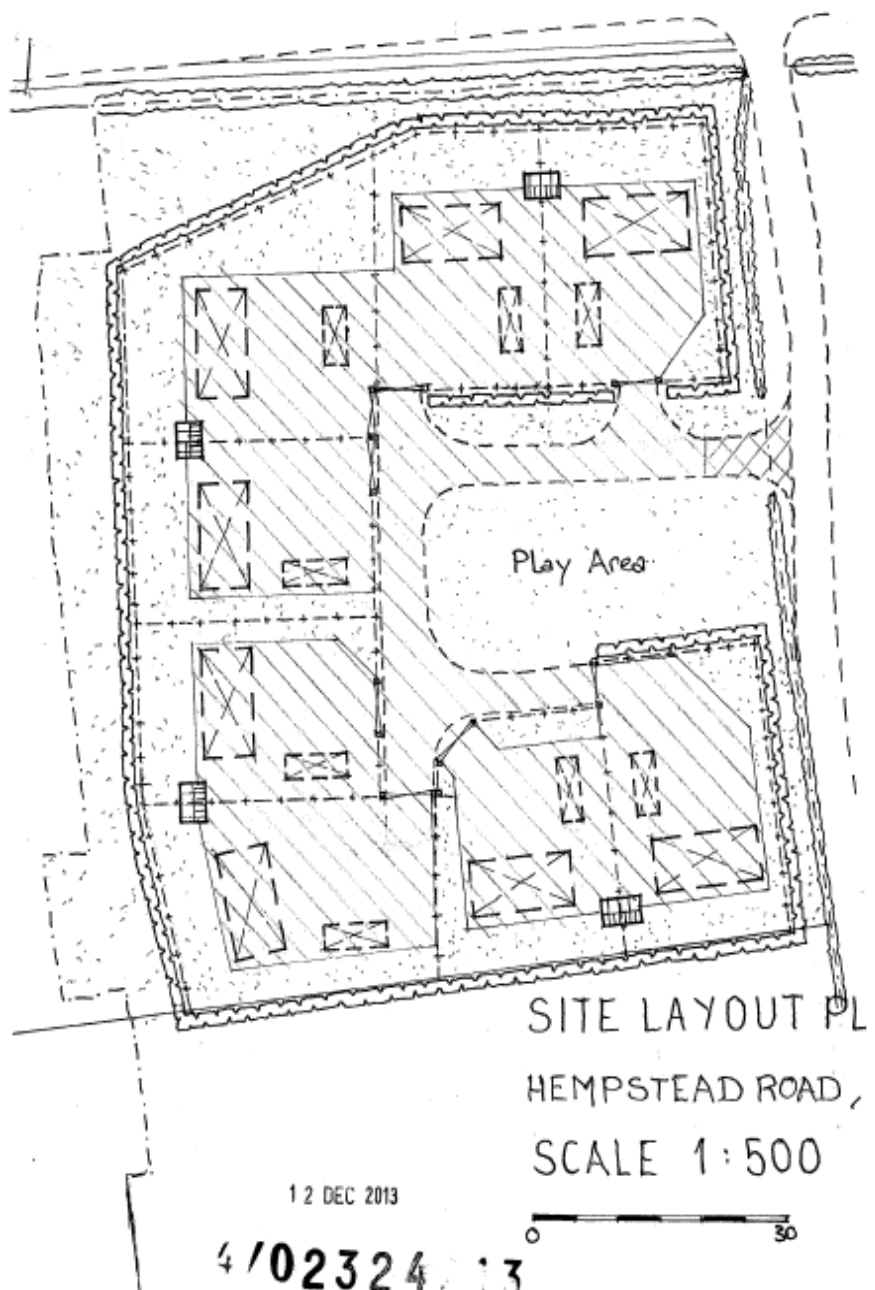
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LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3**



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LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3



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LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3
APPLICANT: MR M CASH**

[Case Officer - Patrick Doyle]

[Grid Ref - TL 01769 04257]

Summary

The application is recommended for refusal.

Site Description

The site is an area of rough pasture which has previously been used for the grazing of horses. It is bounded by the Hempstead Road to the north-west, from which it is largely obscured by a row of mature Leyland Cypress. To the north-east the site is bounded by a drive serving the caravan park and dwellings to the rear of the Bobsleigh Inn. The Inn itself is to the north of the site. To the south-east are neighbouring fields and to the south-west are Highcroft Cottage and Highcroft Paddocks. Access to the site is via a field gate in the northern corner, opening from the drive. The site is located 300m from the edge of Bovington.

Proposal

It is proposed to develop a 0.9ha site for the use as a residential caravan site for 8 gypsy families. The plots would be surrounded by hedging within that already present on the site. The site would be accessed from the drive serving the existing caravan park, with an access point approximately 50m from the highway. The eight plots would be arranged in a horse-shoe around a play area which would be down to grass. A 4m wide "permeable stone" roadway would surround the play area on three sides, with access to the individual plots been taken from this.

Each plot would be fenced in 1.2m high post and rail fencing and would contain a site for one permanent caravan and one touring caravan, as well as one of a pair of semi-detached utility buildings to be 3.8m high and 5m by 3m in area (for the pair). These would be in red brick, with dark grey tiles. The plots would be down to permeable stone, but with a fringe of grass. No details of the actual caravans have been submitted although the agent has been asked to supply a photograph of typical caravans.

Referral to Committee

The application is referred to the committee due to the large scale public interest.

Planning History

There is only one previous approval for the site in recent years which was for a building associated with a tree nursery. This was refused by the Committee but allowed on appeal on 13 April 2010. This is no longer extant.

A similar application to that currently under consideration was withdrawn in September 2013.

Policies

National Policy Guidance

National Planning Policy Guidance (March 2014) (NPPG)
National Planning Policy Framework (March 2012) (NPPF)
Planning Policy for Traveller Sites (March 2012) (PPTS)
CLG Designing Gypsy and Traveller Sites (May 2008)
Circular 11/95

Dacorum Core Strategy (September 2013)

Policies CS5, CS12, CS17, CS21, CS22, CS25, CS26

Supporting Technical Studies for Local Planning Framework

Dacorum BC and Three Rivers DC Traveller Needs Assessment (January 2013) (TNA)
Gypsies and Travellers Study - Potential Sites (Stage 2) (March 2007) (GTS)
Dacorum BC Assessment of Potential Local Allocations and Strategic Sites - Final Assessment
June 2012

Saved Local Plan Policies and Appendices

Policies 13, 58, 99
Appendices 1, 3, 5 and 7

Supplementary Planning Guidance and Documents

Environmental Guidelines
Landscape Character Assessment

Representations

Bovingdon Parish Council

Bovingdon Parish Council registers strong objections to this planning application. This is on the basis that the planning application as submitted has been poorly put together and vital information necessary for the Council to fully assess the proposals has been omitted, and the proposals fail a raft of Planning Policy and Guidance.

- Assessment of the Proposals

The proposals should be assessed having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The starting point for an assessment of the proposals is the Green Belt designation. Paragraph 79 to the National Planning Policy Framework makes clear;
“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics are their openness and their permanence”.

This statement is clear as to the importance of Green Belts; the position taken by the Coalition Government reinforces the provisions of the now withdrawn Planning Policy Guidance Note 2, and continues to support with vigour the retention of Green Belts as a longstanding policy objective of the UK planning system.

Development in the Green Belt for the purposes of a temporary or permanent traveller site is inappropriate. Paragraph 88 to the National Planning Policy Framework states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, very special circumstances must be advanced to outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

Thus, these proposals are harmful to the Green Belt simply by being inappropriate. In addition, the proposals conflict with the five purposes of designating Green Belt as set out at Paragraph 80 to the National Planning Policy Framework;

- The proposals would result in the unrestricted sprawl of the built up area;
- The proposals would lead to neighbouring settlements (Bovingdon and Hemel Hempstead) merging into one another;
- The proposals would lead to encroachment into the countryside;
- The proposals would not preserve the setting and special character of Bovingdon as an historic village;
- The proposals would run counter to the aims of urban regeneration, by encouraging the development of greenfield land in favour of brownfield land.

Substantial weight should be afforded to the combined level of harm having regard to the inappropriate nature of the development and the conflict with all of the five purposes for designating Green Belt. It is against this assessment that the proposals should be considered; the application can only be approved if there are very special circumstances advanced to outweigh this combined substantial harm.

The applicant's case in respect of very special circumstances is both limited and weak. The only argument put forward to justify the proposals is the need for additional traveller accommodation in the Borough. This argument is however flawed and in any event does not amount to very special circumstances sufficient to outweigh the substantial harm identified to the Green Belt. Firstly, Paragraph 83 to the National Planning Policy Framework states that in respect of Green Belt boundaries these should only be altered in exceptional circumstances through the preparation or review of the Local Plan. The applicants are not seeking a review to Green Belt boundaries through the Local Plan, instead they propose amending Green Belt boundaries through the submission of a planning application. This fails the provisions of the NPPF.

Secondly, the DCLG Ministerial Statement of 1st July 2013 states;

“Having considered recent planning decisions by Councils and the Planning Inspectorate it has become apparent in some cases the Green Belt is not always been given sufficient protection that was the explicit policy intent of Ministers. The Secretary of State wishes to make clear that in considering planning applications, although each case will depend on the facts, he considers that the single issue of unmet demand whether for traveller sites or conventional housing, is unlikely to outweigh harm to the Green Belt and any other harm to constitute the very special circumstances justifying inappropriate development of the Green Belt”.

Elsewhere in this statement the Secretary of State makes clear that he wishes to give particular scrutiny to traveller site appeals in the Green Belt so that he can consider the extent to which planning policy for traveller sites is meeting the Governments clear policy intentions.

Thirdly, recent Case Law has provided a clear and consistent approach to assessing very special circumstances viz a viz the supply of housing/traveller sites. Notably, Appeal Reference APP/M1520/A/12/2177157 was recovered and determined by the DCLG on 26th June 2013 for a site at Thundersley for housing in the Green Belt where the applicants sought to justify that the lack of supply amounted to very special circumstances. At Paragraph 27, the Secretary of State makes clear;

“He considers that the harm by reason of inappropriateness, and the other harm

identified, is not clearly outweighed by other considerations and he concludes that very special circumstances do not exist to justify grant of planning permission”.

A further more recent recovered Appeal related to a Green Belt site at Knutsford in Cheshire. This appeal related to proposals for a traveller’s site outside the settlement boundary to Knutsford, the Secretary of State agreed with the Inspector that there were not sufficient very special circumstances to justify inappropriate development in the Green Belt, the appeal was as a result, dismissed.

In concluding on Green Belt matters therefore, it is evident that there is substantial harm to arise from these proposals, and that the substantial harm identified cannot be justified through a lack of supply of sites having regard to Secretary of State Recovered appeal decisions and the recent Ministerial Statement. The application should therefore be refused in relation to Green Belt issues.

It is also considered that two further grounds for refusal exist in this instance as set out below.

The proposal will have a significant adverse impact upon biodiversity. Although an access exists to serve the site, the applicants have chosen to take a new access position further east. This can only be achieved through the removal of hedgerow. Hedgerow is important to biodiversity in its own right and also provides for important foraging habitat for protected species. By removing a length of hedgerow to achieve not only the access position but also the necessary forward visibility splays, an important foraging corridor is truncated which will have an adverse impact upon protected species in the locality. As set out above no assessment has been undertaken by the applicants to establish the extent of the harm to biodiversity and no mitigation measures have been put forward. Significant weight should be attributed to this aspect given that matters of biodiversity are controlled not only through planning policy but also European legislation.

The final area where grounds for refusal exist relates to the non-compliance of the proposals of the Government’s most up to date Planning Policy for Traveller’s Sites dated 2012. Various aspects of the 2012 Planning Policy for Traveller Sites reinforce the provisions of the National Planning Policy Framework, for example, Paragraph 14 confirms that Traveller Sites (whether temporary or permanent) are inappropriate development in the Green Belt whilst Paragraph 15 makes clear that Green Belt boundaries should only be amended through the development plan and not through a planning application.

Paragraph 11 of the Planning Policy for Traveller Sites is of particular interest since it sets out 8 criteria for assessing whether Traveller sites are sustainable economically, socially and environmentally. The applicants have not undertaken an assessment against this policy, in the absence of such an assessment it is however set out below;

- a) The proposals would not promote a peaceful and integrated co-existence between the site and the local community, a significant number of existing occupiers are either adjoining or in proximity to the application site.
- b) There is no access to appropriate health services, the applicants are not registered at the local practice.
- c) Children will not be able to attend school on a regular basis, there are significant issues in respect of school capacity in all year groups and at all school levels.
- d) There is no evidence that this site is required for the families identified by the applicants as a settled base to reduce the need for long distance travelling.
- e) No proper consideration of the effect of the local environmental quality has been undertaken, it is noted that there is road noise and commercial/leisure activity associated with the adjacent hotel.
- f) There is already undue pressure on local infrastructure and services would be exacerbated by these proposals.
- g) It is recognised that the site is not located in an area at high risk of flooding.

h) The applicants are not proposing to live and work from the same location. Consequently there will be a need to travel to work which will run counter to the objectives for sustainability.

It can be seen that an assessment against Paragraph 11 of the Planning Policy for Traveller Sites shows that the proposals fail 7 of the 8 criteria set out. This makes clear that the proposals cannot be regarded as sustainable which is seen as the golden thread running through the National Planning Policy Framework. Failure to demonstrate that the proposals are sustainable is in and of itself a justifiable reason to refuse the application.

- Review of Planning Application

The application raises a number of important planning considerations and yet the submitted documents are of poor quality and limited in their nature. As a consequence, it not possible to fully assess the impact of the proposals upon material planning matters. The drawing package is basic. Whilst the plans are to scale, they are nevertheless of poor quality and it is difficult to understand the scheme. There is, for example, no contextual plan to establish the application site in its wider setting in terms of built form, natural features and topography.

The Design and Access Statement is extremely limited. It contains no photographic surveys, and comprises a descriptive rather than an analytical document.

No information has been submitted to demonstrate how the access is proposed to operate, given the important inter-relationship with the adjacent hotel site itself the subject of a current planning application for re-development. As a minimum it is suggested that an access strategy should be provided, and preferably a Transport Statement should be submitted setting out not only the trip rates and impact arising from this application but also a cumulative impact assessment to include the adjacent hotel proposals.

There is no information submitted in respect of biodiversity matters. Mindful that the site comprises wholly greenfield land, outside the defined built up area to Bovingdon village, and containing a number of landscape features (some of which are proposed to be lost as part of the proposals) a detailed assessment of flora and fauna should have been undertaken by the applicants in the correct survey seasons in order to establish whether there would be any harm to biodiversity and in particular European Protected Species governed not only by planning policy but also European legislation.

It is also unusual not to see any information on landscape impact given the undeveloped and open nature of the site.

These matters, both individually and cumulatively, lead to the conclusion that the Council cannot properly assess the application and, with respect, are not in a position to support the proposals as submitted. Overall therefore, there are robust and defensible reasons for refusal in respect of the insufficient information submitted with the application; the clear and demonstrable harm to the Green Belt which is not outweighed by very special circumstances; the loss of habitat and adverse impact upon biodiversity; and the unsustainable nature of the proposals as evidenced by the non-compliance with the Planning Policy for Traveller Sites.

Flaunden Parish Council

Flaunden Parish Council consider this planning application to be a totally inappropriate development in the Green Belt.

We believe this view to be endorsed by Dacorum's Draft Local Development Framework Core Strategy document clause 8.24:

The key role of countryside is summarised below:

Bovingdon-to help protect the character of the village and provide a strong physical buffer between the village and Hemel Hempstead
In 2007 a Recommendations report was prepared for Hertfordshire County Council, Dacorum Borough Council, Hertsmere Borough Council, St. Albans City & District Council, Watford Borough Council, and 3 Rivers District Council dealing with accommodation needs of gypsies and travellers in this area.

Various sites were considered in this report and this was certainly not one of them.

Ashfield Green Parish Council (Buckinghamshire)

I appreciate that the issue of Traveller Sites is always difficult to manage but I have to report that the Ashley Green Parish Council has been canvassed by constituents of Whelpley Hill whose land and properties are next to the Bovingdon area and who are greatly concerned by the prospects of this application.

I do not wish to challenge the technical aspects of the change of use application as that would be more appropriate for any proposed site put up by Chiltern District Council within our own parish boundary. But I have been asked to add the voice of our Council to those of objectors who question why green belt land so close to existing property and on a main road should be considered suitable for traveller accommodation. I am aware that legislation gives local authorities wide-ranging powers to commandeer land for Traveller use in difficult circumstances. In this case the need is not evident to our constituents.

Understandably, this is an emotive topic, the ripples of which have spread much further than you or your planning colleagues may be aware of.

Strategic Planning

We note that this is a resubmission of application 4/1343/13 for a similar proposal, which was withdrawn (but was recommended for refusal). Please see previous comments on this application as the policy background remains relevant (the comments are attached for convenience).

Overall, there has been no significant change in policy since the submission of the earlier scheme. We acknowledge that the position regarding a five year supply of deliverable traveller sites remains unchanged i.e. there continues to be a shortfall in identified sites. However, the Government has recently stressed that this factor alone does not justify overriding normal Green Belt considerations. In addition, we do not object to the principle of new pitches coming forward on private sites outside of the approach to large, planned housing sites (i.e. the Local Allocations) set out under Policy CS22, where fully justified.

We note that the agent has reiterated his earlier case for why he believes that special circumstances exist in support of the proposal. He has also set out more detailed personal health and educational circumstances regarding the potential extended families that might occupier the site. We recognise that personal circumstances can be a material consideration.

We appreciate these families desire for a settled base, but there is no indication as to why this must be on this specific Green Belt site. For example, the agent refers to the families as "local to the District" and "their home area", but we see no information to explain any clear local link to the area. Furthermore, no consideration has been provided of other potential locations outside of the Green Belt (i.e. within the rural areas) as recommended by Policy H of the Planning Policy on Traveller Sites (the availability of alternative accommodation for the applicants).

While we appreciate that these families are in a more vulnerable position without a settled

base, in theory, the range of personal support they require is not limited to Bovingdon (or necessarily the borough as a whole). For example, there is no indication that they are currently receiving any specialist care that is locally tied. We therefore do not consider that the points made necessarily constitute an overwhelming consideration in the context of the Green Belt. Are there any other compelling personal circumstances of these families that have been put forward in order to justify the new site?

Personal circumstances are material in determining such proposals, but the reasons given are not considered to be significant enough to outweigh the potential harm to the Green Belt. No evidence has been provided to justify any local links or the availability of alternative (non-Green Belt) locations. Furthermore, no other new additional information been provided to support the proposal. On this basis, we do not consider that a case has been demonstrated for very special circumstances.

Conservation and Design

A functional and low density development. Unfortunately there are no details of the external appearance; in this regard photographs of other existing similar caravan sites would have been helpful. It is however accepted that the proposed pitches are for mobile structures.

Careful consideration would be necessary for the permeable stone carriageways as gravel would not be suitable for disabled users or refuse vehicles. Post and rail fencing is acceptable. Some proposed hedging may be unsuccessful, particularly where proposed in close proximity to existing mature landscaping.

There are visual amenity issues since this site is within the green belt.

Hertfordshire Highways

The Highway Authority does not wish to restrict the grant of permission.

The application is for permission for the change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and a utility building, including the laying of hardstanding. It is described an amended scheme although the description is identical to that submitted under DBC ref 4/01343/13/FUL earlier in 2013. The earlier application was withdrawn in October 2013.

The application is supported by a completed application form, a Design & Access Statement (DAS) in letter form, an untitled and unnumbered site location/ boundary plan and a hand-drawn Site Layout Plan (also undated). The only reference in these documents to the earlier application is in the first paragraph of the DAS. This does not explain what has been changed in the application in the intervening 5 months. The DAS makes no mention of the earlier application or to any amendments made to any aspect of the proposals in the interim. By inspection the proposed development appears to be identical with the only change in highway/ transport terms being the insertion of a new paragraph into the section in the DAS.

Access Responses to the first 2 parts of question 6 in the application form show that there would be no alteration to the existing access point for vehicles or pedestrians. The site is accessed via a private drive from the B4505 Hempstead Road to the south of the adjacent Bobsleigh Hotel. The road is a secondary distributor in the HCC hierarchy and has 40mph speed limit past the site. This access crosses the wide unobstructed grass verge on the south side of the B4505 and affords good intervisibility in both directions. The access is wide enough to allow 2 cars to pass unobstructed. The field in which the caravans would be sited is shown (on drawing 'Site Layout Plan') would be accessed via an opening on the west side of the access road 48m from the B4505. This would give adequate length for vehicles entering and leaving to pass/ wait without significant risk of obstructing the public highway. Responses to

the 3rd and 4th parts of question 6 in the application form show that no new highways or rights of way are to be created. The roads and footpaths within the site would therefore remain in private ownership and maintenance.

Accessibility The section 'Access' in the DAS states that "The proposed caravan site is located close to the edge of Bovington, with direct access onto a local distributor road, and with reasonable access to services and community facilities. Hempstead Road is a bus route, giving access by public transport to local services and facilities. In my opinion this is a sustainable location for a gypsy site". None of this is supported by evidence. There is a footway into Bovington along the northern side of the B4505. The nearest bus stops are in a pair either side of the road outside the site. There are two main bus services – the 352 and 353. Both are of limited frequency but call at Hemel Hempstead railway station, and provide access to surrounding towns – Watford, Hemel Hempstead, Chesham, and Amersham. Neither stop has easy access kerbing or a shelter. The bus stop immediately outside the hotel has no area of hardstanding and there is no footway here. There is a footway on the opposite (northern) side of the road. Hemel Hempstead station is approx 1.9 miles away. Trains are run by London Midland and Southern and the journey time into London Euston is between 30 and 33 minutes.

Traffic generation The section 'Access' in the DAS states that "Traffic generation from the proposed caravan site is likely to be in the order of 64-80 traffic movements per day, which would not be significant in high (sic) terms: being well within the normal day-to-day fluctuations (+ or – 5%) in traffic using Hempstead Road". None of this is supported by evidence however I am of the opinion that this is a conservative estimate. The latest figure for traffic on the B4505 shows an AAWD Annual Average Weekday flow of 12,095 vehicles in 2010. Clearly, then, the traffic that is likely to be generated by this proposal, were it to be granted permission, would not significantly increase traffic on the local network.

HCC Planning Obligations Officer

There is insufficient information to calculate a s106 agreement. HCC would be seeking contributions from this development.

Trees and Woodlands

From a Trees & Woodlands perspective there are no objections to this application. There is an important evergreen screen (Western Red Cedar) along the road edge but the proposal is sited well away from them.

The proposed hedge and tree planting is satisfactory.

Environmental Health

The Caravan Sites and Control of Development Act 1960 prohibit the use of any land as a caravan site unless the occupier holds a site licence issued by the local authority. No caravan site licence can be issued if either the land does not have planning permission for use as a caravan site, or the applicant has had a site licence revoked within the previous three years.

The occupier of the land must apply in writing to the Council for a caravan site licence. The site licence will expire at the same time as the planning permission. The 1:500 plan provided does not contain sufficient detail to fully satisfy the site licensing department.

There is insufficient information to determine if the application would comply with the caravan sites model standards 2008 regulations.

Contaminated Land Officer

Historical maps show that the site is located within the vicinity of potentially contaminative land uses. There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during any ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Thames Water

Waste Comments - Thames Water would advise that with regard to 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.

Water Comments - With regard to water supply, this comes within the area covered by the Affinity Water Company.

Cllr Jack Organ

I wish to strongly oppose this planning application. I believe it should be refused for a number of reasons:

1. First and foremost because it contravenes National Planning Policy Guidance. The guidance states that "inappropriate development is harmful to the Green Belt and should not be approved, except in special circumstances.

Traveller sites in the Green Belt are inappropriate development." It is my belief that the application cannot be recommended for approval in light of this clear Government direction as it will be harmful to the green Belt and that the type of development is clearly classified as "inappropriate" for this site. Furthermore, as illustrated in your email of 20 August I do not believe the lack of a five-year supply of these pitches qualifies for the "exceptional circumstances" required for this application to be approved. The Green Belt is an integral part of both my ward and Dacorum and should be stringently protected against development.

2. While there is opposition to the current plans to redevelop the Bobsleigh Inn there is a will locally to see it redeveloped in the future. By approving this application, the Gypsy site could jeopardise the Inn and the employment opportunities it both currently provides and those it could provide in the future. Any new development out the back of the Bobsleigh Inn, whether it be housing, commercial or Gypsy site would have a detrimental impact on the future viability of the Hotel and must not be approved.

3. As per the Dacorum 2008 Site Allocations Supplementary Issues and Options Paper, Bovington Primary School does not have capacity to provide for additional development, with little chance for expansion of existing facilities in the future. It is my understanding that the applicant intends for a number of children to be resident in the proposed Gypsy development. Therefore, it would provide an unacceptable burden on the local school and thus should not be recommended for approval at this location.

4. The traffic / safety problems along Box Lane / Hempstead Road are well documented and this development will exacerbate these problems. Again this forms another reason why the application should be recommended for refusal.

5. There is a huge strength of feeling locally against the proposed development. While we have a duty to provide housing and traveller sites, due consideration should be given to people who live and work in the area concerned. This strength of feeling should be taken into consideration - alongside the other issues mentioned above.

Bovingdon Action Group

Local residents object to the application on several grounds; including impact on residential amenity, highway safety and access, infrastructure limitations and inappropriate development within the Green Belt.

This Statement focuses on the principle of development within the Green Belt and sets out the reasons why this is contrary to national and local planning policies and guidance.

Contrary to Local Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Dacorum comprises of the following:-

- Dacorum Borough Local Plan

The Dacorum Local Plan was adopted in April 2004 and sets out detailed planning policies and proposals to guide development.

The proposed development is contrary to Policy 4 of the Local Plan. This policy states that within the Green Belt new buildings will only be acceptable where they are for the following purposes:-

- (a) agriculture;
- (b) forestry;
- (c) essential facilities for outdoor sport, recreation or cemeteries
- (d) the limited extension of existing houses
- (e) the replacement of existing houses
- (f) limited infilling in selected small villages
- (g) limited redevelopment of major existing developed sites

The proposed traveller site does not comply with any of the above, so is defined as 'inappropriate development' within the Green Belt and should not be approved. Furthermore, paragraph 4.1 of the Local Plan emphasises that "the Green Belt must remain as essentially open land" and paragraph 4.2 states that "severe constraints must therefore be imposed upon the type of development and land use that can be permitted".

At present there are no buildings on the site, which has an open and rural character. The development would result in the introduction of up to 16 caravans (two per family), 4 amenity blocks, substantial areas of hardstanding, an access road, fencing and a play area. It would have a significant and harmful impact on the character and appearance of the Green Belt, which is contrary to adopted Local Plan policy.

- Dacorum Core Strategy

The Core Strategy is at an advanced stage and has been the subject of consultation and an Independent Examination (Inspectors report published 9 July 2013). Policy CS5 of the Core Strategy continues to adopt a strict application of national Green Belt policy, to ensure that the Green Belt is "*protected*

from inappropriate development" (para 8.29). As the proposed development is defined as an 'inappropriate' development within the Green Belt, it should be refused.

- National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 4 confirms that in addition to the specific policy guidance on traveller sites, (discussed below) local planning authorities should have regard to the policies within the NPPF, when determining planning applications for such development. The proposed development is unacceptable having regard to the following aspects of the NPPF. Paragraph 79 confirms that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open. The proposed development would have a detrimental impact on the openness and permanence of the Green Belt, which are their essential characteristics.

Paragraph 88 states that when considering planning applications, local planning authorities should ensure that "substantial weight is given to any harm to the Green Belt". Like existing policy, paragraph 89 confirms that the construction of new buildings in the Green Belt is defined as "inappropriate", except for the following:-

- buildings for agriculture and forestry
- provision for outdoor sport, recreation and cemeteries
- Small extensions to existing buildings
- the replacement of an existing building on the site
- limited infilling in villages
- development of previously developed sites (brownfield land)

None of the above exceptions relate to the provision of accommodation for travellers and, as such, the proposal is defined as "inappropriate development". Paragraph 87 confirms that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". The proposal conflicts with the purpose and objectives of including land within the Green Belt, as set out

in the NPPF and we do not consider that the applicant has demonstrated that very special circumstances exist to allow inappropriate development.

- National Planning Policy for Traveller Sites

This proposed development is contrary to the Government's specific policy document for traveller sites, as set out in the Department for Communities and Local Government document titled 'Planning policy for traveller sites' (published March 2013). The document makes it clear that both temporary and permanent traveller sites are inappropriate development in the Green Belt and that planning decisions should protect Green Belt land from such development. Policy E relates to traveller sites proposed in the Green Belt and confirms that they should be defined as 'inappropriate' development. The policy states: "Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development."

The policy also states that Green Belt boundaries should be altered only in exceptional circumstances. It states:-

"If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application".

- 'Very special circumstances' have not been demonstrated

Paragraph 88 of the NPPF states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. In other words, the bar is set very high indeed. The applicant has sought to argue that the need for additional pitches in Dacorum constitutes the 'very special circumstances' required to allow inappropriate development. However, the Government has made it very clear that the single issue of need for traveller pitches does not constitute the very special circumstances required to allow inappropriate development within the Green Belt.

Set out below is a recent Ministerial statement dated 1 July 2013 by Brandon Lewis MP, Department for Communities and Local Government:

"Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the Green Belt is not always being given the sufficient protection that was the explicit policy intent of ministers. The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt."

Having regard to the above, there is no policy basis to allow the development. To do so would be in clear breach of this Ministerial Statement and Green Belt policy in the NPPF.

- Not sustainable development

Not only is the site within the Green Belt, it is also not in a sustainable location. It is in open countryside, some distance from the settlement boundary of Bovingdon. Access to local services is poor and the site is not close to shops and other services. It is a remote site which is unsuited for the proposed use. For this reason alone, we do not consider that a traveller site in this location would comply with national or local planning policies.

It is the Council's policy to bring forward traveller sites through the larger site allocations. These include local allocation LA1 Marchmont Farm, LA3 West Hemel Hempstead and LA5 Icknield Way, west of Tring. These large urban extensions enable traveller sites to be provided in a much more inclusive and sustainable manner.

- Conclusion

In conclusion, it is clear from the above that the proposed development is contrary to the adopted Local Plan, the emerging Core Strategy, and national planning policy in the form of the NPPF and the specific planning policy for traveller sites. The proposal is also contrary to the recent Ministerial Statement (dated 1 July 2013), which emphasises the importance of resisting such development in the Green Belt and which advises that unmet demand does not outweigh harm to the Green Belt and does not constitute the 'very special circumstances' required to justify inappropriate development. The development would cause significant harm to the openness of the Green Belt. Given the Ministerial Statement, there is no policy basis to allow such development in the Green Belt.

McDonald Bobsleigh Hotel

Pegasus Group has been instructed to submit a formal **OBJECTION** to the above scheme on behalf of the MacDonalD Bobsleigh Hotel, for the following reasons;

- Inappropriate Development in the Green Belt

The application site is located within the designated Green Belt, which is identified within

National Guidance as an inappropriate location for Gypsy and Traveller development. Part 9 of the National Planning Policy Framework 2012 (NPPF) states that *“A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt”*. Policy E of The Planning Policy for Traveller Sites 2012 (PPTS) states that *“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”*.

Policy E paragraph 15 of the PPTS also confirms that *“Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only”*. This policy clearly implies that any proposed sites in the Green Belt should only be allowed through the plan-making process, and it is considered that this fact should be given significant weight in the assessment of the application.

Notwithstanding the further areas of harm identified in this letter, for the above reasons it is considered that there should be a presumption against granting permission for Gypsy pitches within the Green Belt, unless there are ‘Very Special Circumstances’ (VSC) demonstrated to outweigh the in-principle harm caused, and therefore justify a departure from national and local policy. Consideration of need and the associated VSC proposed are discussed at point 4 overleaf.

- Impact on Openness of the Green Belt

The harm by reason of inappropriateness and the actual harm on the openness of the Green Belt are two discreetly different issues. The proposed development would include the erection of four dayrooms measuring 3.8m high, 3m wide and 5m long, the positioning of 8 caravans (assuming 4 static mobile homes with a further 4 touring caravans to facilitate travelling) as well as the erection of fencing and the laying of hard surfacing throughout the site. There are landscaping proposals put forward as part of this application to mitigate against the visual impact of the development, however it is not considered that this would sufficiently address the clear harm to the open character of the existing agricultural grazing field.

It is considered that the proposed development would severely reduce the visual openness of the field by positioning large permanent dayrooms on the site as well as the parking of static mobile homes and the erection of fencing around and between the pitches. Further urbanising impact would result from the laying of hardstanding, including tarmac, the parking of vehicles on the site as well as the inevitable addition of domestic paraphernalia such as washing lines, outdoor seating and outdoor play equipment (which do not normally require planning permission). Given the scale of the development for 8 permanent pitches, it is considered that the proposed development would result in a substantial loss of openness which undermines the purposes of including this land, as well as the surrounding land, in the Green Belt.

- Sustainability

The submitted Design and Access Statement considers sustainability on page 2. However, only proximity to services and facilities is referred to. The NPPF outlines at paragraph 7 the three roles which constitute sustainable development; namely economic, social and environmental. Paragraph 8 then explains that *“to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*.

It is clear that the assessment of sustainability includes the broader aims as identified by the NPPF. Consequently, when considering the sustainability of proposals for development in the rural areas, a judgment must be made as to the visual worth of the locality. For the reasons set out in section 2 above, the visual harm that caravans, dayrooms, vehicles and associated paraphernalia would cause to the character and appearance of this area of Green Belt, is contrary to the PPTS. It therefore compromises the extent to which the development can reasonably be said to meet the broader definition of sustainable development found in the NPPF. Unmet Need and Very Special Circumstances

Emerging Core Strategy policy CS22 indicates that at least 59 additional pitches are required to 2031, with a minimum of 17 pitches to be allocated by 2026 as identified within the recent Gypsy and Traveller Accommodation Needs Assessment. There is therefore an unmet need of sites within the Borough.

However, whilst it is accepted that the Council does not have a complete 5 year supply, there is a Site Allocations Development Plan Document procedure in place that within the next 18 months will identify the Borough's required need and secondly deliver it within the five year time-line.

Paragraph 25 of PPTS outlines that the weight to be afforded to a lack of an up-to-date five year supply of deliverable sites is only significant in the assessment of applications for *temporary* planning permission made after March 2013. However, this does not by itself warrant the granting of temporary consent. As already set out above, the Council has a DPD procedure in place for the future allocation of deliverable sites. The recent Ministerial Statement issued in July 2013 has further strengthened this view. The statement reads *"The Secretary of State wishes to make it clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for travellers or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt."*

Given the above advice, and intentions of paragraph 15 of PPTS referred to in section 1, it is submitted that the weight given to a lack of a 5 year supply is outweighed by national policy which deems Gypsy and Traveller sites to be inappropriate development in the Green Belt, and which should only be allowed through the plan-making process in exceptional circumstances. Consequently, it is not considered this first issue of general need is a Very Special Circumstance.

Personal need is also a material consideration that in some cases can constitute Very Special Circumstances, either individually or cumulatively. A number of people have been listed within the submitted Design and Access Statement as being those for whom the development will serve. It is mentioned that all the people listed *"currently have no accommodation of their own....and need a pitch to begin married life."*

Firstly, the Council should be satisfied that the people listed meet the definition of a Gypsy or Traveller as defined by Annex 1 of PPTS, applying the tests of High Court case of Massey v South Shropshire District Council reference CO/11385/2007 (December 2008).

Even if the Council is satisfied regarding status, no detailed information has been submitted to substantiate the claim that all the people listed currently have no accommodation, especially that which would not already facilitate a travelling way of life. As specific people have been named, their existing accommodation arrangements should be examined.

Finally, it has not been evidenced that the reasons for a proposed move to this application site as a settled base include only the issues considered appropriate within PPTS; namely education, healthcare or old age. The only references made within the Design and Access

Statement are “*need of a settled base*” and “*need a pitch to begin married life*”. These references do not fulfil the requirements PPTS. Consequently, it is not considered personal needs have been justified in this specific location, and are certainly not sufficiently exceptional such as to override the significant harm to the Green Belt by reason of inappropriateness.

- Conclusion

It is not considered that VSC have been put forward in support of the proposed development, and whilst personal circumstances are material, the reasons given are not considered to be significant enough to outweigh the harm to the Green Belt. Furthermore there would be harm caused to the Green Belt through the loss of openness, which conflicts with the main purpose of its designation.

Therefore it is respectfully requested that the above application be refused planning permission.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Over five hundred responses have been received. The issues raised fall within the following list:

- Inappropriate development in the Green Belt
- Traffic congestion
- Impact on existing services including the village school

Considerations

Policy and Principle

The Planning policy for traveller sites (PPTS) states that the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

The application site lies in the Metropolitan Green Belt (MGB) where Policy CS5 states that the Council will apply national Green Belt policy to protect openness and character of the Green Belt. These proposals are inappropriate development under that policy and very special circumstances need to be demonstrated in order to outweigh the recognised harm to the interests of the MGB.

However, the NPPF indicates that a wide choice of housing must be delivered through the planning system to meet the identified needs of the community, which includes the gypsy and traveller community. Local planning authorities must plan for this group by identifying sites to be delivered over a reasonable time scale which should establish targets for the provision of pitches and measure their provision against a five-year supply. [In relation specifically to provision of sites for travellers, there](#) is no current five-year supply for the Borough but sites will be designated as part of the Site Allocations Development Plan Document work.

This dichotomy is reflected in the Government’s advice in PPTS which states that the Government’s aims in respect of traveller sites are (inter alia):

- to encourage local planning authorities to plan for traveller sites over a reasonable timescale
- that plan-making and decision-taking should protect Green Belt from inappropriate development

There is therefore a need to balance out national requirements to protect the openness of the Green Belt against meeting the identified needs of the traveller community through securing new sites. However, the development must be treated no differently in terms of making such a case from if it were a conventional housing site.

New Accommodation for Gypsies and Travellers – Policy CS22

This policy provides the locally-specific criteria used to assess proposals for new sites. This application is for an unallocated site which would be privately-owned. While the priority is to identify and deliver sites through the (larger) local allocations and via the Site Allocations process, it does not preclude other sites coming forward on the basis of need. It is worth noting that all current provision in the borough is provided by the County and there is no private site provision.

Policy CS22 states that:

“Priority will be given to the provision of sites which are defined on the Proposals Map. If other proposals come forward, they will be judged on the basis of the need for that provision.”

The policy does not exclude the principle of other private sites, such as that proposed, from being considered. Indeed, the PPTS (para. 4) is keen to promote more private traveller site provision. The policy sets out a number of criteria against which the suitability of sites will be judged. These reflect the criteria set out in Government Good Practice and advice in the PPTS.

This site performs well against these criteria as it would be:

- situated on land near to existing development;
- located relatively close to facilities in Bovingdon (Policy CS22);
- modest in scale (8 pitches) (Policy CS22) and should not dominate the village (para. 12, PPTS); and
- capable of being screened/landscaped (para. 24, PPTS).

Harm to the Green Belt

Policy E in PPTS clearly states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. This is a view accepted by the agent. However, he has put forward what he considers amounts to very special circumstances which he considers should out-weigh the recognised harm of the development to the interests of the MGB. These are that the Site Allocations Development Plan Document has not been adopted and that this would be 18 months or more away and that there is not an identified five-year supply of deliverable land for gypsy sites. Therefore he maintains that there is an immediate unmet need for gypsy sites in Dacorum. This lack of a five-year supply of suitable sites is acknowledged by the Council. However, what needs to be determined is if the lack of this supply is of itself sufficient to recommend granting permission.

The site is clearly within the Green Belt and currently serves a purpose in keeping the land permanently open. The applicant’s agent notes that there would be some loss of openness but that the development would “consolidate an existing pocket of urbanising development centred on the Bobsleigh Hotel”. On this basis he considers that the proposed development would not cause unacceptable harm to the character or appearance of the surroundings, nor prejudice any of the purposes of including land in the Green Belt.

This greenfield development will undoubtedly diminish the openness of the Green Belt. Even with additional screening, it still represents a substantial encroachment of development into the countryside, given the extent of caravans and other structures across the site. It will also have an urbanising effect on the character of this semi-rural location.

Personal circumstances

In determining this application the availability (or lack) of alternative accommodation for the applicants is a consideration. The submission notes that the applicants are “members of extended traveller families, local to the District” and that the applicants “currently have no accommodation of their own within their home area” although the latter is not identified; this information has been requested from their agent.

Other personal circumstances of the applicants are an important consideration but those put forward would pertain to any applicant wishing to build accommodation, namely members of a family wishing to marry and set up home. The need for a settled base is acknowledged but there is no indication as to why this must be on this Green Belt site. Much of the Borough is not covered by Green Belt, unlike St Albans District as cited by the agent, however there is no consideration of other possible sites within the rural areas and why these were not put forward by the applicants; this is recommended by Policy H of PPTS (the availability of alternative accommodation for the applicants).

The planning statement claims a number of the intended residents do suffer from illness’ of varying severity. However only one piece of information has been submitted to evidence the health needs of one intended resident. Doctors letters have been requested but not forthcoming from the agent.

Suitability of the site for travellers

It is considered that the site would meet the criteria identified in paragraph 11 of PPTS which should be used to inform the site allocation process. The site is close to facilities in Bovingdon and these could be reached on foot or by public transport; the village could provide health services for the 15 adults and ten children, and school provision for the five children aged 4 and over as listed in the submission. However, it is questionable if the over-subscribed primary school and General practitioners is capable of accommodating any further demands on its services. The site could provide a settled base in theory, although any local links of the applicants with Bovingdon are not apparent.

There would be no adverse effects on the applicants caused by the quality of the local environment, and, whilst the site would abut neighbouring gardens of two properties, the layout would provide additional landscaping opportunities - as well as proposed fencing and hedging - on the west side of the site.

The site is not in a flood plain. No evidence on sustainability with respect to travel to work journeys has been submitted. It is considered that the scale of the site would not dominate the village.

Visual impact

The site lies within the Landscape Character Area: Bovingdon and Chipperfield Plateau. The key characteristic is expansive, gently undulating plateau with mixed arable and pasture farmland. The area contains few focal points or vistas; it is described as an “unremarkable landscape within the county”. The strategy for the area is to improve and conserve.

The site is not readily visible from public vantage points due to mature tree planting to the Hempstead Road which provides cover in the winter months. The site would be landscaped with fencing and hedging which would provide a contribution to softening appearance and affording opportunity for planting but would, in turn, though fencing reduce further the openness of the Green Belt.

Impact on Neighbours

The site would abut neighbouring gardens of two properties on the south west boundary. The proposals would provide a new hedge and a parallel post and rail fence within the site creating a strip of paddock of approximately 10m width, although this would be close to the boundary in

the eastmost corner of the residential curtilages of the dwellings.

The south-west boundary of the land owned by the Bobsleigh Inn is the access drive to the site and to the existing caravan park. This, the existing hedging to the site, the proposed hedgerow and post and rail fencing would separate the proposed caravans from those on the Bobsleigh site, a distance of about 15m between the nearest caravans.

It is considered that these distances and the height of the existing and proposed caravans would avoid any overlooking between existing homes and those proposed.

Impact on Trees and Landscaping

It is considered that the proposals would not have a direct impact on existing trees. The main trees are within the blue line land adjacent to the site and are a group of 3 mature Corsican Pine. These are very impressive specimens as a group; these would not be affected by the proposed development. There are well-established trees and hedges on the NW and SW boundaries that are shown to be retained.

Highways

The Highway Officer has accepted that the site is suitable for the proposed vehicles entering and leaving the site and is satisfied the amount of traffic generated will be capable of being accommodated by existing road infrastructure.

Planning Obligations

The site would provide 8 dwellings which would make demands on Dacorum Borough Council and Hertfordshire County Council Services for the local community. In this instance insufficient information has been submitted to calculate an appropriate sum to offset the impacts of development. The Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) would require contributions and Hertfordshire County Council would also like to investigate an appropriate sum however the requested information for the amount of accommodation the caravans require has not been forthcoming.

The need for and provision of travellers' sites

The Core Strategy does not allocate any new sites. It contains a policy which sets out the Council's approach to allocating sites, with actual allocations being made in the Site Allocations DPD. This relates to allocations for both the 5 year supply and the longer term supply the Council is required to provide. The document is still being prepared with the aim of consulting on a Pre-Submission version early next year.

Whilst the priority is to identify and deliver sites through the (larger) local allocations and via the Site Allocations process, it does not preclude other sites coming forward on the basis of need as noted above. There is an identified need for an additional 17 pitches up to 2031, to address locally generated natural growth and the needs of households currently awaiting pitches on public sites. This equates to a 5 year supply of around 5 pitches. However, the target excludes need arising from households outside of the borough, and therefore this should be considered as a minimum.

Against this must be set the fact that this site has not been considered as part of any exercise to identify suitable traveller sites in recent years. Work has been undertaken by the Council to identify gypsy and traveller sites, culminating in consultation on a number of possible sites in late 2008. However no firm decisions were taken at the time either to reject or to take forward individual locations.

This site was not identified in any of this work, neither was it identified as a potential location in

the 2007 Gypsies and Travellers Studies (Scott Wilson Report). This site was not drawn to the Council's attention as part of the recent housing location options, undertaken to inform the Core Strategy (especially the Bovingdon Place Strategy). It should be noted that were the site to be treated on a similar basis to conventional housing, then the Council would assess whether more suitable sites were available to accommodate the development. Therefore the site has not been considered (or tested) as part of assessing the merits of Green Belt housing location options around the village. As a result of these studies a site has been allocated for housing on land on the edge of Bovingdon which will be removed from the Green Belt (Local Allocation LA6). This site would not be considered suitable to be allocated for housing, given the availability of LA6 and other options on the edge of the village. Therefore this site would not be suitable for a traveller site when considered under the same criteria.

The granting of permanent planning permission would contribute to meeting the identified unmet need for sites in the Borough. The site would be provided privately, thus the development would be in accordance with one of the aims in paragraph 4 of PPTS: to promote more private site provision while recognising that there will always be those who cannot provide their own sites.

Temporary Permission

Temporary permission is not being sought by this application. The PPTS does allow for the consideration of temporary permissions where the LPA cannot demonstrate a 5 year supply of deliverable sites (para. 25). Such a position would be recognised as a significant material consideration. This position has been considered, as there is an acknowledged shortfall of sites within the Borough, however a temporary permission would not override concerns over the impact of the traveller site on the Green Belt in terms of harm due to appropriateness and reduction of openness; whilst welfare issues have been suggested they have not been evidenced to the Council's satisfaction nor other material considerations have been submitted and the applicant has not made a robust case for an exception which could give more weight to such a consideration.

The balance of argument

The determination of this application must consider whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and whether there are very special circumstances which would justify granting permission.

The proposal would result in a significant element of new development relative to this open and undeveloped rural location. On balance, substantial weight must be afforded to the harm to the Green Belt through inappropriate development, reduction in openness and to harm through encroachment into the countryside. There could be some harm to the visual amenities of the Green Belt by the proposals but this could be ameliorated by the landscaping proposals and relatively-shielded nature of the site. Also, some limited weight against an approval must be afforded to: the lack of supporting information demonstrating details on a local connection; whether other sites including non-Green Belt sites were considered and why eliminated from selection; and to Government policy which seeks to strictly limit new traveller site development in open countryside.

The unmet need for traveller sites in the Borough must be afforded considerable weight on the other side of the argument, as must the need of the applicants for a settled site. The site does comply with many of the requirements expressed in Policy CS22 and this is also afforded weight in favour of the applicants. The personal circumstances of the applicants are afforded some weight. However the claimed ill health has only been partially demonstrated for one of the intended residents of the caravan site with no evidenced explanation for the need to develop a site in the green belt at this particular location. No local connection has been

established with Dacorum or Bovingdon or adequate explanation why no there are no alternative locations acceptable to settle. Local school and medical capacity is full and in infrastructure terms which would be required to successfully settle in the area are not present. This is especially important as part of the justification to establish a settled base for many of the proposed residents is based upon health and educational grounds. Nor is there evidence that the applicants have approached the Council or Herts County Council to register for existing pitches. There is insufficient evidence to substantiate many claims made by the planning statement.

A Ministerial Statement of July 2013 has expressed the views of Government clearly. Here the local government minister stated that the *“single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and the other harm to constitute the very special circumstances justifying inappropriate development in the green belt.”* This clear expression has tipped the balance in favour of the conclusion that the acknowledged harm arising from the development is not clearly outweighed by other considerations. Very special circumstances necessary for the granting of planning permission therefore do not exist in sufficient quantity are adequately evidenced.

A further written ministerial statement was published 17 January 2014 reinforced the view *“that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt.”*

On balance the inappropriate development and harm to the character, appearance and openness of the green belt is not justified by the very special circumstances which have not been evidenced to a satisfactory degree and if proven would not on balance present the very special circumstances which would demonstrate the need for a permanent traveller site at this location.

RECOMMENDATION – That planning permission be **REFUSED** for the reasons referred to above and subject to the following reasons:

- 1 **The application site is located in the Metropolitan Green Belt as identified in the Dacorum Core Strategy (September 2013). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the NPPF, PPTS and DBCS Policy CS5. The proposal would constitute inappropriate development in a Green Belt area. The very special circumstances which have been advanced to show why planning permission should be granted are not considered to outweigh the harm of the inappropriate development. The proposal is therefore contrary to DBCS Policy CS5 and 22 and national planning policy as set out in the NPPF and the PPTS.**
- 2 **The development would have a harmful impact on the character and appearance of the green belt by taking a 0.9 Ha green field which is open and rural in character and introducing forms of development which would be detrimental to the character and appearance of the green belt and reduce the openness of the green belt. The development would be an unacceptable encroachment and failure to safeguard the countryside, check unrestricted sprawl nor would the development encourage recycling derelict or other urban land. The development does therefore not accord with the purposes of including land in the green belt contrary to the NPPF nor DBCS Policy CS5 due to significant impact on the character and appearance of the countryside.**

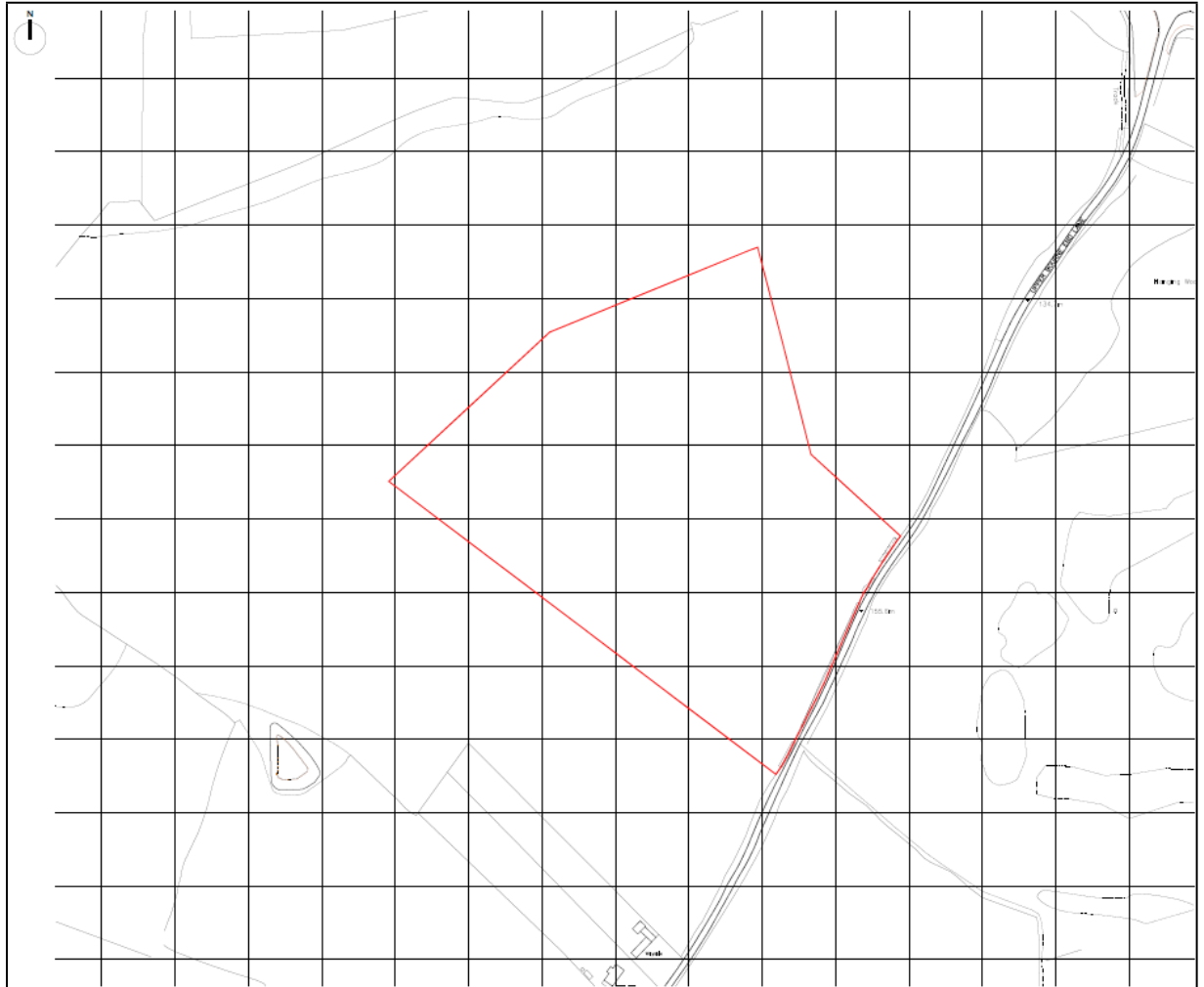
- 3 **In the absence of a submitted or agreed unilateral undertaking there is no mechanism in place to ensure that the impacts of the proposed development are mitigated. Insufficient information has been submitted to allow a calculation of an appropriate sum. The proposals are therefore contrary to Policy 13 of the Dacorum Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) and Policy CS35 of the DB Core Strategy (September 2013).**

Article 31 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. 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.

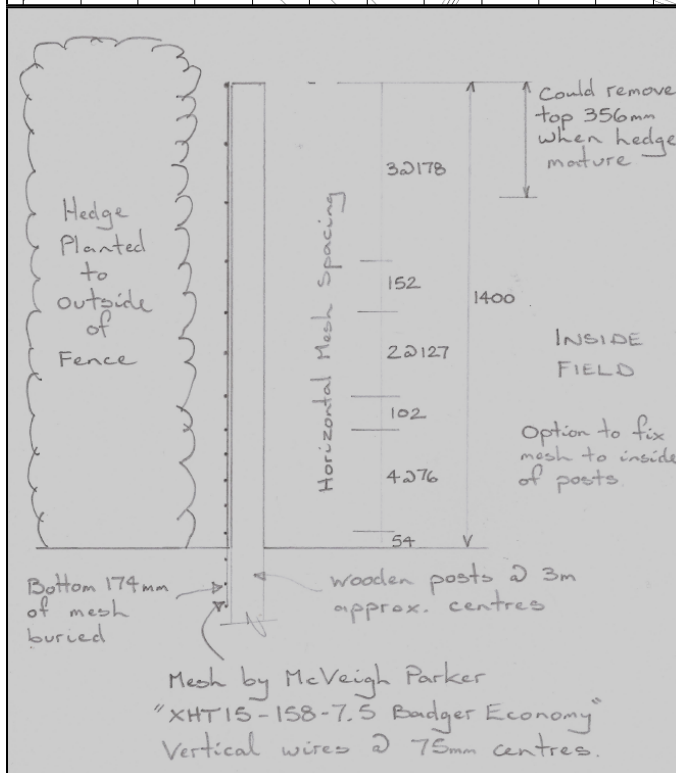
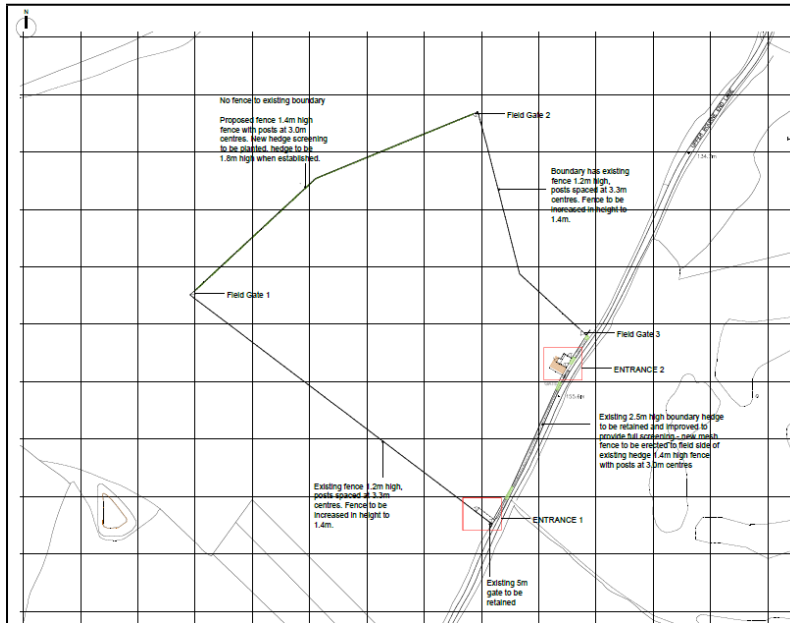
Item 5.2

4/01997/13/FUL – CHANGE OF USE FROM AGRICULTURAL LAND TO OUTDOOR DOG DAY CARE SERVICE (SUI GENERIS), INSTALLATION OF FENCING, TWO REPLACEMENT GATES AND HARDSTANDING LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING RANGE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1



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5.2 4/01997/13/FUL - CHANGE OF USE FROM AGRICULTURAL LAND TO OUTDOOR DOG DAY CARE SERVICE (SUI GENERIS). INSTALLATION OF FENCING, TWO REPLACEMENT GATES AND HARDSTANDING LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING RANGE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1
APPLICANT: City Pups - Mr T Senior

[Case Officer - Intan Keen]

[Grid Ref - TL 01495 05213]

Summary

This application is recommended for approval.

The proposed use for an outdoor dog day care centre (Sui Generis) is considered to be open in character and would not conflict with the objectives of the Green Belt within which the application site is located. The nature of the use would be more suited to a rural location and these are considered to be very special circumstances to allow such a use in the Green Belt. It is not considered that an objection could be sustained with respect to planning policy on the grounds that there would be conflicts between the dogs and livestock in surrounding agricultural fields. Additionally Strategic Planning and Regeneration have not raised objections with respect to conflict between agricultural uses and the proposed outdoor dog day care centre.

The proposed development would be well screened by the incorporation of landscaping so that it would not compromise the open character or visual amenity of the site, the wider field or the Green Belt.

The use and development would not have an adverse impact on the amenity of neighbouring properties.

The car parking arrangements are sufficient.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS5, CS12 and CS25 of the Dacorum Core Strategy (September 2013).

Site Description

The application site comprises an open field which lies on the north-western side of Upper Bourne End Lane and contains two vehicle entrances, one in the southern corner of the site and the second located slightly off the centre of the highway frontage. The site does not contain any buildings and most boundaries are marked by low level and permeable post and wire fencing, with a hedge along the road frontage.

The application site is irregularly shaped and is the central plot forming part of a wider and triangular shaped field, from which most other fields are accessed via one of two access easements generally running along the site's side boundaries from the two access points. Immediately surrounding uses are predominantly agricultural, however a golf course exists on the opposite side of Upper Bourne End Lane straddling various public footpaths, and the nearest residents are located approximately 90m to the south.

Proposal

Planning permission is sought to change the use of the site from agricultural to a dog day care service (Sui Generis) which would be used by the applicant, City Pups, which operates as a dog walking and day-care business.

It is proposed to replace gates to the road entrances with timber field gates (heights not specified).

Fencing to the site's boundaries is also proposed, including to the inner side of the existing hedge to the road frontage. The fencing has been amended during the course of the application and proposes a hedge to all boundaries supported by an internal post and wire mesh fence to 1.4m high, and for the top 0.356m to be removed following the establishment of the hedge.

Posts would maintain their distance of 3m apart to their centres and would not increase in width. No other (lawful) fencing exists within the site.

The proposal would involve new fencing to the site's north-western (rear) boundary which abuts two neighbouring plots in different ownership, as well as fencing along the north-eastern (side) boundary.

The fence along the existing south-western boundary would be replaced with the boundary treatment described above.

Additional fencing was originally proposed around the two vehicle entrances off Upper Bourne End Lane, incorporating fenced and gated security areas, however it has been agreed in writing that these elements would be removed.

Hardstanding is proposed to the south-west of the northern-most entrance and opposite the access easement. It would cover an area of 13m in depth from the front boundary, with an approximate area of 60m² comprising plastic grid hardstanding (similar to grasscrete). The hardstanding would provide car parking for two vans.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council.

Their concerns relate to the inappropriateness of the use in the Green Belt, noise issues, additional traffic on the lane, and that the proposed fencing would detract from the area that would be contrary to the Article 4 Direction that covers the site.

Planning History

Application site

Pre-application advice was given under 4/01334/13/PRE for the change of use from agricultural to a dog day care centre (Sui Generis) and the construction of a barn.

On the advice of Strategic Planning and Regeneration there was no objection in principle to the proposed use. There would be strong objections to the construction of an outbuilding associated with this use.

Application 4/00356/11/FUL for boundary fence and divisional fencing into paddocks was refused on 28 April 2011. The proposal involved the erection of boundary fencing and further fencing within the site to subdivide the field into four separate paddocks, excluding the access easement along the north-eastern side boundary. The proposed fencing would comprise 1.83m high posts at 3.05m to 3.66m spacing, together with wire net up to 0.8m in height and two strands of wire above up to a maximum height of 1.28m.

The reasons for refusal are as follows:

1. No supporting information has been provided as part of this application that satisfactorily demonstrate that the fence enclosures are for agricultural purposes or indeed for other purposes appropriate to the Green Belt. In the absence of agricultural or other justification, the development does not fall within one of the acceptable uses within the Green Belt and therefore represents inappropriate development within the Green Belt. No very special circumstances have been submitted to justify the development. The application therefore fails to comply with Policy 4 of the Dacorum Borough Local Plan, as well as advice contained within PPG2.

2. Policies of the Development Plan aim to safeguard the character of the Borough. Policy 11 of the Dacorum Borough Local Plan 1991-2011 (DBLP) specifies that a high standard is expected in all development proposals. Development will not be permitted if it fails to satisfy a range of criteria. In particular, new development should respect the general character of the area and avoid visual harm. In addition, the application site is located within the Metropolitan Green Belt where development is expected to maintain the visual amenity and openness of the Green Belt.

The proposed fencing, by reason of its design, and the layout and size of enclosures, would result in a very harsh and unsatisfactory appearance when seen in the context of surrounding field patterns, would appear as an alien and artificial feature to the landscape and would be clearly seen as a visual detriment to the area. Furthermore, the proposal would be likely to lead to pressure, inter alia, for the keeping of horses on the land and for the erection of stabling, shelters and other paraphernalia, including vehicles and the creation of tracks. The introduction of such would be to the further detriment of this rural landscape and the visual amenities of the Green Belt. The fence enclosures would be an unnatural feature that would fail to maintain openness and would set a precedent for the further subdivision of the field to its further detriment.

The proposals would therefore adversely affect the rural character and visual amenity of the Green Belt, contrary to the aims of Policies 4, 11 (a), (c), (d) and (e) of the Dacorum Borough Local Plan 1991-2011 and to the aims of the Landscape Character Assessment for Dacorum SPG.

Other applications

The following two applications are relevant to the wider field of which the application site forms a part, which is identified as land off Upper Bourne End Lane and adjacent to Wayside, Bourne End Lane.

Application 4/00472/11/FUL for retention of two metal agricultural field gates and formation of accesses (amended scheme) was granted on 2 June 2011. The two accesses subject to this approval currently serve the application site.

Application 4/01933/10/FUL for retention of metal agricultural field gates and formation of accesses was refused on 25 January 2011.

Constraints

Green Belt

The wider area has been previously subject to enforcement action regarding the unauthorised subdivision of the land and the erection of fencing. An Article 4.1 Direction was placed on the land. As a result the proposed fencing requires planning permission.

Policies

National Policy Guidance

National Planning Policy Framework

Core Strategy

Policies NP1, CS1, CS5, CS12, CS25, CS29 and CS31

Dacorum Borough Local Plan (saved)

Policy 58

Appendix 5

Supplementary Planning Guidance

Landscape character Assessment - Area 108, Bourne Gutter

Representations

Neighbours

Wayside, Wayside Annexe and High Firs on Upper Bourne End Lane were notified on 1 November 2013. Subsequently Runways Farm on Upper Bourne End Lane was notified on 7 November 2013.

Six items of correspondence were received including from the Bourne End Village Association on 19 November 2013; from Wayside, two on 7 November 2013 and on 22 November 2013; from Runways Farm on 8 November 2013; and from No. 7 Bourne End Lane on 18 November 2013 objecting to the proposal on the following grounds:

- Site's designation as Green Belt and covered by an Article 4 direction should not be used other than for purposes of agriculture or grazing;
- Proposal would lead to reduction in area between Hemel Hempstead and Berkhamsted contrary to Green Belt objectives;
- Extra fencing and hedging would detract from openness of the Green Belt;
- Height of fencing insufficient and dogs can easily escape leading to highway and other safety concerns;
- Increasing fence height would adversely impact on the openness, rural character and visual amenity of the surrounding area;
- Hedge inadequate for containing dogs within site;
- Hedge may not establish to necessary height due to quality of land;
- In the absence of their owners, dogs would adopt a pack mentality and would be harder to control and would have safety implications;
- Conflict between dogs and surrounding domestic animals and livestock particularly if dogs can escape from the site;
- Noise pollution generated by dogs;
- Insufficient information has been provided with respect to waste disposal;
- Requirement for further facilities and buildings would detract from openness of the Green Belt;
- Increase in vehicle movements on a rural road which is already busy at certain times; and
- Unlikely that future owners would have the same use.

Bovingdon Parish Council

Initial comments are as follows:

Inappropriate use of Green Belt. Concern about impact of noise from dogs and dog waste issue. Additional traffic in a narrow lane and potential of further development on site. Concern also about additional fencing as will be prominent on site - contrary to Article 4.

Following the submission of amended plans and additional information, Bovingdon Parish Council provided the following comments:

Our original objections still stand and the application is regarded as an inappropriate use of agricultural land in the Green Belt as there is livestock including sheep in the adjoining plot.

Strategic Planning and Regeneration

The site is situated in the Green Belt, and the land in particular is agricultural land with classification 'good to moderate'.

The proposed development would result in a change of use of the land, and some alterations or improvements to boundary treatment. The activity would principally be open in character, notably it would not result in the construction of new buildings. The fact that there would be no built form, means there would be less impact on the openness of the Green Belt. Consideration should be given to the nature and intensity of the use of the land.

The NPPF refers to supporting the rural economy and diversification in the countryside (paragraph 28), and the granting of this application would contribute towards these objectives in a modest way.

The other principle consideration is the loss of agricultural land. Paragraph 112 of the NPPF states that the best and most versatile agricultural land should be protected from other uses. However the proposed land use may not prevent such a use in the future and it is noted that the current class is good to moderate, which is mid-way on the scale of quality agricultural land.

Other material considerations, for which little detail has been supplied, include the number of employees using the site and how, and consequentially the number of cars, trips and parking spaces there would be. This has a significant impact on the openness of the Green Belt and needs to be considered carefully in light of Core Strategy 2013 Policy CS5, and the NPPF.

There seems to be a lack of information submitted in order to more fully consider the implications of the nature of the activities taking place here.

Conservation and Design

The site is pasture land, it lies within the Green Belt with rolling fields surrounding - various fences / hedges divide the land into smaller parcels.

The application is only for change of use, no details of any proposed buildings are given although a requirement for a building / buildings is referred to in the application. The existing post and rail fencing is of a typical type to be found throughout the area.

I am concerned that the addition of new mesh fencing (which due to the tighter mesh) is likely to be more visually intrusive), line of hedgerow to the north boundary and any potential new building(s) and hardstanding will detract from the rural nature of this area. I would query whether a 1.4 metre high fence to the site is sufficient for the proposed use of the site, any

increase on this would be a concern. The timber 5-bar gates are of a suitable design.

In principle the change of use does not seem to be detrimental to the character and appearance of the Green Belt but as referred to above I am concerned that in practice there will be harm caused by the increase in fencing and possible associated buildings.

Environmental Health

Environmental Health raised no objections subject to the inclusion of a condition stating before the change of use commences a noise assessment should be carried out to establish whether the operation from the dog day care service is likely to give rise to complaints at any adjoining or nearby noise sensitive premises.

Noise generated from dog day care business should not, at any time, increase the ambient equivalent continuous noise level. to protect the amenities of adjoining development.

Following the submission of a noise survey, the following response was received:

I have reviewed the additional acoustic report provided in support of the application and accept the findings of the report and that the proposal will have only a "slight" impact on the ambient noise levels.

Therefore I would have no objections to the proposed development.

Hertfordshire Highways

Overall, the number of proposed two-way trips to and from the site as mentioned in the planning statement is reasonable but there is the potential for the business to grow and conversely the number of two-way trips would too, which may affect the highway. The two existing accesses will require the gates to be set back 5m to allow the vans to pull of the highway whilst they are opened and shut and the actual vehicle crossovers will need to be properly constructed too. These can be conditioned but confirmation of the above questions will help the highway authority determine the impacts of this proposal fully.

Following the submission of additional information, the following response was received:

After reading the Highway's section regarding staff and van movements, it would seem a reasonably low level operation. As such it would be hard to argue that trips to and from the site would lead to conditions that would affect highway safety or capacity.

Therefore, I do not think that this proposal could warrant highway objection on the scale of operation being put forward.

Trees and Woodlands

The proposed screen hedging is of the right species and correct spacing.

Rights of Way

The proposed development is directly opposite Bovingdon public bridleway 30. Bovingdon public footpath 29 also abuts the original field boundary and, although it does not abut this plot, it will be affected by this proposal - primarily by the predictable noise made by, what effectively will be, a pack of dogs enjoying their 'Country Retreat'.

The presence of several dogs fenced in an otherwise open field would inevitably lead to disturbance. By passers are likely to attract attention causing barking that will be heard for a

lot further than the 90m buffer suggested as sufficient. Experience suggests the notion that 'minimal noise' is, at best, unlikely. Anticipated noise will have a negative effect on the quality of life for the few residents in the vicinity, the enjoyment of playing golf on the Little Hey course (and possibly adversely affect their business) and the use of the wider countryside in the Upper Bourne End Lane area, both public and private.

However, my main concern has to the effects on equestrian users of the lane and the safety of those riding along UBEL to and from bridleway 30. Horses are very likely to be 'spooked' by the presence of dogs in a high state of fervour leaving riders to fear for their safety and ultimately deter them from exercising their rights. There is no way fencing and / or hedging are not going to prevent these animals being aware of each other.

The proposal to plant a native hedge outside of the fence will alleviate the visual effect of the fencing and is of some wildlife nature although hedgerows are of high value when they form part of a wider network, particularly when providing cover for small mammals, connecting to other habitats. If all the plots were hedged that would be a valuable network for wildlife but one isolated plot, although welcome, is of little significance. The value of grassland to wildlife will be significantly reduced, if not extinguished, by the proposal, although this is partly dependant on the number of animals exercising on the site (which will be beyond our control!). It is very likely that, as for a similar equestrian facility, the aesthetics of the plot and the wider area will be adversely affected by the 'development' of the business.

The question on maintenance of the boundary hedge has to be considered. The applicant needs to be able to access both sides of the hedge in order to keep it within the boundary. Unless machinery, i.e. tractor mounted flail, can reach the outside of the hedge then sufficient room (vehicular track) will have to be left in order to cut it. The applicant cannot assume that neighbouring plot owners will allow access.

In summary I think this proposal will have an overall detrimental effect on the immediate locality for residents, public rights of way users, other plot holders, patrons of the golf course and wildlife.

Hertfordshire Environmental Records Centre

The planning application site is within what has until recently been a very large arable field. Other than the green lane boundary hedgerow, I am unaware of any ecological interest associated with the field that would represent an ecological constraint on the proposals. The planning statement indicates this field has now been laid to grassland and has been subdivided into a series of smaller plots. I have no reason to suspect that this has changed its lack of ecological interest.

I consider that proposed / existing fencing will create a formal and uncharacteristic feature within what has been an entirely open and rural landscape, particularly given the subsequent use is not agricultural. However the proposals to supplement the fencing with native hedging area a positive approach to reducing this impact and will provide some additional biodiversity interest. Currently this is only proposed for the NW boundary and to supplement the SE boundary. The former will result in an odd, isolated single line of hedging - no connectively visually or ecologically to anything else, which I consider to be unacceptable. Consequently I suggest the hedging be continued along all of the site boundaries - this will include the SW and NE boundaries. I am unconvinced by the notion that dogs need to be exposed to the countryside from their visual amenity perspective - the opposite is also true in that a dog exercise facility is not rural and needs to be embedded within its rural setting, and this can be achieved by hedging the whole site. The area within the site will still be 'countryside' - just like any other small field - and perhaps the dogs may even be able to see over the hedges from a distance if they (the hedges) are regularly trimmed.... If not, they will eventually see through them as the hedgerows mature, or managed in rotation.

I am bemused by the notion that dogs need to be protected from livestock; all of the problems associated with this issue are in fact the fault of dogs, who in turn are invariably incapable of being controlled by owners. That is why fencing is needed!

No grassland management proposals are outlined. Given that any form of grazing will not be possible for obvious reasons, and given that grass will continue to grow, some form of regular cutting will be required. Given regular dog use it highly unlikely that any hay crop could be taken. An outline of such management would have enabled the LPA to understand how the site is to be physically managed to demonstrate how this aspect of the change of use can be realistically achieved.

In summary, I do not believe there to be any ecological constraints associated with the proposals but I advise that for the reasons outline above, appropriate hedging is planted around all of the site boundaries where appropriate as a Condition of any approval. I can advise on the suitability of appropriate shrub or tree species for this if requested - it should be of a similar nature to the native species found within the existing hedgerows bordering the Lane and elsewhere in the locality.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed use and associated works, the impact of the proposed use and development on the character and appearance of the Green Belt, the street scene and surrounding area, the impact on neighbouring properties, and the impact on car parking.

Policy and Principle

With respect to the loss of agricultural land, paragraph 112 of the NPPF states that the best and most versatile agricultural land should be protected from other uses. It is considered that the proposal may not prevent such a use in future, as such the application site could easily be reverted back to agricultural land. Advice from Strategic Planning and Regeneration confirms that the agricultural classification of the site is 'good to moderate', which is at the mid-point of the scale of quality agricultural land.

No further objections have been raised from Strategic Planning and Regeneration with respect to the loss of agricultural land, noting the reference made to paragraph 28 of the NPPF with respect to supporting the rural economy and diversification in the countryside. The granting of this application is considered to contribute towards these in a modest way.

Consequently, a refusal on the grounds of loss of agricultural land could not be sustained.

Concerns have been raised from consultees with respect to the impact on adjoining agricultural fields, in particular those which contain livestock. The application site comprises a central area within a wider field, and is immediately surrounded by agricultural uses, one of which is known to have sheep and another with chickens. It is noted that the compatibility of the proposed use with surrounding agricultural uses and resolving conflicts between dogs and livestock has not been directly addressed. However the proposal also involves boundary fencing with the intention to contain the dogs. In the absence of policy guidance on this matter, it is not considered that a refusal could be warranted on these grounds.

With respect to the proposed use as an outdoor dog day care centre, relevant Green Belt provisions including the NPPF and Policy CS5 of the Core Strategy do not specify appropriate uses within the Green Belt (only appropriate building associated with certain uses are listed). Paragraph 81 of the NPPF provides some guidance with respect to use, stating that local planning authorities should plan positively to enhance the beneficial use of the Green Belt,

such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Whilst the proposal does not neatly fit within the listed uses, this provision provides specific examples but does not seem to preclude other uses as long as that use or operation would not conflict with the purposes of the Green Belt. (The purposes of the Green Belt are noted under paragraph 80 of the NPPF).

The proposal is not considered to fall under the purpose of outdoor sport and recreation, noting members of the public would not be able to enter the site as would be the case with a public or private facility. The dog day care centre takes the form of a commercial enterprise and would not normally be considered appropriate in the Green Belt. For the proposed use to succeed, very special circumstances must be demonstrated that would outweigh the harm to the Green Belt.

The proposed use would involve walking and playing with dogs within the site that would not require any permanent equipment. The main activity of the use would involve the exercising of animals, which is an open type of activity. As such, the proposed use is not considered to conflict with the primary purpose of the Green Belt to maintain openness.

The increased level of activity by the presence of people and dogs on the site together with parked vans would impact on the openness of the Green Belt. However, the scale of the enterprise that would currently comprise a maximum of three staff and 23 dogs on the site at any one time is considered to be proportionate to the size of the site at 6.43 hectares (64,300m²).

Case law exists for other noisy out of town uses (such as kennels, motorcycle tracks), although no cases are directly relevant to the current proposal. As is the case for noisy countryside activities, the dog day care centre would not be suitable within an urban location given the space requirements and noise implications. The nature of this particular use limiting it to a rural location is considered to be very special circumstances, and in this instance is considered to offset the harm caused by the intensity of use above that of the existing agricultural use.

If permission is granted it would be necessary to control the number of vehicles parked on the site by condition, and also to attach a condition excluding external storage; in the interests of maintaining the open character of the Green Belt.

Need for a building

Insufficient information has been provided to demonstrate that the use can be carried out without a building on the site, based on the initial number of dogs and staff that would be occupying the site. The supporting statement highlights the desire for a modest outbuilding for shelter and storage purposes however as this does not form part of the current application, no information has been provided as to whether this is an essential and integral part of the use of the site.

Informal advice has been obtained from the RSPCA confirming that a water tight shelter enclosed on three sides would be essential if dogs are to be kept on the site for a continuous period (such as between the hours of 10am and 4pm as stated in an additional covering letter). No information has been provided as to how long dogs will be kept on the site each day, although supporting information indicates that some clients of the existing business would only require services on a part time basis.

Based on this advice and the information submitted in support of the application, it is likely that the use could operate without a building over short periods of time each day (rotating sessions with staff and dogs).

Equipment used for walking and playing dogs on the field are not likely to be large and heavy structures which would suggest that on site storage is not required for these elements, which could be transported to the site with the dogs on a day to day basis.

The lack of staff facilities on site raises concerns however in the absence of a building, facilities may be available within the vehicles that would be driven to the site.

As such it is considered that the application can be determined in its current form, and that there would be sufficient grounds to resist a future application for any inappropriate building on this particular site.

Impact on Green Belt and appearance of street scene and surrounding area

Policy CS5 of the Core Strategy states that national Green Belt policy shall be applied to protect the openness and character of the Green Belt. Further, paragraph 89 of the NPPF outlines the types of 'new buildings' that are an exception to inappropriate development. The proposed development involving fencing, hardstanding and access gates is not considered to be a 'building', although no specific definition for this has been provided in the NPPF.

Nevertheless, the proposed development is not considered to fall within any of the categories listed as an exception to inappropriate development in the Green Belt. For clarification, the proposed development would not be associated with the provision of appropriate facilities for outdoor sport or outdoor recreation, or an agricultural use. Although it would involve an outdoor activity where dogs are cared for and played with, the operation would be associated with a commercial enterprise instead of being strictly recreational. Therefore, the proposed development is not considered to fall within any of the exemption categories for building in the Green Belt.

It is also important to note that change of use is not identified within the list of exemptions, and by implication the associated development is inappropriate in the Green Belt.

The site is extremely exposed to public vantage points. There are medium to long distance views from the adjacent golf course as well as from the A41 bypass to the south. Public footpaths exist in the vicinity however none run through the application site. The closest views into the site can be obtained from Upper Bourne End Lane through the gaps provided by vehicle accesses. The existing boundary hedge is thick and high that restricts continuous views into the site from the road frontage. The locational characteristics described above, together with the historical open character of the wider field, give the application site an open and prominent position within the landscape.

With respect to the impact on openness, the plot has an area of 6.43 hectares with a significant distance between boundaries. The siting and layout of the proposed fencing together with its permeable nature such as post and wire would not be readily visible from distant vantage points. From the perspective of Upper Bourne End Lane some views of the proposed fencing would be gained, particularly around the southern access. However a fence already lawfully exists in this location and it is not considered that the additional fencing is not considered to compromise the open character of the Green Belt.

In comparison to 150mm by 150mm fencing that exists lawfully on the site, specifically to the site's south-western side boundary, the proposed mesh would be tighter at the lower end of the fence at 76mm by 76mm, with the mesh squares increasing in area to 178mm by 178mm to reduce their visual impact. The proposed mesh fencing would also be intertwined with the supporting boundary hedgerow. The planting of a hedgerow on all boundaries is supported as this would give a landscaped treatment to the site boundaries that would reflect its rural character.

Additionally, the planting of hedges around all of the site's boundaries would accord with advice from Hertfordshire Environmental Records Centre.

It is also proposed to remove the top 0.356m once the hedge has established. Removing the higher part of the fencing would make the resultant fence lower than the fence which currently exists on the south-western side boundary.

Additional advice from Trees and Woodlands mentioned above confirms that five years would be a reasonable amount of time to allow a hedge to mature within the field (this would allow for variables such as extreme weather conditions, the presence of weeds and other factors which may delay its growth). As such, if planning permission is granted, a condition would be attached requiring the top 0.356m of the fence to be removed in accordance with this specified timeframe.

The proposed internal fencing areas surrounding the two vehicle accesses off Upper Bourne End Lane would not be supported and it has been agreed that this element of fencing would be removed from the proposal. As such, if planning permission is granted it would be necessary to include a condition requiring additional details to be submitted to show the location of the proposed boundary treatment, and what it would consist of.

The design and height of the proposed fencing together with the associated landscaping is considered to suitably integrate with the site's rural character. In this instance, the proposed fencing scheme is considered to outweigh the harm it would cause to the Green Belt. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

The proposed grasscrete surface is considered acceptable in order to provide the car parking, and would be confined to a small area of approximately 60m². The hardstanding would be largely obscured from view due to the levels of the site, and also the thick boundary hedge to the road frontage.

Although it would be ideal for the field to remain without hardstanding, the proposed parking area would be associated with a use (and one that is of a scale) that is considered to be justified in this particular location. Such a use would generate trips by van and therefore be required to provide parking on the site.

The grasscrete surface would be permeable and would be considered favourably in comparison to other forms of hardstanding or parking on the grass, which over time would degrade this part of the field. Given the above factors, the proposed hardstanding is considered to be acceptable and would not detract from the open character of the Green Belt or the character and appearance of the surrounding countryside.

The proposed access gates off Upper Bourne End Lane would be rural in their appearance and no objection has been raised to the inclusion of these. They would replace metal bar gates and would not raise any concerns with respect to visual amenity or openness.

In summary, although the site is the most elevated part of the wider field, given the siting, layout, amount and appearance of the proposed fencing and hardstanding, it is not considered to be prominent and would have a limited adverse impact upon the overall openness of the Green Belt and the rural character of the countryside.

If permission is granted, details of the grasscrete and access gates would also need to be supplied by condition.

Other conditions restricting development on the site are also considered necessary to safeguard the visual amenity of the countryside and the open character of the Green Belt.

Impact on neighbouring properties

Immediately surrounding properties are used for agricultural purposes, where there is no specific policy to protect such uses. Policy CS12 of the Core Strategy states that development should avoid disturbance to surrounding properties (amongst other things), which gives protection to the amenity of residential properties and other occupiers of land.

Information provided in support of the application state that the fencing proposals would contain dogs within the site to protect livestock in surrounding fields.

For reasons mentioned above, it is not considered that a refusal could be attached to any relevant planning policy on the grounds of the impact on adjoining agricultural land.

With respect to the impact on residential amenity, the nearest neighbouring properties are sited approximately 90m from the application site. A noise survey has been submitted with the application which confirms that the noise levels from 23 dogs would not greatly exceed the ambient noise levels of the surrounding area. The noise survey also confirms that a further increase in the number of dogs would not adversely affect residential amenity. This has been confirmed by Environmental Health who have raised no objection to the proposal and agree with the findings of the noise survey.

No specific opening hours have been provided for the proposed change of use, however the supporting statement proposes general hours of operation to be during core working hours on weekdays with a rare need for occasional weekend use. The nature of the business and in particular the activities on the site would occur during daylight hours, with the main time periods being between 10am and 4pm. Given the advice received from Environmental Health it is not considered necessary in this instance to control the hours of operation.

The proposed fencing and hardstanding would generally be of a low level and would be sited a substantial distance from neighbouring properties. As such, this element of the proposal is not considered to have an adverse impact on the amenity of adjoining residents.

It follows that the proposal accords with Policy CS12 (c) of the Core Strategy.

Impact on car parking

The proposal would incorporate two on site car parking spaces proximate to the existing northernmost access. This is considered to be sufficient parking provision noting that the proposed use would involve the transportation of staff and dogs with two vans. The parking spaces with minimum dimensions of 13m by approximately 5m which is considered sufficient for van parking. No objections have been raised by Strategic Planning and Regeneration or Hertfordshire Highways on parking and access grounds. It is therefore considered that the access and proposed parking arrangements are satisfactory, subject to the accesses being properly constructed which shall be secured by condition if permission is granted.

An objection has been received on the grounds of the impact on traffic on Upper Bourne End Lane. Whilst it is a rural lane, there is no evidence to suggest that larger vehicles would be restricted on such a road, or would have difficulty entering and exiting the site. The scale of the proposed use would not demand a high number of traffic movements and it is therefore not considered that a refusal could be sustained on these grounds. Further, no objections have been raised from Hertfordshire Highways. If permission is granted, the site would be restricted in terms of parking for only two vehicles.

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 use hereby permitted shall not commence and 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:**

- means of enclosure;
- car parking layouts and other vehicle access and circulation areas;
- hard surfacing materials;
- position and appearance of entrance gates;
- proposed finished levels and contours;
- details of new hedges to be planted to all site boundaries including species.

The landscape works shall then be constructed in accordance with the approved details prior to the first occupation of the development hereby permitted. Hedges must thereafter be maintained in perpetuity in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the Green Belt and the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 3 **The application site shall not be used for any purpose other than an outdoor dog day care centre unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the Green Belt, the character and appearance of the open countryside and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 4 **There shall be no parking other than in accordance with the approved details, and there shall be no more than two vehicles parked on the site at any one time. There shall be no parking of cars and no external storage overnight.**

Reason: To ensure a satisfactory appearance to the site and to safeguard the openness and the character and appearance of the Green Belt and the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 5 **No buildings, additional hardstanding, or exterior lighting shall be installed on the land outlined in red on the 1:1250 site location plan on Drawing No. P001 Revision P0 (received 1 November 2013).**

Reason: To safeguard the open character of the Green Belt, the character and appearance of the countryside, and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 6 **Notwithstanding the details shown on Drawing No. P002 Revision P0 (received 1 November 2013), this permission does not extend to the additional fencing around the two accesses off Upper Bourne End Lane which do not form part of the boundaries of the land outlined in red (on the 1:1250 site location plan on Drawing No. P01 Revision P0 received 1 November 2013).**

Reason: To safeguard the open character of the Green Belt and the character and appearance of the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 7 **The use and development hereby permitted shall not commence until a timetable of implementation of works has been submitted for approval in writing by the local planning authority. This program shall indicate that the proposed boundary hedge and fencing hereby approved shall be planted and installed simultaneously, and after a period of five years following planting and installation the top 0.356m of the post and wire fencing shall be removed. The height of the fence shall not be increased above this point without the prior written approval of the local planning authority.**

Reason: To safeguard the Green Belt, the character and appearance of the open countryside and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 8 **The existing two vehicle accesses to the site off Upper Bourne End Lane shall be properly constructed prior to the commencement of the proposed use.**

Reason: To ensure highway safety by providing a durable surface to allow more efficient manoeuvres in and out of the site in accordance with saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

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

**P001 Revision P0 (site location plan) received 1 November 2013;
P002 Revision P0 (proposed block plan) received 1 November 2013;
Sketch No. MP2 (typical hedge and fence section) received 28 February 2014;
and
X fence Badger Specification Sheet received 28 February 2014.**

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

NOTE 1:

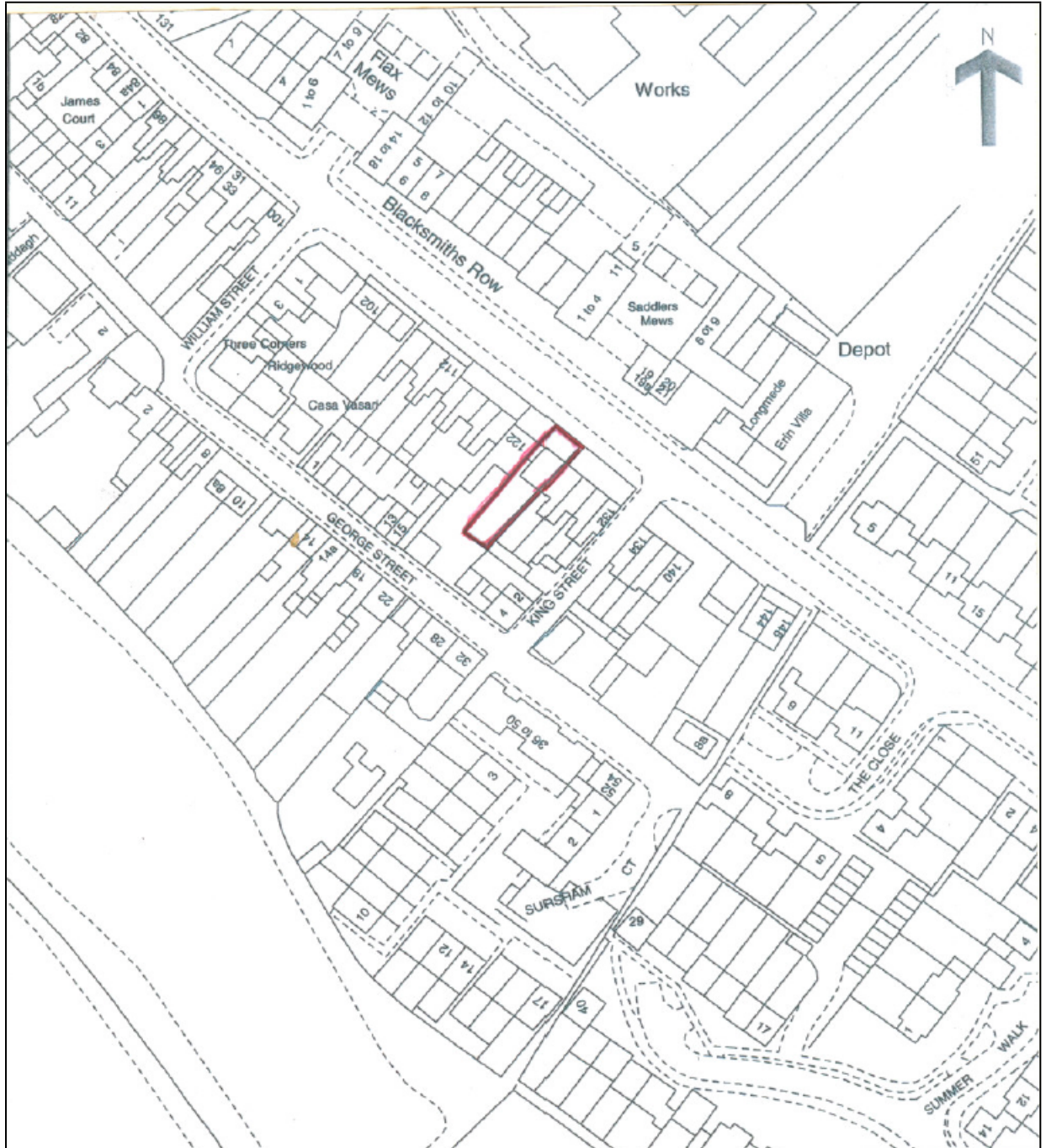
Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at pre-application stage, and subsequently through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively 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.

Item 5.3

4/00219/14/FHA – SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS, FRONT PORCH, LOFT CONVERSION WITH RAISED ROOF HEIGHT TO MATCH EXISTING AND TWO FRONT DORMERS

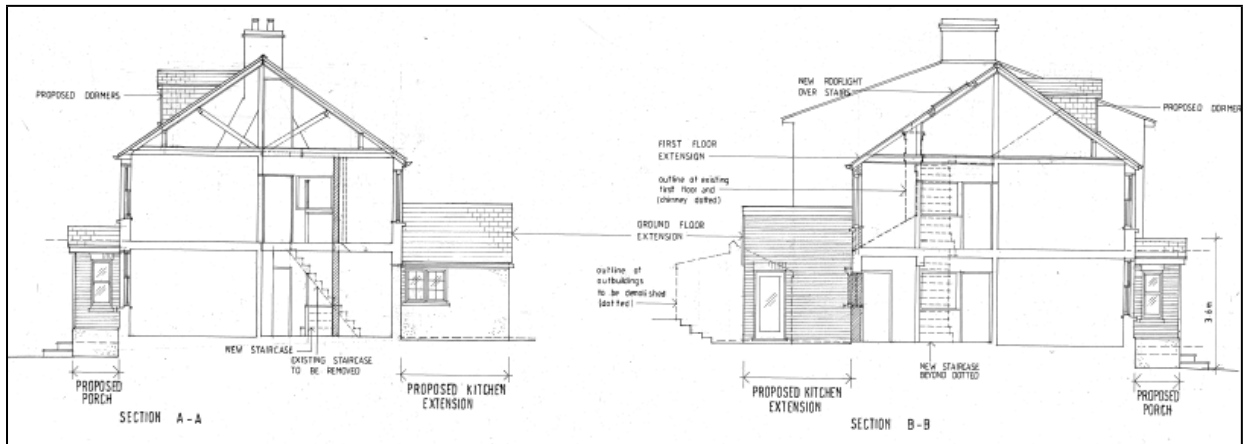
124 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JZ



Item 5.3

4/00219/14/FHA – SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS, FRONT PORCH, LOFT CONVERSION WITH RAISED ROOF HEIGHT TO MATCH EXISTING AND TWO FRONT DORMERS

124 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JZ



**5.3 4/00219/14/FHA - SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS, FRONT PORCH. LOFT CONVERSION WITH RAISED ROOF HEIGHT TO MATCH EXISTING AND TWO FRONT DORMERS.
124 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JZ
APPLICANT: Ms Clacher**

[Case Officer - Intan Keen]

[Grid Ref - TL 06315 16221]

Summary

The application is recommended for approval.

The proposed extensions and alterations would be of a satisfactory design and would be suitably integrated with the original dwelling, the terrace row of which it forms a part, and the wider street scene. The development would not compromise the appearance of the nearby Conservation Area. The development would not have an adverse impact on the amenity of neighbouring properties. The car parking arrangements are acceptable. The proposal is therefore in accordance with the National Planning Policy Framework, Policy CS12 of the Dacorum Core Strategy (September 2013).

Site Description

The application site is currently occupied by a two storey mid-terrace dwelling located on the south-western side of High Street and is several properties removed outside of the edge of the Markyate Conservation Area further north-west. The dwelling has a relatively wide frontage to the street with a part set down roof. Levels fall in a north-easterly direction such that the dwelling has an elevated position from the street. At the time of the site visit some works had been carried out, including the enlargement of front windows and the construction of the front porch.

Proposal

Planning permission is sought to extend the dwelling as described below.

It is proposed to convert the roof space to habitable accommodation, including the insertion of two front dormer windows. They would be identical in appearance, with dimensions of 1.45m in width and 2.3m in depth. Both would feature gable roofs to a height of 1.5m. The loft would serve a fourth bedroom with ensuite.

Two first floor rear infill extensions are proposed that would enlarge an existing bathroom and provide a staircase to the loft. Both would involve the creation of a new roof that would elongate the existing gable roof and extend the ridge, maintaining the existing ridge height approximately 8.5m high. These additions would have maximum dimensions of 3.78m in width and 3.9m in depth, with the rear part of the extension set in 1.1m from the side boundary.

A single storey rear extension is also proposed of dimensions 3.2m in width and 3m in depth. It would feature a monopitch roof to a height of 3.9m, and enlarge the existing kitchen.

A front porch is also proposed, measuring 1.86m in width, 1.215m in depth, and with a gable roof to 3.6m high.

Lastly, the enlargement and repositioning of the ground floor front windows are proposed. A central first floor window would be inserted into the front elevation.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council.

Planning History

Application 4/01984/13/FHA for first floor rear extension and loft conversion with two front dormers was withdrawn on 13 February 2014.

Application 4/01991/13/LDE for front porch, single storey rear extension, loft conversion with rear dormer window and alterations to openings was determined on 22 December 2013. It involved a split decision where a Certificate of Lawful Development was granted for the alterations to openings on the front elevation. However, all other elements including the front porch, single storey rear extension and rear dormer window failed under this application. The reason for refusal reads as follows:

A Certificate of Lawful Development cannot be issued for the rear dormer window, single storey rear extension and front porch as these enlargements would fail to comply with criterion (b) of Class B.2, and criterion (b) of Class D.1 of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The rear dormer window and the single storey rear extension would be sited closer than 20cm from the eaves of the original roofs upon which they would be sited (or partly sited) and therefore would fail to comply with criterion (b) of Class B.1.

The proposed front porch would exceed the 3m allowable height limit under criterion (b) of Class D.2.

A new application (reference 4/00257/14/LDP) for a rear dormer window is currently under consideration.

Application 4/00276/14/HPA for a single storey rear extension is still under consideration. This application follows a previous application (reference 4/01993/13/HPA) for a single storey rear extension.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

Policies NP1, CS1, CS4, CS11, CS12, CS29 and CS31

Saved Policies of the Dacorum Borough Local Plan

Policy 58

Appendices 5 and 7

Representations

Neighbours

Highfields at No. 122 High Street and No. 126 High Street, Nos. 2 and 4 King Street, and Nos. 19, 19a, 20 and 21 Blacksmiths Row were notified on 11 February 2014.

No representations received.

Markyate Parish Council

Object.

Due to being out of keeping within a Conservation Area, no other properties in this location have dormer windows.

Further correspondence was received confirming that Markyate Parish Council wish to maintain their objection on the grounds that the dormer windows are out of keeping with the area.

Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed extensions and alterations on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on car parking.

Impact on appearance of original building and street scene

The proposed pair of front dormer windows would be appropriately sited with respect to the side boundaries, would be set down from the roof and set behind the front wall line. Additionally the dormer windows would align with existing openings on the front elevation. The openings would be shorter than existing windows at first floor level and with minimal areas of wall surrounding the openings so that their bulk is limited. As such, the dormer windows would represent relatively minor features on the front elevation, and are considered appropriate in terms of their appearance and compatibility with the parent building. There is no concern with respect to the lower pitch above the dormer windows as this limits their height and bulk.

The proposed first floor rear extensions and associated roof extension would simplify the appearance of the dwelling from the front elevation. The first floor and roof additions would result in a staggered eave level to the rear elevation however the stagger is located to the rear and within a recess and would not raise a design concern. There are no objections to the proposed rear roof light and although sited proximate to the north-western side boundary it is considered proportionate to the roof slope as a whole.

The proposed single storey rear extension would be acceptable in design terms. It would feature a steep monopitch roof however this would not unduly compromise the character and appearance of the building. The proposed doors within the extension would be simple in design and would not conflict with existing fenestration to the existing building.

The proposed front porch and alterations to openings on the front elevation would be acceptable in terms of their siting and well-proportioned relative to existing features on the front elevation. The position of the enlarged ground floor front windows relative to existing first floor windows and the dormer windows above is slightly off-centre however this is not considered to compromise the appearance of the building, noting that the enlargement of ground floor windows could be carried out under permitted development and benefits from a Certificate of Lawful Development (referenced above). The additions and alterations to the front of the

building would not upset the balance of the principal elevation and are considered acceptable.

The proposal, for reasons mentioned above would not have an adverse impact on the appearance of the street scene. The terrace row of which the application site forms a part is characterised by dwellings of various styles and of differing widths and although most are attractive properties there is no uniform character within the street.

No other dwellings within this particular terrace row feature front dormer windows. However, it is not considered that maintaining a clean roofscape to High Street is essential in this location, noting that the dormer windows would be sympathetic to the host building in terms of their form, appearance and siting.

The proposed front dormer windows would not result in an adverse cumulative impact as the dormer windows are limited in terms of size and bulk, and appropriately sited in relation to the site's boundaries and features of the building. As such, any other front dormer windows that follow within the terrace row would also need to demonstrate a suitable integration with their respective host buildings. On this basis it is not considered that a refusal could be sustained on the impact of the dormer windows on the character and appearance of the original building or the street scene.

It is important to note that the application site is located outside of the Conservation Area. It is acknowledged that the site is prominent within High Street due to its elevated position, and forms part of the gateway to the Conservation Area. However, for reasons mentioned above, the development is considered appropriate and would not detract from the appearance of the original building, the street scene, or the nearby Conservation Area in accordance with Policy CS12 of the Core Strategy.

Impact on neighbouring properties

The application site has three directly adjoining properties, including two dwellings to the side at Nos. 118 and 122 High Street, and one dwelling which abuts the southern rear corner of the site at No. 2 King Street.

The proposed front dormer windows and front porch would be sited a sufficient distance from neighbouring habitable room windows so that the development would not have a harmful impact on residential amenity. Specifically, the proposed dormer windows would be sited a minimum of 0.6m from their side boundaries, and the front porch located 2.4m from the nearest side boundary.

The proposed first floor rear extensions would not project beyond the existing main rear wall of the dwelling, and importantly would not protrude further than the rear wall of the adjoining dwelling at No. 122. This aspect of the proposal would not have an adverse impact on the amenity of neighbouring properties.

The proposed single storey rear extension would have a projection of 3m beyond the rear wall of the application site and No. 120 High Street. The extension would also be sited approximately 3.3m from the shared side boundary with No. 120 so although it would be quite high at 3.9m it would not adversely affect the amenity of this neighbouring property.

No. 122 High Street projects further rearward than the application site so that the proposed single storey rear extension would project 1.4m beyond the rear wall of this property, achieving a separation of 1.1m from the party boundary. It would have a low eave height of 2.2m and its roof would slope up away from the boundary with No. 122. Given these factors it is not considered that the amenity of No. 122 would be compromised with respect to visual intrusion or loss of light.

No overlooking issues would arise from the proposed development noting that the first floor window to be created in the upper floor extension would be constructed at the same level as the existing first floor window.

As such, the proposal accords with Policy CS12 of the Core Strategy.

Impact on car parking

The proposal would involve the creation of one additional bedroom, transforming the existing three-bedroom dwelling to a dwelling with four bedrooms. A dwelling of this size would generate a maximum requirement of three on site car parking spaces; one additional space above the existing requirement for the existing three-bedroom dwelling on the application site.

The application site does not provide for any off street parking and relies on car parking on High Street and surrounding residential streets. However, the site is located proximate (walking distance) to the local centre within Markyate. It is not therefore considered that the shortfall of one car parking space would place undue stress on the surrounding road network. It follows that the parking arrangements are acceptable.

Other matters

A sustainability statement required under Policy CS29 of the Core Strategy has not been provided, and if planning permission is granted it would be reasonable to attach a condition requiring details demonstrating how the proposed development would meet the objectives of sustainable design and construction.

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, details showing how the development will meet objectives of sustainable design and construction under Policy CS29 of the Dacorum Core Strategy (September 2013) 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 CS29 of the Dacorum Core Strategy (September 2013).

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

**13/07/LP1 (site location plan) received 5 February 2014;
13/07/P01 (existing floor, loft and roof plans) received 5 February 2014;
13/07/P02 (existing elevations and sections) received 5 February 2014;
13/07/P07 Revision A (proposed floor and roof plans) received 5 February 2014; and
13/07/P08 Revision B (proposed elevations and sections) received 5 February 2014.**

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

NOTE 1:

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the course of the previous application and prior to the submission of the current application which led to improvements to the scheme. The Council has therefore acted proactively 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.

Item 5.4

**4/02340/13/FHA – TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR
EXTENSIONS AND ALTERATIONS
6 FIELDWAY, BERKHAMSTED, HP4 2NX**



Site Location Plan

Scale 1:1250

Item 5.4

**4/02340/13/FHA – TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR
EXTENSIONS AND ALTERATIONS
6 FIELDWAY, BERKHAMSTED, HP4 2NX**



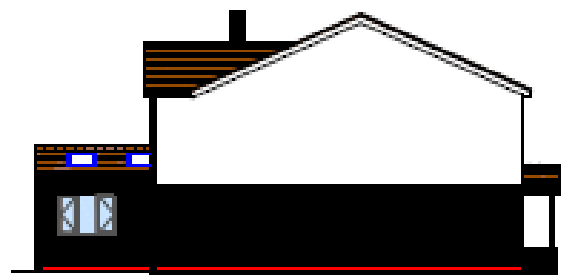
Proposed Front Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100

**5.4 4/02340/13/FHA - TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSIONS AND ALTERATIONS.
6 FIELDWAY, BERKHAMSTED, HP4 2NX
APPLICANT: MR TYLER AND MRS GILLETT**

[Case Officer - Naim Poptani]

[Grid Ref - TL 00382 06815]

Summary

The application is recommended for approval. The application site is located within an existing residential area of Berkhamsted wherein extensions to properties are acceptable in accordance with Policy CS11 and CS12 of the Core Strategy. The two storey side extension would respect the typical density intended within the area, avoid visual intrusion and loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties, and integrate with the street scape character. The proposed side extension would be flush with the front elevation and would extend till in line with the existing rear elevation of the main dwelling. The extension would retain a 800mm set back from the common boundary shared with No. 8 Fieldway and this would also create an access to the rear garden along with maintaining the detached character of the area. The proposed extension would therefore comply with CS11 and CS12 of the Core Strategy as well as Appendix 7 of the DBLP.

Due to the lower ground level of No. 8 Fieldway and the position of their attached garage, the original plans submitted by the applicant managed to maintain the detached character of the area, however the original plans were amended in order to further increase the spacings between the properties and to create an access to the rear of the property.

Site Description

The application property 6 Fieldway is a two storey detached dwelling situated within an existing residential area of Berkhamsted and the character area of Hall Park (BCA1). The property benefits from a grass area to the right hand side of the property with a garage to the left and off road parking for up to 3 cars with a spacious rear garden.

Proposal

Full planning consent is sought is for the erection of a two storey side extension, single storey front extension, a roof conversion and alterations following the demolition of the existing garage. The two storey side extension would be flush with the front and rear elevation of the host dwelling and would measure 11.1m in depth, 2.25m in width and would be level with the existing roof ridge and eaves height of the main dwelling. The single storey front extension would be sited to the right hand side of the dwelling and would measure 1m in depth and 4.05m in width and would be characterised by a mono pitched roof with a front gable end feature above the front door with a maximum height of 3.5m and the eaves set at 2.3m. The roof conversion would be for the existing single storey rear extension which currently consists of a flat roof but would be converted to a dual pitched roof. The maximum roof height would measure 3.8m with the same eaves level as existing. The alterations to the dwelling would be to include the use of timber cladding, smooth white render and brown aluminium window frames.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 21
Appendices 5, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area BCA 1:Hall Park
Accessibility Zones for the Application of car Parking Standards (July 2002)

Representations

Berkhamsted Town Council

Berkhamsted Town Council objected against the application as the proposed two storey side extension would substantially reduce the space between numbers 6 and 8, which would materially detract from the intended layout of the street scape and set an unwelcome precedent. Contrary to Core Strategy 11 and 12 and the National Planning Policy Framework. We note that the site plan fails to show that number 6 is a detached house linked to the neighbouring property number 8. While this is a party wall matter, it would need to be proved that the proposal would not damage the property of number 8.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Two letters of objection have been received from No. 4 and No. 6 Fieldway:

- Site plan submitted is inaccurate
- The property is link detached with No. 6 Fieldway and are worried that the garage wall, boundary wall, fence and drain might be damaged.
- Proposed extensions would cause loss of light and overshadow No.6.
- Proposed extension is out of keeping with the area and out of keeping with the size of houses in the road.
- The extension would use the full size of the plot.
- The property would be visually intrusive within the area with the use of white painted smooth render and changes in external appearance.
- Loss of trees and hedges on the site.

Considerations

Policy and Principle

The application site is located within an existing residential area of Berkhamsted where in principle, the development is acceptable in accordance with Policy CS11 and Policy CS12 of the Core Strategy. The main considerations in the determination of this application are the visual impact of the two storey side extension and its impact upon the residential amenities of No. 8 Fieldway.

Effects on appearance of building/ Street Scene

The proposed extension would be an addition that would be domestic in appearance and therefore not out of keeping with the existing property. The height, scale and appearance are all considered acceptable. The roof ridge height and eaves level of the proposed two storey side extension would be level with the existing dwelling. The proposed extension has been amended to ensure that the two storey side extension does not use the full width of the site and has been set back by 800mm which would be in accordance with Appendix 7 of the DBLP. The 800mm setback from the common boundary would also comply with CS11 of the Core Strategy as the gap would ensure the detached character of the street scene and Hall Park is maintained. The two storey side extension would be flush with the existing front and rear elevation and in proportion to the main dwelling. Hall Park is characterised by dwellings ranging from medium to large sized dwellings with wide front gardens. The proposed external alterations would consist of white painted smooth render and sections of timber cladding with the use of brown aluminium windows. The external finishes would be identical to a neighbouring property 74 Hall Park Gate.

The proposed two story side extension and external finishes are considered to be in keeping with the street scene and character area of Hall Park as the proposed extension would maintain the detached characteristic of the area along with retaining a wide front garden and in keeping with the neighbouring properties. No. 2 Fieldway is the first dwelling in line and is characterised by a front gable end feature along with a unique external finish to the remainder of the five properties along Fieldway. The proposed conversion of the roof would not be visible from the street scene as it would be sited to the rear of the property. It is therefore considered that the proposed extensions and alterations would be in keeping with the street scene and would not have an adverse impact on the character of the surrounding area.

It is therefore considered the proposed extensions and alterations would be in accordance with Appendix 7 of the DBLP and CS11 and CS12 of the Core Strategy.

Impact on Trees and Landscaping

There are no trees within the close proximity of the site that would be affected. The shrubs to the front of the property measure approximately 0.5m in height.

Impact on Neighbours

The proposal will not have a significant impact on the residential amenities of No. 4 and No. 8 Fieldway in terms of light, privacy or visual intrusion. The proposed two storey side extension would clear the 45 degree light angle from the centre point of the ground and first floor rear elevation window at No. 4. There are no ground floor windows other than an access door to the kitchen from the side elevation. The access door has obscure glazed windows and should be seen as a secondary form of light as there is a primary window to the front elevation. There are also two first floor windows to the flank elevation that face the application dwelling which are obscure glazed. There are no windows proposed to the north east flank elevation of the application dwelling which faces No. 8 Fieldway, however there is a rooflight proposed to the

front and rear elevations of the proposed side extension. The bottom base of the rooflights would be set at 1.8m high and would be used to provide natural light into the bathroom rather than an outlook.

There is one Juliette balcony proposed to the first floor rear elevation of the proposed side extension which would provide an outlook of their rear garden along with a door at ground floor for access to the utility room from the rear garden. There would be a window at ground floor and first floor level to the front elevation which would provide an outlook of their front garden and parking area. The rooflights proposed to the new roof to the single storey rear extension would simply provide a source of extra natural light. It is considered that there would be no privacy implications.

Sustainability

The applicant has submitted a statement to show the following development has complied with the highest standards of sustainable design and construction possible and in accordance with CS29 of the Core Strategy.

Parking

A 4 bedroom dwelling within Zone 4 of Berkhamsted under the Parking Provision would require a maximum car parking standard of 3 car parking spaces. The application property would demolish their garage, however they would still benefit from 3 car parking spaces which would be in accordance with CS8, CS12 of the Core Strategy and Appendix 5 of the DBLP.

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.

Drawing No. 1066 PL - 1.01 Rev B
Drawing No. 1066 PL - 2.02A Rev D

3. The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the Core Strategy and Appendix 7 of the DBLP.

Article 31 Statement

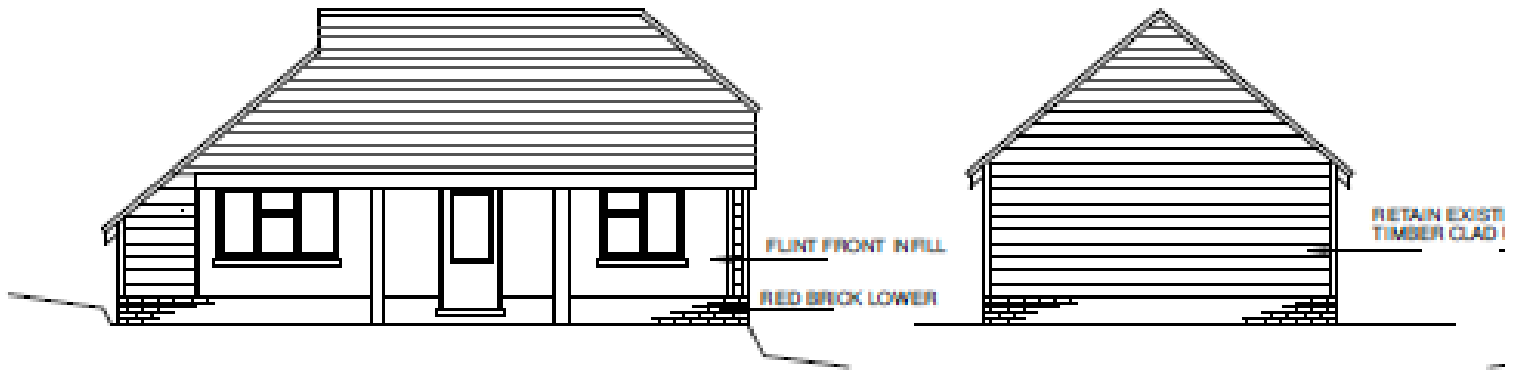
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2)

Order 2012.

Item 5.5
4/00100/14/FHA – CONVERSION OF EXISTING DETACHED GARAGE INTO ANCILLARY
HABITABLE ACCOMMODATION
CLUDEN, RUCKLERS LANE, KINGS LANGLEY, WD4 9ND

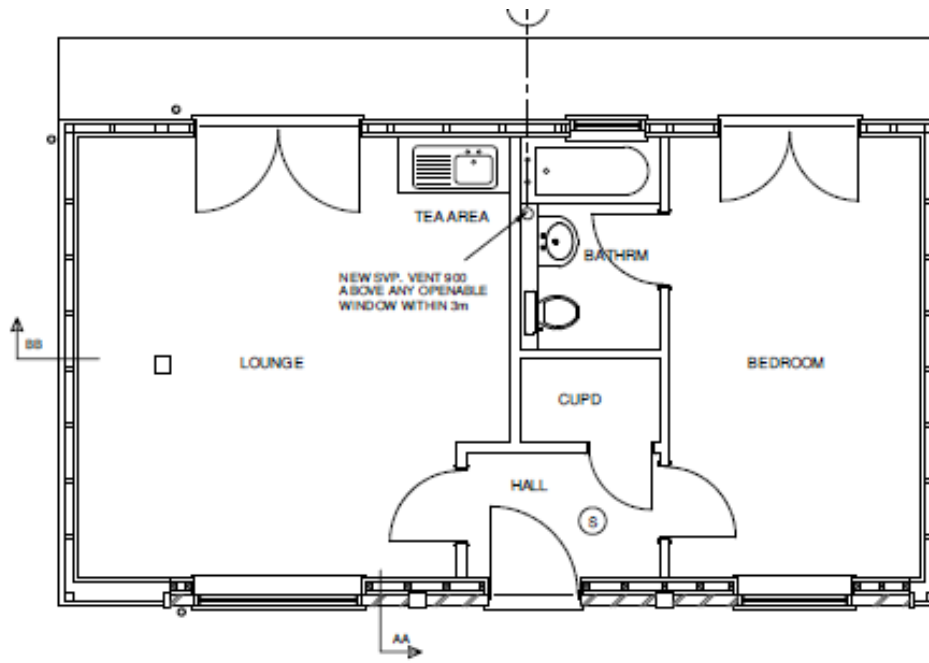


Item 5.5
4/00100/14/FHA – CONVERSION OF EXISTING DETACHED GARAGE INTO ANCILLARY
HABITABLE ACCOMMODATION
CLUDEN, RUCKLERS LANE, KINGS LANGLEY, WD4 9ND



PROPOSED FRONT ELEVATION
SCALE 1:100

PROPOSED SIDE ELEVATION
SCALE 1:100



PROPOSED GROUND FLOOR PLAN

**5.5 4/00100/14/FHA - CONVERSION OF EXISTING DETACHED GARAGE INTO ANCILLARY HABITABLE ACCOMMODATION
CLUDEN, RUCKLERS LANE, KINGS LANGLEY, WD4 9ND
APPLICANT: MR K BARNES**

[Case Officer - Naim Poptani]

[Grid Ref - TL 05792 03936]

Summary

The application is recommended for approval. The proposed conversion of the existing detached garage into ancillary habitable accommodation, would be used as a non-self-contained accommodation as part of the main dwelling. The proposed annexe would be lived in by the applicants family member. The existing detached garage measures approximately 9m x 5.5m and is sited approximately 10 metres away from the main dwelling. The site is located within the Green Belt, and is considered to be in accordance with CS5 of the Core Strategy.

Site Description

Cluden is a detached two storey dwelling sited within large grounds to the rear of Rucklers Lane, Kings Langley and is unseen from the public view. The property is of a substantial size and benefits from a detached triple garage plus off road parking for up to 6 cars within a large curtilage. The character of the area is principally large sized two storey detached dwellings with vast front and rear gardens. The application property is of no significant architectural merit.

Proposal

Full planning consent is sought for the conversion of an existing detached garage into ancillary habitable accommodation. The existing detached garage is sited approximately 10 metres from the main dwelling and measures 9m x 5.5m with a maximum height of 4.5m. The proposed conversion would utilise the existing floor space to create a single bedroom with bathroom, cupboard and lounge. The ancillary accommodation would be used by the applicants family member with meals prepared and eaten in the main house. The conversion would involve infilling the front elevation with red bricks and flint.

Referral to Committee

The application is referred to the Development Control Committee following a request from Local Councillor Alan Anderson (Member of Kings Langley Parish).

Planning History

4/1423/83 - Single storey rear extension - Granted

4/0424/86 - Two storey side extension and formation of room space with dormer windows - Granted

4/00267/10 - Reconducting of overhead power lines and pole replacement as necessary - Raised no objections

4/01747/13/LDP - Conversion of garage into habitable accommodation - Refused

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99
Appendices 5, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Representations

Kings Langley Parish Council

Noted

Councillor Alan Anderson (Kings Langley Parish Council)

If the site and property is known, including their relative sizes there wouldn't be any need for what is meant by ancillary. If there was a need for ancillary floor space, the proposal would be considerably more robust if it involved seeking a floor on top of the garage in keeping with the rest of the estate. Conditions would not be enforceable, and treating the proposal as an extension in the Green Belt, the issues would not resolve the design problem. This is a matter of Green Belt Control, and it's wrong to cheat the green belt control in this way.

Object

Comments from Local Residents

Snow House, Rucklers Lane, formally Dormas

the proposed development is right on the border of our property. We are concerned about loss of privacy and visual intrusion, as elevated aspect of the development will mean that occupants will be directly overlooking our bedroom windows and patio area. We propose that the development should be moved to the opposite side of the main house overlooking Shendish Manor estate where there is no neighbouring properties to be effected. Alternatively we would suggest the border to be densely planted with evergreen shrubs like holly, laurel, red robin, etc., screening the proposed development.

Stoneydene, Rucklers Lane (05/03/14)

We have no objections to the proposals.
On another note it seems strange that those with the same postcode as the application are not included in the consultees?

Considerations

Policy and Principle

Policy CS5 of the Core Strategy allows small scale development within the Green Belt with appropriate reuse of permanent buildings, provided that it has no significant impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside.

Impact on the Green Belt

No further floor space is required and the detached garage would be reused as an annexe which would be in accordance with Policy CS5 of the Core Strategy.

Use of the annex as a separate dwelling

The main concern raised about the application is the potential use of the annexe as a separate dwelling, and therefore creating two units on site. No neighbours or the Parish Council have submitted representations regarding the application however it has been called to committee by a local councillor who has opposed views.

The agent has submitted a statement concerning the occupancy of the annex which states that the annex would be used by a member of the family with main meals prepared and eaten in the main house.

The annex would consist of a single bedroom, a lounge area and bathroom and cupboard. There would also be a kitchen sink which would be used as a tea/coffee area. The annex would benefit from its own bathroom and sink; however these facilities would be necessary for someone to live independently. The annex is of a limited size, approximately 9m x 5m and is sited approximately 10m away from the main dwelling. Furthermore a condition would be inserted to ensure that the annexe remains ancillary to the main dwelling. In accordance with CS1, CS5, CS10, CS11 and CS12 of the Core Strategy and Appendix 7 of the DBLP.

It should be noted that the re-use of a building in the curtilage of a dwellinghouse as an annexe or for ancillary purposes does not normally constitute a material change of use and require planning permission, however, since this building requires external alterations and is more than 4 metres in height and forward of the dwellinghouse planning consent is required for the proposal.

Visual Amenity

As stated the existing building is currently used as a detached triple garage. The proposed conversion would consist of using the existing frame and footprint of the detached garage with the front elevation infilled with brick work and flint. The proposed front infill would be constructed using red bricks matching the main dwelling with flint work to the upper half. The infilling would consist of two windows and a door to the front elevation. Furthermore, the application site is not visible from the public domain as the main property and detached garage are located up a steep hill to the rear of Rucklers Lane with access only available via a narrow private road. The site is also screened by tall trees and hedges which screen the application site from neighbouring properties.

Impact on Trees and Landscaping

No trees and hedges would be affected by the proposed works as no further floor space is required in accordance with CS12 of the Core Strategy and Policy 99 of the DBLP.

Impact on Neighbours

The only neighbours within the close proximity of the site are the neighbours to the south. Furthermore these neighbours are screened by the tall trees and landscaping surrounding the site along with the neighbours being set on a lower ground level. The detached garage is sited approximately 20m away from the closest neighbour with no windows proposed to the flank elevations. The two windows to the front elevation would outlook onto the off road parking area, with two patio doors to the rear which would provide access into the rear/side garden of the main dwelling.

Sustainability

The proposal would be built to modern building regulation standards therefore improving the overall sustainable performance and general improvement of the building. This would be in accordance with Policy CS29 of the Core Strategy.

Parking

The site benefits from off road parking for up to 6 cars to the front of the main dwelling and the loss of the garage would not have a detrimental impact on parking. The ancillary accommodation would be in connection to the main dwelling and therefore the existing off road parking would be used. The stated maximum parking standard for a 4 or more bedroom dwelling is 3 parking spaces. This would be in accordance with Policies CS8 and CS12 of the Core Strategy and Policy 58 and Appendix 5 of the DBLP.

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 change of use of the detached garage to be used as a granny annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cluden.**

Reason: For the avoidance of doubt and to safeguard and maintain the strategic policies of the local planning authority by ensuring the granny annexe remains ancillary to the main dwelling, prevents further sub-division of the plot, respects the character of the area and provides adequate parking and amenity space in accordance with Policies CS5, CS11, CS12 and Appendix 7 of the Core Strategy 2013.

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

Drawing No. 1106.3 Rev A

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

Article 31:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

6. APPEALS

A. LODGED

- (i) 4/01571/12/ENA Mr McLaughlin
Appeal against Enforcement Notice – construction of 2 dwellings
11 Bank Mill, Berkhamsted

Delegated
- (ii) 4/01829/12/FUL Mr Cowman and Mr McLaughlin
Construction of 2 No. 3-bed dwellings
11 Bank Mill, Berkhamsted

Committee
- (iii) 4/00256/13/ROC Chipperfield Land Co.
Variation to conditions 15 and 16
The Pines, North Road, Berkhamsted

Committee
- (iv) 4/00224/12/FUL Chipperfield Land Co
Demolition of garage, swimming pool and extension.
Refurbishment of existing dwelling to form two dwellings
and construction of 4 new dwellings.
The Pines, North Road, Berkhamsted

Committee
- (v) 4/01365/13/FUL Mr R Atkins
New Dwelling
Land Adjacent 25 Cheddington Lane

Committee
- (vi) 4/00896/13/LBC Mr Tim Crossley-Smith
Conservation roof light
1&2 The Red House, Little Gaddesden

Delegated
- (vii) Mr S Browne
Condition relating to rooflight
Stuart House, Ferrers Hill Farm
Markyate

Delegated
- (viii) 4/01054/13/FUL Mr P Cowman
Two 3-bed dwellings

11 Bank Mill, Berkhamsted, HP4 2ER

Committee

- (ix) 4/01903/13/FHA Mr & Mrs Burchell
Raised roof with dormer windows
And single storey side and rear extensions
118 Western Rd, Tring

Delegated

- (xi) 4/01716/12/FUL Mr D Hosier
Demolition of existing Warehouse and Redevelopment with
1 x 4 bedroom House, 2 x 2 bed maisonettes and 3 x 2 bed
apartments
23 Kingsland Rd, Hemel Hempstead

Committee

- (xiii) 4/00971/13/FHA Mr Peter Murray
4/01553/13/LB Roof lights
Site at The Old Barn, Castle Hill, Berkhamsted

Delegated

- xvii) 4/02001/13/FHA Mr S Woods
Two storey front extension
38 Austins Mead, Bovingdon

Committee

- xviii) 4/00432/14/ENA Mr S Liska
Material change of use – car repairs
Rosemary, Dunny Lane, Chipperfield

Delegated

- xix) 4/00435/14/ENA Ms C Leahy
Material change of use – motor vehicle activities
Runways Farm (Bovingdon Airfield)

Delegated

- xx) 4/00140/13/LDE Ms C Leahy
Mixed use (including motor vehicle activities)
Runways Farm (Bovingdon Airfield)

Delegated

B WITHDRAWN

None

C FORTHCOMING INQUIRIES

- (i) 4/00425/14/ENA Ms C Leahy
Material change of use – motor vehicle activities
Runways Farm (Bovingdon Airfield)

An initial date for this Public Inquiry has been set for October 7th - 9th (3 days).

D FORTHCOMING HEARINGS

None

E DISMISSED

- (i) 4/02135/13/FHA Mr & Mrs Kay
Two Storey Side Extension and Porch
6 Upper Sales, Hemel Hempstead

Appeal dismissed

An extension for an angled two storey side extension, with minimal set down and set back and large porch, to the full width of the boundary next to an open space.

The inspector found the design to be contrived and the extension failed to respect the scale and proportion of the existing dwelling, appearing over dominant.

The inspector also found that there would be a unacceptable impact on character and appearance of the street scene due the visible nature of the awkward and contrived extension which would be a harsh blank elevation abutting an open space, exacerbated by the removal of a hedge and the unlikely possibility of being able to replace it once the development was complete.

The inspector did not find in favour of the reason of refusal for car parking, the additional bedroom and subsequent increase in parking demand it was considered it would not necessarily lead to an increase in parking demand or be harmful to highway safety despite evidence of particularly heavy on street parking.

CS29 was cited as a reason for refusal however inspector found it could be satisfied by a condition and was not necessarily a reason for refusal.

The application was considered contrary to policies CS11, CS12, CS13, no mention or regard was made to saved DBLP appendices.

- (ii) 4/00602/13/FHA Mr A Draper
Single Storey front, rear and side extension
28 Meadow Close, Tring

The main issues in the appeal were the effect of the proposed single storey front, side and rear extension on the character and appearance of the host dwelling and the street scene. The inspector dismissed the appeal and considered that the proposed extension would unacceptably harm the character and appearance of the parent property and the streetscene as it would be visually prominent and disjointed from the host dwelling. The inspector considered however that the extension would not harm the living conditions of the neighbouring properties.

F ALLOWED

- (i) 4/01792/13/FHA Mr H Batchelor
Single Storey Rear Extension
14 Grassy Close, Hemel Hempstead

The Inspector opined that whilst the proposal would add to the building form on the boundary, the length of the proposal would not extend beyond the boundary and would not block out any more light given the northern orientation of the neighbour's adjacent room. The development would stand peripherally to the main rear aspect towards the rear garden and would not be visually overbearing.

- (ii) 4/01903/13/FHA Mr & Mrs Burchell
New Raised Gable Roof to Create Second Floor
Accommodation with Two Front Dormer
Windows and Single Storey Side and Rear
Extension
118 Western Road, Tring

The Inspector opined that the amended scale and height of the extended dwelling would sit more comfortably in the street scene than the existing building which appears relatively squat in proportion to its neighbours. The roof pitch would not be substantially steeper than neighbouring properties and more reflective of the prevailing Victorian style. Dormer windows would be proportionate within the roof. The disparity between the pitch of the main roof and existing projection to the rear would not be noticeable within the wider area. The resultant building would have an improved relationship with surrounding buildings in architectural terms.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to: