

**4/00201/13/FUL - CONSTRUCTION OF ONE 3-BED DWELLING.  
ADJ. CONIFERS, ROSEBARN LANE, WILSTONE, TRING, HP23.  
APPLICANT: MR & MRS M McMANUS.**

[Case Officer - Yvonne Edwards]

[Grid Ref - SP 90513 14066]

## **Summary**

The application is recommended for approval.

## **Site Description**

Conifers is an individual building in the Wilstone Conservation Area and within the village envelope. This is designated as a small village in the rural area, where small-scale development for housing will be permitted provided that it does not damage the existing rural character of the village or the character of the adjoining countryside. The site lies opposite a field on the edge of the village. A small stream runs in front of the dwelling on the opposite side of the road; this road becomes a track a few metres from the dwelling and is a public footpath.

Conifers is a triangular building clad in concrete roof tiles. It is set at an angle to the north-east side of its plot. The garden has mature trees and a fine mature walnut tree to the south west of the dwelling. There is close-boarded fencing to the boundary which adjoins an access drive on the south-west boundary. Beyond this lie the rear gardens of the Marian Cottages.

Previous permissions have been granted for a dwelling on the south-west part of the garden.

## **Proposal**

The application is for a 3-bed dwelling which would occupy the footprint of the extant permission and be of similar height, but would have a 4m long, 2-storey, subservient rear extension; additionally the single garage would be set further back into the site by 2 m. The dwelling would have a pitched roof with a front bay window and sliding sash windows. It would be in red brick with a slate roof with a chimney on the south-west elevation.

The rear extension would be subservient to the parent dwelling, with French windows on the ground floor and a bedroom window above. The side elevation facing Conifers would have a side door and four windows in total on the ground floor, with a landing window above. The south-west elevation would have two obscure-glazed windows at first floor.

The single garage would be of modest size and complementary design.

The plans have been amended to reduce the mass and bulk of the proposal and to improve the design in the Wilstone Conservation Area.

## **Referral to Committee**

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

## **Planning History**

4/02242/11/FU CONSTRUCTION OF DETACHED HOUSE AND GARAGE

L

Withdrawn  
03/04/2012

4/01079/10/VO CONSTRUCTION OF DETACHED HOUSE AND GARAGE -  
T VARIATION OF TIME LIMIT TO PLANNING PERMISSION

4/01386/07

Granted  
19/08/2010

4/01995/07/DR DETAILS OF TREE PROTECTION AS REQUIRED BY  
C CONDITION 3 OF PLANNING PERMISSION 4/01386/07  
(CONSTRUCTION OF DETACHED HOUSE AND GARAGE)

Granted  
19/09/2007

4/01386/07/FU CONSTRUCTION OF DETACHED HOUSE AND GARAGE

L

Granted  
03/08/2007

4/00165/03/FU CONSTRUCTION OF DETACHED HOUSE AND GARAGE

L

Granted  
01/04/2003

4/00771/98/FU DETACHED HOUSE AND GARAGE (RENEWAL)

L

Granted  
18/06/1998

4/01034/93/4 ERECTION OF DETACHED HOUSE AND GARAGE

Granted  
02/12/1993

## **Policies**

National Policy Guidance

NPPF  
Circular 11/95

## Dacorum Borough Local Plan

Policies 1, 8, 11, 13, 58, 99, 118 and 120  
Appendices 1, 2, 3, 5, 7

## Core Strategy

CS7, CS12, CS27, CS29

## Supplementary Planning Guidance

Environmental Guidelines

Advice Note on Achieving Sustainable Development through Sustainability Statements

## **Representations**

### Tring Rural Parish Council

OBJECTION as any development on this site is unsuitable in the current circumstances. Rosebarn Lane is a public right of way and is frequently used by residents to access Grange Road and the allotments. It is too narrow to support housing. The junction is hazardous because of parked vehicles and the culvert has been damaged causing flooding in recent times. Thames Water has indicated that no additional dwellings should be connected to the sewage system because of recent difficulties. This situation has worsened since the last application and is considerably worse than when the original application was granted almost 20 years ago. The Parish Council therefore supports the residents' objections to any development on this site.

amended plans - The Parish Council wish to object to this application on the same grounds as the previous plan.

### Conservation and Design

A suitable scheme was arrived at with application 4/00165/03, and this application submitted a Variation of Time (see application 4/01079/10/VOT), with no changes to the building. The principal of a building in this location has already been accepted. We are therefore purely looking at the detail of this latest proposal.

Original plans - From a design aspect the scheme fails to relate to the historic buildings around the site and its elongated side elevations of blank brick walls, roof lights, fenestration and plinth are particularly poor and are considered to fail to achieve the high standard of development required. This latest attempt fails to respect the general character of the area in which it is set, and to consider local distinctiveness

The previously approved simple cottage scheme was of a design, scale, bulk, layout and site coverage and traditional form with a regard for details and materials which settled into the locality, which this scheme lacks. Therefore from conservation area

aspect the proposed building is considered to fail to preserve or enhance the character or appearance of the conservation area and is recommended for refusal.

Amended plans – these show a vast improvement and the reduction in footprint is noticeable and welcomed. Northeast side – relationship between side door and window – move window away from door; rear north west elevation first floor window should match that of first floor front elevation and ground floor patio doors a single central horizontal glazing bar would help it to relate with other openings. All barge boards removed and replaced with plain verge with cement fillet. Rainwater goods black painted aluminium. All materials are to be conditioned or presented as additional information. What's happening with the front south east bay? The cill should also be reconstituted stone with stone mullions separating the windows.

Garage (if up-and-over or not) should have a central recessed panel so that it appears as two separate doors with door furniture. This should be timber and stain dark brown/black.

### Hertfordshire Highways

Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1.) The development shall not be occupied until the access & car-parking area has been constructed, surfaced. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic/pedestrians along Rosebarn Lane and the right of way

NOTE: The above proposal is a resubmission to build a new dwelling on vacant garden land adjacent to 'The Conifers with a new access onto Rosebarn Lane, Wilstone. Rosebarn Lane is quite a narrow lane and serves as a right of way too. Although the lane would appear to be unsuitable for motor vehicle use, the fact remains that there are already a number of existing residential accesses and a block of garages served off, of this lane.

A single dwelling is therefore unlikely to result in a significant impact on the safety and operation of the adjacent highway consequently; the highway authority does not consider it could substantiate a highway objection to this proposal. The highway authority therefore has no objection (subject to the above conditions) to the grant of permission.

### Environment Agency

We have assessed this application and have identified flood risk as the only constraint at this site.

You should be using our Flood Risk Standing Advice (FRSA) to determine if we need to be consulted directly on an application regarding flood risk. This site is in Flood Zone 1 and is under a hectare. Therefore cell F5 of the consultation matrix applies

and you did not need to consult us.

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. We recommend you use the surface water management good practice advice in cell F5 to ensure sustainable surface water management is achieved as part of the development.

If you have identified drainage problems at this site through your Strategic Flood Risk Assessment or Surface Water Management Plan, you may want to request a formal Flood Risk Assessment from the applicant in line with Flood Risk Assessment Guidance Note 1.

### Trees and Woodlands

I have looked at the garden where a house is proposed, the main tree both on the ground and as per the plan is a walnut. Like many walnuts of its age/size its annual growth has slowed to almost nothing and may be described as moribund. Could be honey fungus loves nothing like walnut and is often the agent that ultimately causes their decline and either collapse or death of this species.

The other trees shown are of no more than cosmetic value and should survive the development process should it go ahead.

### Contaminated Land Officer

The property is located within the vicinity of potentially contaminative land uses – as such I would request that the standard contamination condition be added should permission be granted.

### Archaeology Officer

The site is in an area of archaeological significance. Please reimpose the standard condition.

### Thames Water

#### Waste Comments

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. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

##### 18 Marion Cottages - Objects:

- Construction would cause restricted access
- Pedestrian/vehicle conflict would be increased
- Impact on stability of Marion Cottages
- Sewage pumping station cannot accommodate further increase

##### 22 Tring Road – Objects:

- Impact on stability of dwelling
- Pedestrian/vehicle conflict would be increased
- Loss of views
- Loss of green space
- Noise nuisance during construction

##### 26 Tring Road – Objects:

- Construction and residential traffic on Rosebarn Lane
- Loss of green space
- Adverse impact on drainage and sewage systems
- Requests withdrawal of extant consent

##### Old Post Office, 34 Tring Rd – Objects:

- Flooding issues

### **Considerations**

#### Policy and Principle

The proposals are acceptable in principle, under policies 8, 11 and 120 of the Local Plan. The dwelling would be an enlargement of that which is currently extant and

which must be viewed as the fall back position for the applicant. This scheme is no worse than the extant scheme and would allow a more generously-sized, 3-bed dwelling; however, with the proposed scheme a unilateral undertaking has been negotiated under the Obligations SPD of 2011.

#### Effects on appearance of building

The dwelling is acceptable in design in the Conservation Area and will preserve the appearance of the area. The conservation officer has recommended some improvements to design details which will be achieved by condition.

#### Impact on Street Scene in the Conservation Area

The proposals would not differ greatly in appearance from the extant approval when viewed from public vantage points; the rear wing would not be apparent in public views and views from neighbours would be limited due to the tree cover around the site.

#### Highway Aspects

The proposals do not differ from the extant permission and are acceptable to the Highway Authority. The concerns expressed by residents about effects of construction on neighbouring dwellings have been noted, however, and a condition is to be imposed to ensure that there are no adverse effects on adjacent dwellings.

#### Sewerage Systems

The concerns of the Parish Council were discussed with Thames Water who explained and confirmed in writing that there were no issues with this additional dwelling being added to their systems. Sustainable drainage is addressed below.

#### Impact on Trees and Landscaping

The proposals would not affect the Walnut tree adversely and protection for trees during construction will be conditioned.

#### Impact on Neighbours

There would be no adverse effects. The dwelling would be beyond 23 m from the rear of the Marian Cottages on Tring Road so there would be no significant overlooking, visual intrusion or loss of light. The relationship with Conifers is now acceptable, with the reduced ridge of the rear wing reducing visual intrusion to the front of that dwelling. There would be no overlooking, with the landing window conditioned to be obscure-glazed and of limited opening.

#### Archaeology

This site lies in an area of archaeological interest and the standard condition will be imposed.

#### Flood risk

The concerns of the Parish Council were discussed with the Environment Agency. The agency is not objecting to the proposal on the grounds of flood risk but do have concern about sustainable drainage. This is to be achieved by condition.

### Sustainability

There is insufficient detail on sustainability, including water conservation and sustainable drainage. A condition will be imposed to achieve an acceptable scheme.

### Other Material Planning Considerations

A S106 Unilateral Undertaking has been submitted with this application with the following Heads of Terms and contributions:

Child Play Space Contribution	£1,600
Library Contribution	£198
Monitoring and Administration Contribution	£111
Natural Green Space Contribution	£25
TravelSmart Contribution	£25

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:**

**Site plan  
P820-1/B  
12/121/101/B  
12/121/102**

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

- 3 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority to include rainwater goods. Development shall be carried out in accordance with the approved details.**



Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims of Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 4 **The details of tree protection for the Walnut tree growing in the garden of Conifers and the Copper Beech tree on the approved site shown for retention on the approved Drawing 12/121/101/B shall be submitted to and approved in writing by the local planning authority. The trees shall be protected during the whole period of site excavation and construction by the erection and retention of a weldmesh panel fixed to a solid scaffold framework in accordance with BS5837:2012 and nothing shall be stored underneath the canopy of the Walnut tree nor the Copper Beech tree on the approved site during construction works.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims of Policies 11, 99 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 12/121/101/B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic/pedestrians along Rosebarn Lane and the right of way in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, C, D, E and F**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity and the trees of the Conservation Area, the archaeological interests of the site and the sustainable drainage of the site in accordance with the aims of Policies 11, 99 and 120 of the Dacorum Borough Local Plan 1991 -

2011 and Policies CS12, CS27 and CS29 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and Policy CS29 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 8 **No development shall comment until details of removal of the barge boards, all doors and windows at a scale of 1:20, including details of a reduction in width of the rear first floor window, a separation of the utility room door and window, horizontal glazing bars to the French windows, reconstituted stone cills with stone mullions separating the windows in the front bay, and a central recessed panel to the garage door, shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims of Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 9 **No development shall begin until a method statement for construction of the dwelling to demonstrate that there will be no implications for the structure of adjacent properties shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.**

Reason: In the interests of the heritage assets of the Conservation Area in accordance with the aims of Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 10 **The window at first floor level in the north-east elevation of the dwelling**

**hereby permitted shall be top sash opening only by a maximum of 150 mm and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with the aims of Policy11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

11 **A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

**1.The programme and methodology of site investigation and recording**

**2.The programme for post investigation assessment**

**3.Provision to be made for analysis of the site investigation and recording**

**4.Provision to be made for publication and dissemination of the analysis and records of the site investigation**

**5.Provision to be made for archive deposition of the analysis and records of the site investigation**

**6.Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

**B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).**

**C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the aims of Policies 118 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

**NOTE 1:**

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

The site is located in a selected small village in the Rural Area. Small-scale development for housing, employment and other purposes is acceptable in this area. The development will help maintain the vitality of the settlement and the surrounding rural area. The proposals would not damage the existing character of the conservation area or adjoining countryside. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

**Part 3 General Proposals**

Policies 1, 7, 8, 11, 13, 58, 99, 118 and 120

**Appendices**

Appendices 1 and 5

**Supplementary Planning Guidance**

Environmental Guidelines – Development in Conservation Areas or Affecting Listed Buildings

**Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')**

Policies CS7, CS12, CS27 and CS29

NOTE 3:

Article 31 Statement

Planning permission/advertisement consent/listed building consent 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.

INFORMATIVE

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.