



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 17 OCTOBER 2013 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 Adshead, Mrs Bassadone, Collins, 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](mailto:Pauline.bowles@dacorum.gov.uk) or visit our web-site [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## PART I

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**1. MINUTES**

The minutes of the meeting held on 26 September 2013 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](mailto: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

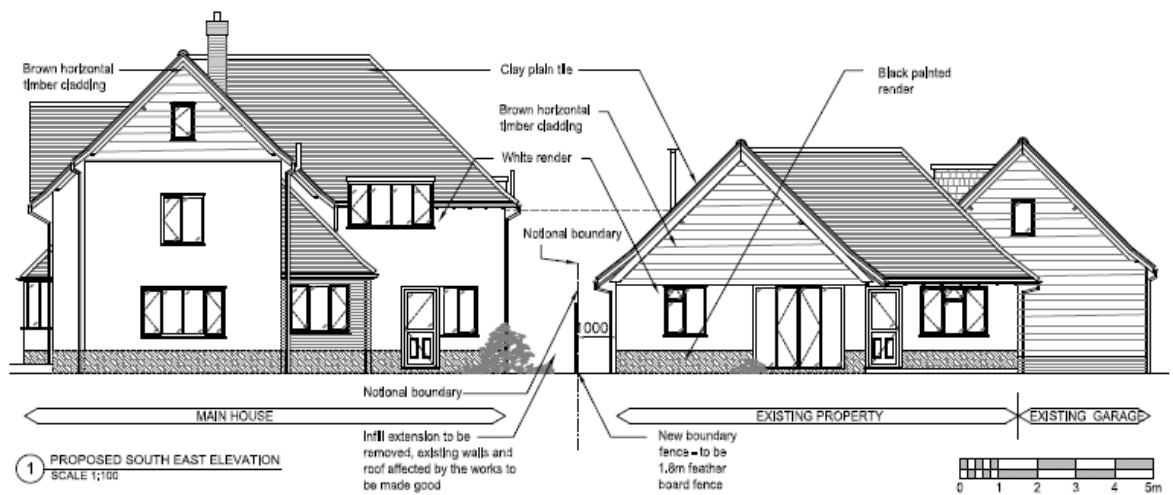
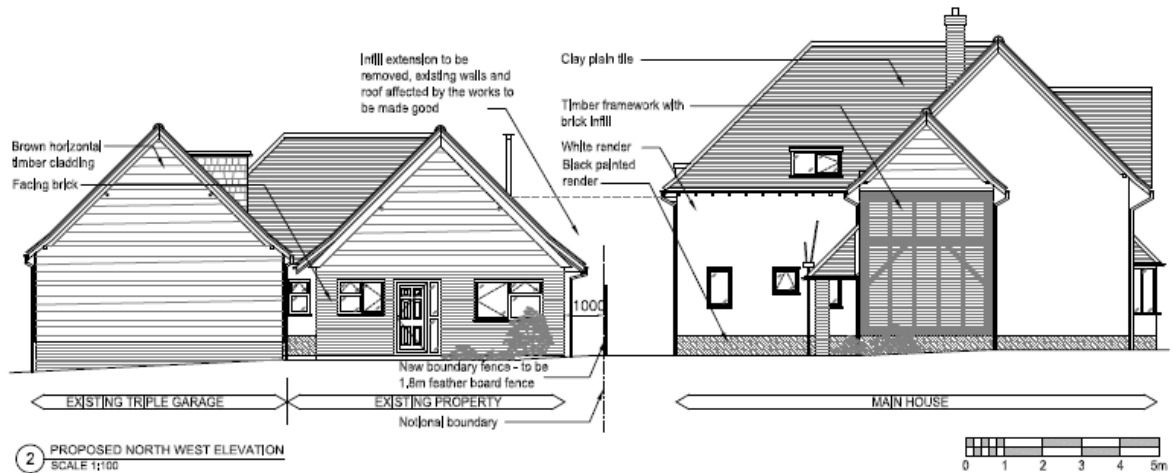
### Item 5.1

**4/00330/13/FUL - CONVERSION OF STAFF HOSTEL TO TWO DETACHED DWELLINGS  
FOLLOWING DEMOLITION OF LINK BUILDING  
FRYTH HAY, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS**



Item 5.1

**4/00330/13/FUL - CONVERSION OF STAFF HOSTEL TO TWO DETACHED DWELLINGS FOLLOWING DEMOLITION OF LINK BUILDING  
FRYTH HAY, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS**





**5.1 4/00330/13/FUL - CONVERSION OF STAFF HOSTEL TO TWO DETACHED DWELLINGS FOLLOWING DEMOLITION OF LINK BUILDING FRYTH HAY, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS APPLICANT: SIR ROBERT MCALPINE LTD**

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 02172 04655]

**Deferred determination**

This application was first considered by the Committee in April. Then the Committee resolved by 4 votes to 5 (with one absention) against supporting the officer's recommendation. It was then resolved to defer the determination of the application until the bat surveys had been undertaken, as mitigation may have been required which could have required additional buildings (brown, long-eared bat). The application has been brought back to the Committee as the required bat surveys have been undertaken and proved negative so no mitigation is required.

A S106 Unilateral Undertaking is required for the new dwelling, the 2-bed bungalow and for the conversion of the staff hostel back to a dwelling of 5 bedrooms. The following contributions are required:

Child play space	£3,072
Natural Green Space	£48
TravelSmart	£50
Libraries	£412
Monitoring and admin	£215

A head of terms is required to ensure that the triple garage building is to be retained as an ancillary building.

Should the Committee be minded to maintain their resolve to overturn the officer's recommendation, the recommendation should be changed to delegated with a view to approval subject to the completion of a planning obligation.

**RECOMMENDATION**

1. That the application be DELEGATED to the Group Manager, Development Management and Planning, with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

Contributions for:

Child play space	£3,072
Natural Green Space	£48
TravelSmart	£50
Libraries	£412
Monitoring and admin	£215

The triple garage building to be retained as an ancillary building.

## 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:**

**20001/P1  
20002/P1  
20006/P3  
200013/P4  
20015/P1  
200018/P1  
200019/P1  
200020/P2  
200021/P2  
200031/P3  
200032/P1  
200040/P1  
200041/P1**

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

**3. The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with the aims of the NPPF.

**4. 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 with respect to Site A without the prior written approval of the local planning authority:**

### **Schedule 2 Part 1 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with the aims of Policy CS12 of the approved Core Strategy.

**5. 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 the NPPF, Policy CS29 and Policy 31 of the adopted Core Strategy and adopted Supplementary Planning Guidance.

**6. The principal elevation of the dwelling on Site A shall be the south-west elevation.**

Reason: For the avoidance of doubt and in the interests of the openness of the Green Belt in accordance with the aims of Policy CS5 of the adopted Core Strategy.

NOTE 1:

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

The site is located in an area which has been previously in residential use. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies CS5, CS12 and CS29 of the adopted Core Strategy.

NOTE 2:

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

### **Adopted Core Strategy**

Policies CS5, CS12 and CS29

### **Dacorum Borough Local Plan 1991 - 2011 Saved Policies**

Policies 13, 19, 58 and 110  
Appendices 5 and 7

### Article 31 Statement

Planning permission has been granted for this proposal for the clear reasons set out in this decision notice. The Development Control Committee overturned the recommendation of the planning officer having given a different weighting to the material consideration associated with the application and adopting a positive view. The Council has therefore complied 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.

**ORIGINAL REPORT**

## **Summary**

*The application is recommended for refusal.*

## **Site Description**

*Fryth Hay is a residential dwelling located on the Hempstead Road in Bovingdon. It has been considerably extended and now comprises the main dwelling, a side extension and a triple garage. The dwelling is currently used as a staff hostel.*

## **Proposal**

*It is proposed to remove a single storey link which originally joined the parent dwelling to a double garage and subdivide the site with a 1.8m high fence from the north-west boundary to the south-east boundary to create two dwellings. The parent dwelling would be in the south-west half of the site, with a newly-created access from Bushfield Road, a private road; this would have five bedrooms and would have minimal external alterations other than making good where the link would be removed. There would be no garaging or other outbuildings. A driveway of about 30m in length is proposed, to be 3.5m in width widening out to 10m in front of the south-west elevation.*

*The side extension would become a two-bed bungalow occupying the north-east part of the site, with minimal external alterations other than making good where the link would be removed. It would have the one and a half storey, three-bay garage, a building of comparable size to the bungalow itself.*

*A small length of vanity screening to the side of the garage would be removed and a small element of fencing between the bungalow and the garage is proposed.*

*A 1.8 m fence the length of the existing plot is proposed between the two dwellings. There would be no other buildings.*

## **Referral to Committee**

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

## **Planning History**

<i>4/01958/12/LDE</i>	<i>USE AS A STAFF HOSTEL FOR A MAXIMUM OF FIVE EMPLOYEES OF SIR ROBERT McALPINE LTD ON MONDAY TO THURSDAY NIGHTS ONLY (AMENDED SCHEME) Granted 24/12/2012</i>
<i>4/00916/12/LDE</i>	<i>USE AS 10-BED STAFF HOSTEL Withdrawn 30/07/2012</i>
<i>4/02081/11/PRE</i>	<i>SUB-DIVISION OF LARGE EXTENDED DWELLING INTO TWO DETACHED DWELLINGS Unknown</i>

*A garage was permitted in 1982 which was converted to accommodation in 1987, with another triple garage approved in 1988.*

## **Policies**

### National Policy Guidance

*NPPF*

### Dacorum Borough Local Plan

*Policies 1, 4, 9, 11, 13, 19, 58, 99  
Appendices 1, 3, 5*

### Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

*Policies CS5, CS12, CS29*

### Supplementary Planning Guidance

*Water Conservation & Sustainable Drainage*

*Energy Efficiency & Conservation*

*Advice Note on Achieving Sustainable Development through Sustainability Statements*

*Accessibility Zones for the Application of Parking Standards*

*Landscape Character Assessment*

## **Representations**

### Bovingdon Parish Council

*Support.*

### Hertfordshire Biological Records Centre

*The completed removal of a part of the building in this area of high bat potential requires a bat survey to be undertaken prior to determination (oral comment).*

### Building Control Officer

*Access for brigade should be in accordance with B5. ADB.*

*Access for all- Approach and entrance level to comply with ADM.*

### Contaminated Land Officer

*The site is located within the vicinity of potentially contaminative former land uses (old gravel pits). The Design and Access Statement states that 'apart from the demolition of the link building, no external alterations are proposed'. Due to the nature of the proposals, no comments will be required relating to contaminated land.*

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

### *Hazels - Objects:*

*If allowed, this would create a precedent which would open the flood gates to this type of development. There are several properties in the area which lend themselves to such conversion.*

### *Sunnyside - Objects:*

*I voiced my concerns to your colleague, regarding the appearance of an, apparently, unauthorised gateway in Bushfield Road. I received a response and the matter was referred to the Highways Agency, who decided that the gateway was unlikely to be used for vehicular access.*

*I am now concerned that, if a second dwelling is constructed on the land currently known as Fryth Hay, this access gate will come into frequent use.*

*Nothing else has changed to alter my view of the safety issues posed by this activity and I request that this aspect is taken into consideration when deciding whether this development should go ahead.*

### *Lavender Hill - no objection*

*We have no objection to the application. However we request that permitted development rights, on the resulting dwellings created, are removed to enable DBC to have more control over future development.*

## **Considerations**

### *Policy and Principle*

*The site is located in the Metropolitan Green Belt. Here there is a presumption against inappropriate development. The building has been in use as a hostel for well over ten years in breach of a condition requiring it to be used as a single family home. As the dwelling now has a use as a hostel this needs to be considered under Policies 4, 11 and 110 of the Local Plan and Core Strategy Policies CS5 and CS12. Policy 4 allows the reuse of an existing building provided that it does not have a greater impact on the Green Belt than the present use and that it complies with the criteria of Policy 110.*

*Policy 110 permits the reuse of rural buildings and although this is the only policy under which this proposal can be considered, this is not intended to consider the subdivision of what is still perceived as a family dwelling. Under this policy rural buildings can be converted for industrial, commercial, recreational or tourism purposes; this must not result in the loss of an essential local facility nor should new fences, walls or other structures associated with the use of the building or the definition of its curtilage be erected which would harm visual amenity inter alia. Permission for residential use will not be granted unless every effort has been made to secure business, recreation or tourism-related uses. However, this property is clearly a dwelling and therefore reverting back to a family dwelling would be acceptable; what is not acceptable is the creation of a second dwelling which would intensify use of the site.*

*The creation of a new dwelling which would fail to preserve the openness of the Green Belt is inappropriate and would therefore require the applicant to demonstrate that very special circumstances exist which clearly outweigh the harm to the Green Belt. There would need to be a strong case made to justify the proposals as an exception to normal policy, taking into account need, scale and Green Belt location. No very special circumstances have been demonstrated which would outweigh this harm.*

### *Impact on Green Belt*

*The redevelopment of this site to create two dwellings is unacceptable in principle as there is a presumption against new residential development in the Green Belt if the openness of the Green Belt is not preserved. Whilst the reuse/conversion of existing buildings (Policy 110) is not considered applicable to division of a residential dwelling (Policy 19 could be applicable were this still in residential use but this policy excludes Green Belt properties) this is now a hostel and a sequential approach is required. No justification has been advanced with regard to the other uses nor has the property been marketed for those uses and so the proposal fails to comply with Policy 110. However, as noted above, the property is clearly a dwelling with a use as a staff hostel for midweek only and therefore reverting back to a family dwelling would be acceptable; what is not acceptable is the creation of a second dwelling which would intensify use of the site.*

*Under Policy 4 the reuse of an existing building must comply with Policy 110 and must not have a greater impact on the Green Belt than the present use. Whilst the separation of the building into two unequal parts - effectively creating a new dwelling out of the former double garage - would remove an element of built form which constitutes the current link, the scheme would have a greater impact on the Green Belt. A proposal to convert a double garage in the curtilage of a dwelling in the green belt to a new dwelling would be firmly resisted as this would lead to intensification of use and a reduction in openness; this is essentially what this scheme proposes, albeit the garage permitted in 1982 was converted to accommodation in 1987, with another triple garage approved in 1988, and an unauthorised change of use and breach of condition going unreported for over ten years. Issues of unauthorised division into two dwellings was recognised in the 1988 determination with the condition imposed to avoid the unauthorised creation of two dwellings.*

*The proposal would require a fence to be erected for the length of the site at 1.8m high. It would also require creation of hardstanding to the south-west of the 5-bed dwelling giving an additional area of 100m of hard standing for parking and manoeuvring. The proposal is not clear on whether existing hard standing on the north-east side of the parent dwelling would be landscaped to reduce the harm due to the proposed increase in hard standing to the south-west. It is noted that the two-bed dwelling would benefit from the three-bay garage, with parking for at least another three vehicles easily achieved on the existing hard standing; the maximum on-site parking provision for a 2-bed dwelling under Appendix 5 is 1.5 spaces. Conversely, the 5-bed dwelling would have no garaging and no outbuildings of any description, all external storage for the original dwelling being contained in the garage block. It would be seen as unreasonable to grant permission for a dwelling of this size with permitted development rights removed (as indicated by Policy 110) as there would be no provision for secure garaging nor storage for garden equipment such as mowers, or green housing etc all of which would detract still further from openness, contrary to the submitted justification.*

*Notwithstanding the details given in the Design and Access Statement the "annexe" was never a separate dwelling and therefore could not revert back to "its original layout as a 2 bedroom house". This is supported by the condition placed on the approval 4/01758/88 limiting the dwelling to a single family home.*

*The Planning Report advances considerations which are termed "very special circumstances" and which are stated by the applicant to outweigh any harm. Firstly, the Report states that use as a staff hostel is considered to be a more intense use than two dwellings, with the certificate of lawfulness figure of five employees being resident having "often been exceeded and should be seen as an average occupancy". This is not the case. The evidence submitted for the certificate showed that the average monthly number of guest nights at the hostel was 21, this is hardly comparable with the monthly comings and goings of two families, or even two couples. It should be noted that the hostel is only used for four nights a week and is often empty on nights during the "working week" of Monday evening to Friday morning. The building is empty from Friday morning to Monday evening, a time when residential properties would experience most activity.*

*It should also be noted that, were the hostel used more intensely than permitted by the certificate, this would require planning permission.*

*The reduction in the built form - achieved by the removal of the single storey link between the original dwelling and what was a detached garage when built - would add marginally to openness of the Green Belt. However, the proposals would not reduce the spread of the development across the site, nor would they consolidate built form within the site; the requirement for fencing, new driveway and additional hardstanding for parking, as noted above, along with pressure for additional outbuilding commensurate with the use of a five-bed family home and secure parking would all lead to an actual loss of openness as well as inevitable pressure for additional development.*

#### *Effects on appearance of building*

*The scheme would appear contrived, with the creation of a two-bed dwelling which would be dominated by the similarly-sized garaging to the front. The insertion of the fencing into what is now a courtyard would detract from appearance of the grouping. The spacing of the properties would be at odds with the spacing for the rest of the detached dwellings along the Hempstead Road with a gap of just over two metres between dwellings, as opposed to the exceedingly wide spacing of neighbouring dwellings fronting this road.*

#### *Impact on the Street Scene*

*The building is largely hidden from view behind dense mature planting to the boundaries with Hempstead Road and Bushfield Road, although the recent creation of an access onto the latter has opened limited views from the south-west.*

#### *Impact on Trees and Landscaping*

*The proposals do not appear to affect any trees but the proposed driveway would require a no dig approach as this would appear to be in root protection zones.*



### Impact on Neighbours

*There would be considerably more activity on the site with two dwellings compared with the existing very low key use; however, the spacious layout of the neighbouring dwellings would indicate that this could be acceptable in amenity terms.*

### Sustainability

*No details have been submitted on sustainability contrary to Appendix 1. Therefore sustainability has not been addressed by this proposal. This will form a reason for refusal but this could be removed if acceptable details are received prior to determination.*

### Other Material Planning Considerations

*A S106 Unilateral Undertaking is required as two new dwellings would be created. The Heads of Terms are:*

<i>Child play space</i>	<i>£3,072</i>
<i>Natural Green Space</i>	<i>£48</i>
<i>TravelSmart</i>	<i>£50</i>
<i>Libraries</i>	<i>£412</i>
<i>Monitoring and admin</i>	<i>£215</i>

*No S106 Unilateral Undertaking has been submitted and so this will be offered as a reason for refusal.*

*The requirement for a bat survey has been identified by the Ecology Officer. This is to be conducted shortly and should this prove negative the application may be determined by the Committee. Findings will be reported in the Addendum.*

### **Conclusions**

*The scheme for the creation of two new dwellings on this site is not acceptable as this would be contrary to policy. The reinstatement of the property as a single dwelling could be acceptable on this site as this would restore the building to its original use, but subdivision into two adjacent but disparate dwellings would lead to intensification of use on the site and a loss of openness in the Green Belt.*

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

- 1 The application site is located in the Metropolitan Green Belt in the Dacorum Borough Local Plan 1991-2011 (DBLP) and the emerging Core Strategy. Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with the NPPF and Policy CS5 of the adopted Core Strategy. The former dwellinghouse has been issued with a certificate of lawfulness for a prescribed use as a staff hostel due to being immune from enforcement action. The**

conversion of the building to two dwellings would not preserve the openness of the Green Belt as it would have a greater impact on the Green Belt than the present use by virtue of additional fencing, driveway and hard standing. This would constitute inappropriate development in a Green Belt area and would not accord with Policies 4 and 110 of the Local Plan nor with Policy CS5 of the Core Strategy. No very special circumstances have been advanced to show why planning permission should be granted. The proposal is therefore contrary to DBLP saved Policy 110, Policy CS5 of the adopted Core Strategy and the NPPF.

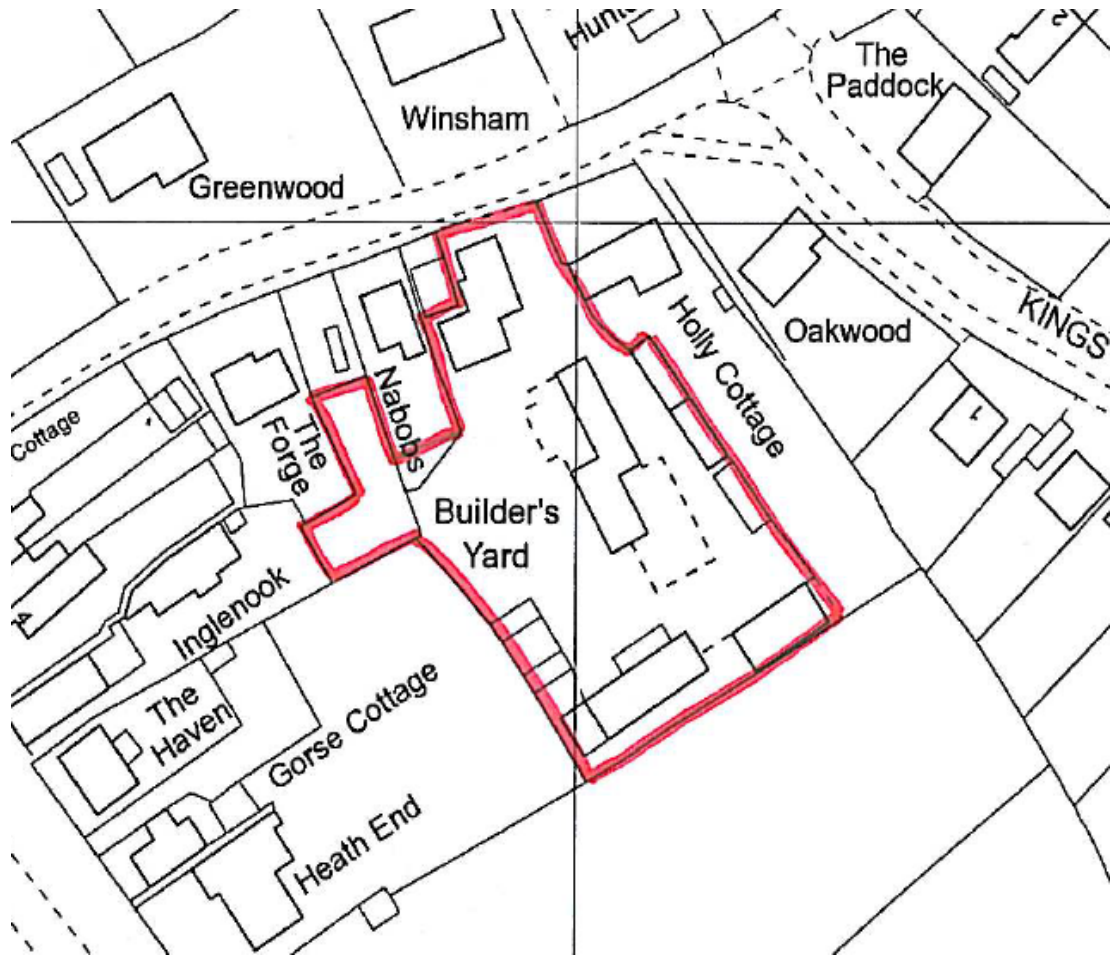
- 2 **Policy CS29 of the adopted Core Strategy seeks to ensure that within the Borough development is carried out consistently with the aims of sustainable development. It is expected that in the case of change of use developments, such as the proposal, a Sustainability Statement shall be submitted based upon saved Appendix 1 of the Dacorum Borough Local Plan 1991-2011. The purpose of this Statement is to demonstrate that full account has been taken of the aims of sustainable development. A Sustainability Statement has not been submitted with the application and therefore it is unclear if the principles of resource minimisation, waste recycling and water conservation have been incorporated into the development. The proposal is therefore contrary to Policy CS29 of the adopted Core Strategy.**
- 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. The proposals are therefore contrary to saved Policy 13 of the Dacorum Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) and Policy CS35 of the adopted Core Strategy.**

#### Article 31 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.

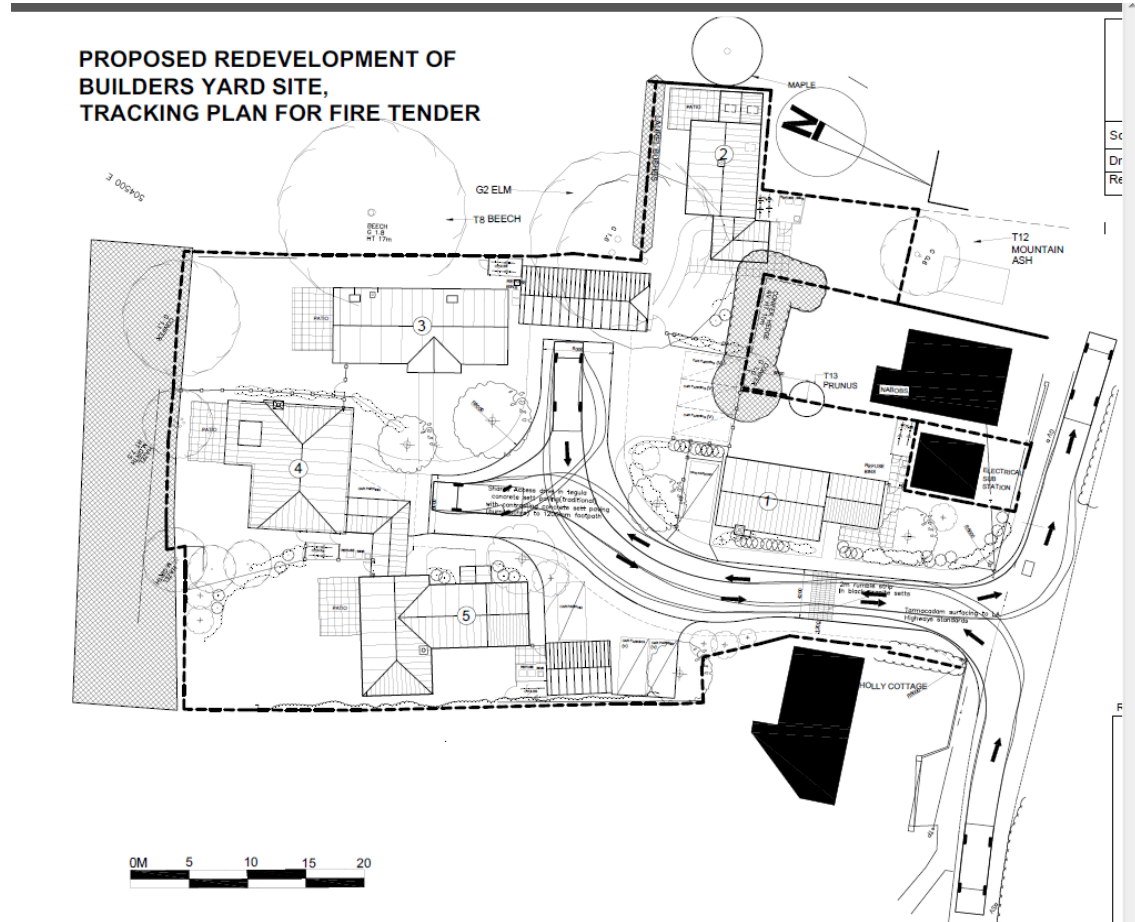
Item 5.2

**4/01411/13/FUL - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING ONE 2-BED, TWO 3-BED, ONE 4 BED AND ONE 2-BED AFFORDABLE UNIT, WITH ASSOCIATED ACCESS AND CAR PARKING THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER**



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**THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER**

**APPLICANT: Mr & Mrs J Robertson**

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[Case Officer - Sally Peeters]

[Grid Ref - TL 04499 01669]

### **Summary**

The application is recommended for approval subject to the completion of a unilateral undertaking.

The principle of the proposal to redevelop the site for residential purposes is in accordance with Policies CS5 and CS6 of the Dacorum Core Strategy (September 2013) and also inline with the NPPF. The scale and layout of the development is appropriate to the site context and the proposed dwellings will be of a high quality design reflecting local vernacular in accordance with policies CS11 and CS12. The proposal includes an appropriate mix of units in accordance with Policy CS18 and the level of affordable housing is considered acceptable. The access and parking arrangements are adequate in line with policy CS12 and saved Local Plan policy 58 and saved Appendix 7. The proposals will enhance the conservation area in accordance with CS27 and saved Local Plan policy 120. Impact on surrounding residential properties is acceptable in line with policy CS12. The Council has acted in accordance with Policy NP1 to support sustainable development unless material considerations indicate otherwise.

### **Site Description**

The application site comprises a builders yard located on the south side of Kings Lane in Chipperfield. The site is an irregular shape to approximately 0.25ha. At the frontage of the site is the access and a two storey office building. Behind this building the site widens and a number of single storey buildings are present, together with the open storage of materials. The eastern part of the site extends into two small rectangular parcels of land.

There is limited soft landscaping on the site, with the exception of a number of mature boundaries and trees, some of which are within and some of which are just outside the site. The two small rectangular parcels of land to the eastern side are partially overgrown.

The footprint of the existing buildings on the site is 874sqm and there is a total floorspace of 980sqm (including the upper floor of the two storey building to the front. This does not include hardstandings.

In overall terms the buildings on the existing site are of poor quality and make a negative contribution to the conservation area.

The site is surrounded by residential properties and their gardens.

## **Proposal**

It is proposed to redevelop the site for residential purposes. The scheme proposes 5 detached dwellings on the site as follows:

2 x 2 bed (one of which will be affordable)  
2 x 3 bed  
1 x 4 bed

Each dwelling has been individually designed although the overall styles are linked. The development will sit around a central shared access drive which will form a courtyard.

15 car parking spaces are provided in total some of which will be provided in cart barn style car ports. Five spaces will be allocated for visitors with ten for the dwellings as follows:

Plot 1 (2 beds) - 1 space  
Plot 2 (2 beds) - 2 spaces  
Plot 3 (3 beds) - 2 spaces  
Plot 4 (3 beds) - 2 spaces  
Plot 5 (4 beds) - 3 spaces

Each dwelling will have its own private amenity / garden space.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council who consider that the proposal would result in overdevelopment.

## **Planning History**

There are no recent planning applications in connection with this development.

A pre-application submission was made to the Council for six dwellings on the site (ref 4/00369/13/PRE).

There is an application for conservation area consent to demolish the existing buildings on the site (4/01412/13/CAC) running in parallel with this application. If this application is approved by the committee, that application can be dealt with under delegated powers as the Parish Council did not raise an objection.

## **Policies**

### National Policy Guidance

NPPF

## Dacorum Core Strategy (September 2013)

NP1, CS1, CS5, CS6, CS8, CS10, CS11, CS12, CS13, CS25, CS27, CS28, CS29, CS30, CS31, CS32

## Saved Local Plan Policies

Policies 13, 51, 58, 99 & 120  
Appendices 1, 3 & 5

## Supplementary Planning Guidance / Documents

Planning Obligations SPD  
Environmental Guidelines  
Chipperfield Village Design Statement  
Advice Note on Achieving Sustainable Development through Sustainability Statements  
Affordable Housing SPD

## **Representations**

### Chipperfield Parish Council

The Parish Council objects strongly to this application on the grounds of overdevelopment of the site. It is felt that the site is only suitable for 3 houses.

### DBC Environmental Health

It was recommended that once full access to the site is possible (possibly after the demolition of the existing buildings) that further ground investigation is undertaken beneath the existing buildings, proximal to the underground storage tank near building 1 and proximal to the oil drums present on-site. The presence of further asbestos fragments in the TP6 area should also be investigated.

I am in agreement with the findings of the initial intrusive investigation and support the recommendations for further intrusive works. The additional intrusive investigation should target all potential sources of contamination identified in the Desk Study Report not already investigated within the initial intrusive investigation. A programme of ground gas monitoring should also be undertaken as previously recommended.

In summary, as further works are required, I recommend that the standard contamination condition be applied to this development should permission be granted to ensure this is undertaken.

### Strategic Planning

In principle we welcome development which could enhance the Chipperfield Conservation Area and improve local amenity.

The site is located in the Green Belt, within the selected small village of Chipperfield. Local Plan Policy 6 and Policy CS6 in the Core Strategy provide guidance on selected small villages in the Green Belt. Point (a) in both policies states that the replacement of existing buildings will be permitted. Criteria (i) and (ii) in the Local Plan policy and points i and ii in the Core Strategy policy also refer to the need for development to be

sympathetic to its surroundings and retain essential features.

The final bullet point in paragraph 89 of the National Planning Policy Framework (NPPF) includes the following within the definition of appropriate development:

*“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The above wording is very similar to Core Strategy Policy CS5, point (e).

The footprint of the existing buildings is 875 sq. metres and the floorspace is 980 sq. metres. The proposed new houses have a considerably smaller footprint (535 sq. metres) and a slightly lower floorspace (919 sq. metres).

When comparing the impact on the openness of the Green Belt of the existing and proposed development, it is important to bear in mind that some of the single storey buildings on the builder’s yard are quite high and bulky. Also, the hardstanding areas, open storage and parked vehicles all add to the impact of the builder’s yard on the openness of the Green Belt.

We conclude that the proposed development meets the requirements of paragraph 89 of the NPPF regarding impact on the openness of the Green Belt and is acceptable in principle in terms of Policies CS5 and CS6.

The site is not shown as having a negative impact on the conservation area in the Chipperfield Conservation Area Character Area Character Appraisal and Management Proposals (2001). However, a well-designed redevelopment for housing would enhance the conservation area. Page 46 in the character appraisal states that:

*“Some buildings in Kings Lane and Croft Road are not attractive and in the longer-term some sites could be redeveloped to provide a better quality of design and appearance, ensuring that the massing and scale of the existing housing is respected.”*

Although the proposed housing density is under 30 dwellings per hectare, we have no objections on Local Plan Policy 21 grounds given the Green Belt location and the low density village character of the area.

While the principle of the development is appropriate under national policy, this form of housing development falls outside of the normal policy approach identified under Policy CS6. As a consequence, an element of affordable housing is justified (especially given the approach to small infill housing). Furthermore, 35% of the housing would have to be affordable to comply with Core Strategy Policy CS19 (affordable housing). However, as the Core Strategy has not yet been adopted and as this site has been the subject of recent pre-application advice, it is considered that a more flexible approach should be taken. Therefore, we welcome the fact that this application includes one affordable house for social renting, but advice should be sought from Strategic Housing.

The mix of housing proposed appears appropriate in relation to Local Plan Policy 18 (the size of new dwellings) and Core Strategy Policy CS18 (mix of housing).



## Herts Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions regarding the access arrangements, that the parking arrangements are marked out and not used for any other purpose, that the parking spaces are used for non-commercial vehicles only, that vehicles can enter and exit the site in a forward gear, construction vehicle cleaning plus an informative regarding works on the public highway. Also subject to a financial contribution of £5,250 towards Sustainable Public Transport Programmes and a Section 278 Agreement (Highways Act 1980) for the construction of any off site highway works.

### Internal Highway layout and parking:

The layout drawing is considered acceptable but will be subject to further design checks when detailed plans are submitted as part of the section 278 agreement. This will include checking that the site has sufficient space within for all vehicles to enter and leave in a forwards gear The site already enjoys a vehicular access, which also serves as the only means of pedestrian access to the rest of the site. The submitted plans show that the modified access will have radius kerbs either side leading onto a 4.2m wide carriageway. On the southern side, starting from the access there will be a 1.2m footway that which runs all the way around the access road but stops short on the northern side to the physical constriction of the site. In terms of the general layout of the site, the layout will need to conform to standards set out in the 'Roads in Hertfordshire' Highway Design Guide 3rd Edt. This will cover internal site manoeuvrability, gradients, surface water disposal and refuse collection. A refuse collection vehicle is usually regarded as the largest vehicle that would enter a site similar to this, so design provision for turning etc should be based on this type of vehicle for safeguarding.

### Accident history:

Looking at the rolling five-year injury accident data in the vicinity of Kings Lane, there are no reported accidents.

### Car parking:

In terms of car parking, the proposal would need to meet with our requirements of Dacorum Borough Councils parking standards as stated in their local plan.

Subject to a financial contribution in line with current County policies for sustainable transport and the following suggested planning conditions, the County Council would not wish to object to this application. The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

The above application to demolish the existing buildings etc and replace them with residential dwellings is unlikely to lead to conditions that would be harmful or prejudicial to the highway network in terms of safety capacity and congestion. In fact, the change of use from a builder's yard to residential homes may lead to an overall decrease in two-way trips over the whole day. However, there may be a slight increase the am

peak trip rate. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal.

### Conservation & Design

The site has been subject to significant pre-application meetings to ensure that the standard of development is high (Policy 11), and that it reflected local vernacular regarding materials (flint, timber etc.), taking its lead from Chipperfield Conservation Area (Policies 119, 120) particularly the important nearby open public space the fabric of which is defined by an assortment of historic architectural styles and ages and includes barns alongside brick buildings as can be seen at the entrance to Kings Lane. There are also historic buildings grouped in various fashions including courtyards within the vicinity.

The Yard comprises an area of timber outbuildings with mature trees and vegetation either located on the site but mainly in the surrounding area overlooking the site. The run down utilitarian makeshift appearance of the buildings to be demolished does little to complement the street scene.

The new buildings would occupy a location where the surrounding local area is presently largely developed with an unfortunate assortment of insipid 20<sup>th</sup> century architectural styles of building that do little to preserve or enhance the locality, or that are of an architectural design that either draws on local vernacular or is of exceptional contemporary architecture.

The proposed development is a distinct evolution from the pre-application design which was very much 'homes anywhere' and would have only added to the confused architectural style in the vicinity. Issues such as form and massing have been important considerations within this submission, also allowing for elevations that relate to each other through the use of materials, but also maintain an open feel allowed in the composition of arrangement of solid to voids, whilst still allowing for an overall design that reflects and brings its own distinctive quality to the area.

The Chipperfield Design Statement states with regard to materials and styles that mixing of building styles should be avoided whilst also stating that, 'constructing properties to the same plan but using different materials and external embellishments creates a hybrid appearance and is rarely successful' is confusing. This development will be using traditional materials, pays attention to development that enhances the character of the village by looking at nearby listed and historic buildings for direction and inspiration (locally to the site this is impossible to achieve due to the poor quality of design totally at odds to the Design Statement).

The attention to detail will not be limited to the buildings but also boundary treatment with the introduction of traditional hedgerow and estate fencing.

It is my considered opinion that the proposal will result in an improved sense of place and environment allowing this redundant site to be brought back into beneficial use within the community.

Attention to detail will be paramount to the successful outcome of this application, and

therefore I would recommend that all materials are conditioned including: bricks, bonding mortar colour; flint –which should be knapped and roughly coursed; regarding the barn the timber and timber finishes; windows including openings which should be traditional (i.e. side hung casements flush fitting or sliding sash), glazing bars and finishes – a 1:20 plan should be supplied; boundary treatment and soft landscaping; details of the timber car ports including wood stains/colours; gates & fencing; hard landscaping – and anything else I may have missed out.

My only comment would be that I had mentioned in one discussion regarding this application that some of the glazing to the houses could benefit from having a single horizontal glazing bar – this would also help break up repetition of form. I recommend this application for approval.

### Ecology

Thank you for the above consultation and recent information regarding the above site, for which I would like to make the following comments:

1. The results of the bat survey are provided within the bat report and summarised within the D&A Statement. The report clearly highlights that a bat roost is present with bats emerging from and re-entering hanging tiles of Building B1. This is not reflected in the D&A Statement which states the site is subject to only low levels of foraging activity. The complexity of the buildings probably justified the emergence surveys which did prove roosting was taking place, although only of a single pipistrelle bat at the time. This roost would be considered to have low importance.

It is stated that a licence will be required and I agree with this. Bat boxes are recommended and this too seems appropriate and will probably be a requirement of a licence application to provide potential compensation, in addition to any opportunities created by the new development.

On this basis I consider that bats will have been properly considered as part of the proposals and as such the Habitats Regulations tests can be applied and met. The works are recommended to be undertaken at a time when bats are less likely to be disturbed and tile removal to be undertaken in the presence of an ecologist. You may wish to Condition the mitigation and enhancement recommendations proposed by the bat consultant if the application is approved, all of which seem reasonable.

In any event, given the demolition and presence of bats, I would advise the usual informative is attached to any approval.

2. The squashed Great crested newt - assuming it is a GCN - is unfortunate. However, although the dead newt was observed outside of the builder's yard, there is nothing to suggest this newt - or any other newts - inhabited the builders yard, the location of the proposals. Indeed, the bat report describes the proposals site thus: *The site is currently used as builders' yard and largely comprises concrete and compacted aggregate hardstanding, with an office plus a number of sheds, workshops and ancillary buildings (1.1)*. Such an event could occur at any time if a species is present within an area as a result of regular use of a road by vehicles and is an incidental result of a legitimate activity.

In my opinion, the nature and regular use of the Builders Yard would preclude it from

representing a site with a high likelihood of newts being present.

Whilst we do have records of GCN at Chipperfield Common and there are ponds closer to the application site (in gardens), my view is that it is wholly unreasonable to consider that the builders yard is a site that could reasonably be considered important for the local population, or even significant numbers of individuals, particularly given the extensive semi-natural habitat available to newts elsewhere in the immediate area.

I accept that GCN - or any other newts - take their chances wherever opportunities enable them to survive, and there are frequently legitimate activities that could cause harm to individuals (eg gardening). However, bearing this in mind and the nature of the site which lacks any appropriate habitat, I do not consider that - whilst mindful of the aims of the legislation - it is reasonable for the LPA to require any form of newt survey prior to determination of this application. That is not to say that, on occasion, a newt may be found on the site in any piles of materials - or even in the middle of the road (which in itself has nothing to do with the proposals) - but the risk this would represent to GCN in the area does not, in my opinion, reasonably represent a requirement for this species to be considered further in the planning process unless there is good additional evidence to suggest otherwise.

#### Natural England

We have received notification from a member of the public regarding the abovementioned planning application, stating that there is a likelihood of great crested newts being present in the vicinity. Where representations from other parties highlight the possible presence, or the Council is aware of a Protected or Priority species on the site, the Council should request survey information from the applicant before determining the application. Paragraph 98 and 99 of ODPM Circular 06/2005 provides information on priority and protected species and their consideration in the planning system.

We would draw the Council's attention to Natural England's [Protected Species Standing Advice](#), which provides guidance on when protected species may be impacted by a proposal

#### DBC Trees and Woodlands

The Council's Trees and Woodlands department has verbally confirmed that it is satisfied with the findings of the arboricultural report, although written comments are awaited at the time of writing.

#### Hertfordshire Fire & Rescue Service

Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.

Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
  - Not more than 120m apart for residential developments or 90m apart for commercial developments.
  - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
  - Not less than 6m from the building or risk so that they remain usable during a fire.
  - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

### Hertfordshire Constabulary

I have looked at the plans and bearing in mind the development is in a conservation area have the following comments/recommendations:

- Ideally I would be looking for the doors to be to PAS24-2012, but if they are to fit in with the conservation area this may not be possible and I would therefore look for any locking system to be to the latest British Standard be it for mortice or multi point locking system. It would be preferable if we could be contacted when the security of the door is being considered and we can recommend the latest systems. If there is glazing next to the main entry door then I would be looking for any glazing to be laminated.
- I will be happy to provide further locking system advice for the remaining external doors to the properties if they are not to PAS24-2012 standards.
- Windows should be to BS7950 of PAS24-2012 as these have been proved to be effective deterrents to theft and do come in a variety of designs etc. as can be seen from the SBD website member companies. I will not in this area be looking to specify laminated glazing.
- I note that each property has a cycle storage facility which in many cases has a door and I would look for that door to be lockable with say a digital locking system.
- In my conversation with Greg he did indicate that the boundary treatment would be open timber fencing similar to cattle fencing so as to tie in with the conservation aspect and I would suggest that would be acceptable to the boundary with Saddlebow and need to be at least 4 metres in height. There is a need for both security and privacy to the boundaries of other properties and a 1.8 metre timber close boarded or "hit & miss" fence may be more appropriate.
- Similarly between properties on the site I would look for a fence of the same type to the separation between the properties.
- I'm not sure what lighting is being proposed but this may be the exception where I would recommend low illumination bollards on the shared drive.
- I would also suggest each property has a green lighting welcome light which is on a dusk to dawn setting providing low levels of illumination during this period but will provide a high level of illumination when someone approaches within the PIR range. The illumination reduces to a low ambient light after a short period of time.

If the doors and windows can be installed in line with my initial comments then I see no reason why the development cannot achieve SBD Part 2 accreditation with the possibility of achieving full SBD accreditation once complete, and subject to a final inspection.

## DBC Waste Services

There should be room to store 2 wheeled bins and 3 recycling boxes at each house and there should be space for them to be presented outside their boundary for collection. Consideration should be given to the size and maneuverability of the collection vehicles which are 26 ton rigid freighters.

## Neighbour Objections:

Objections have been received from 7 neighbouring properties. The points raised can be summarised as follows:

- Overdevelopment of site
- Cramped site layout
- Design out of character
- Plot 3 not sympathetic to rest of development
- Unattractive design
- Loss of privacy/overlooking
- rear facing second floor windows lower than eye level
- Overlooking caused by plot 1
- Plot 5 is visually overbearing
- Loss of outlook
- Loss of light caused by cycle store
- Concerns over implementation of plan and subsequent extensions
- Unsatisfactory parking provision
- Lack of parking
- Impact on highway safety
- Tree shown on drwg KCC/PL/06 not in correct location concern over potential conflict between buildings and tree.
- Potential conflict between trees and parking spaces
- Under provision of affordable housing / housing suitable for local need
- Lack of amenity space
- Builder should ensure satisfactory water and sewerage arrangements
- Potential presence of Great Crested Newt

## **Considerations**

### Policy and Principle

The application site is a builders yard within the conservation area in the village of Chipperfield which is a selected village in the Green Belt. The acceptability of the principle of this proposal is therefore centred on Green Belt policy. Para 89 of the NPPF states that a planning authority should regard the construction of new buildings as inappropriate within the Green Belt. However, it specifies a number of exceptions, one of these being the partial or complete redevelopment of brownfield sites so long as there is no greater impact on the openness of the green belt. The former builders yard can be classified brownfield land (previously developed land) as defined by glossary of the NPPF.

The Dacorum Core Strategy (September 2013) reinforces the NPPF with policy CS5:

Green Belt and CS6: Selected Small Villages within the Green Belt. Policy CS5 allows for the 'redevelopment of previously developed sites' whilst policy CS6 (a) allows for the replacement of existing buildings with the proviso each development must:

- i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and
- ii. retain and protect features essential to the character and appearance of the village.

The principle of the complete redevelopment of this brownfield site is therefore considered acceptable subject to the matters of detail discussed in the sections below.

### Impact on Green Belt

The redevelopment of the builders yard for residential purposes is not considered to have any greater impact upon the openness of the green belt. The existing previously developed site, with extensive areas of hardstanding, open storage and several buildings of varying size and appearance represent a poor quality visual and physical environment with little architectural merit.

The quantum of development is an important consideration as to whether the proposed development would have any greater impact upon the Green Belt. The table below outlines a comparative data as to the existing and proposed amount of development.

#### **Existing**

<b>Ref</b>	<b>Description</b>	<b>Area</b>	<b>Volume</b>	<b>Footprint</b>
2	2 storey offices	212.1	586.85	
3	Building	89.1	267.3	
4	Building	323.5	970.5	
5	Building	82.9	248.7	
6	Building	157.8	473.4	
7	Timber Store	21.6	64.8	
8	Timber Store	15.4	46.2	
9	Building	49.8	149.4	
10	Site Hut	12.4	37.2	
11	Site Hut	4.8	14.4	
12	Timber Store	10.6	31.8	
<b>Total</b>		<b>980sqm</b>	<b>2890.55</b>	<b>875sqm</b>

#### **Proposed**

<b>Plot</b>	<b>Area</b>	<b>Volume</b>	<b>Footprint</b>
1	128	441.46	
2	126	407.04	
3	202	717.76	
4	184	584.46	
5	200	716.69	
Cart Barns	79		
<b>Total</b>	<b>919sqm</b>	<b>2867.41</b>	<b>535sqm</b>

There will be a net reduction of 339sqm of built footprint, 61sqm of floorspace and 23.1 cubic m of volume. This demonstrates there will be no greater harm to the openness of

the Green Belt from the development.

The recycling of this under utilised brownfield site will assist in the preservation in protecting other Green Belt land and thus help meet the objectives of Green Belt land in accordance with the NPPF para 85.

The development would not be by definition harmful to the green belt and therefore very special circumstances are not necessary to justify this development satisfying NPPF para 87.

The proposed scheme for 5 detached residential properties is designed to a high standard with new garden amenity and landscaping which will have a positive impact upon the Green Belt compared to the existing situation. The village and residential setting as well as the varied plot formation in the immediate vicinity would lead to the view that a residential development would be in keeping with this part of the Green Belt and more appropriate form of development to this part of the Green Belt defined by its residential character in a village setting.

The proposal therefore complies with the NPPF and policies CS5 and CS6 of the adopted Core Strategy and there is no need for the applicant to argue very special circumstances. Although the Local Plan was still in force when this application was submitted and during pre-application discussions, the NPPF was in place and superseded the Green Belt policies of the Local Plan. Conditions are recommended removing permitted development rights to ensure that the properties can not be increased in size. Although there is a slight decrease in floorspace on the site, the local planning authority needs to control extensions to these properties in the Green Belt in order that they do not impact on openness.

#### Loss of Employment

There are no policies in the Core Strategy (or saved Local Plan) which protect employment use on sites which are not designated for such purposes. There is therefore no policy basis for resisting this application on the grounds of loss of employment.

Furthermore, the existing use of the site as a builders yard could be intensified without the need for further planning permissions. This would have a greater impact upon the Green Belt and upon the surrounding residential environment. The site could be used more intensively with multiple trip generation and uses which could be considered non conforming or sensitive in a predominantly residential location. The re-invigoration of the site with its current lawful uses would lead to loss of amenity, visual intrusion and adverse impact on character of the area and therefore have a more harmful impact on the character of the area. The loss of this use in a residential area within the conservation area is therefore welcomed.

#### Proposed Land Use and Housing Mix

The Council has a strategic objective to provide a mix of new homes to meet the needs of the population. The development of the site for residential purposes is appropriate in this predominantly residential area.

A mix of unit sizes is proposed, one of which would be affordable. The proposal



therefore accords with Policies CS17 and CS18.

### Affordable Housing

At the time pre-application discussions were commenced on this site and at the time the application was submitted (July 2013), the Core Strategy had not been adopted and the Affordable Housing SPD was not in force. Given that the requirements for affordable housing are now substantially different to the policies that were in place during pre-application discussions and when the application was submitted, it is not considered reasonable to enforce the new policy at this late stage in the consideration of the application.

The affordable housing provision has therefore been provided in line with the requirements of the Planning Obligations SPD and with the (now superseded) Local Plan policy 20. The planning obligations SPD (which seeks 35%) does not apply to Chipperfield and refers back to the Local Plan for these settlements. The Local plan policy seeks 20% which equates to one unit out of the five proposed.

Furthermore, policy NP1 of the Core Strategy states that the Council will take a positive approach to the consideration of development proposals and that proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise. In this case, the proposals accord with the adopted policy that was in place at the time and a positive approach should therefore be taken in line with NP1 and the NPPF.

The proposal is therefore considered to provide adequate affordable housing and this approach is supported by the Council's Strategic Planning Department.

### Scale and Layout

There is a significant reduction in the amount of footprint coverage on the site as a result of the proposed development. When examining the existing pattern of buildings on the site and in the immediate vicinity, particularly to the east within the conservation area, the proposed development would complement the irregular pattern of development that exists at present. The individually designed form of the houses would be in keeping with the area. Although the buildings will be higher than the majority of buildings currently on the site, the heights respect those of buildings surrounding the site which are two storey residential buildings. Furthermore many of the houses have a single storey element and together with the cart barns, the variety of heights on the site will add interest.

Having specific regard to Core Strategy Policy CS11, the proposal respects the general density intended for the area and will enhance the spaces between the existing residential properties around the site. The streetscape will be enhanced and car parking has been carefully accommodated within the design. In terms of Policy CS12, the proposal will meet all the criteria.

### Design

Detailed pre-application discussions were held with the applicants, their agent and their architect which resulted in significant improvements to the scheme. A high quality scheme has emerged which will enhance the site and the surrounding area and which

has regard to local vernacular and materials. Each house has been individually designed, but within an overall style appropriate to this village setting. This variety adds interest and quality but without the confusion of totally differing styles. The Council's Conservation and Design Officer supports the scheme as per the comments above. The proposal is therefore considered acceptable in terms of Core Strategy Policy CS12.

#### Impact on Conservation Area

The existing buildings on the site, together with its use as a builders yard, make a negative contribution to the conservation area. The high quality layout and design of the scheme will enhance this part of the conservation area. The proposals are therefore in accordance with saved Local Plan Policy 120 and Core Strategy Policy CS27.

A separate application for conservation area consent has been submitted for the demolition of the buildings. This can be dealt with under delegated powers as the Parish Council is in support.

#### Impact on Trees and Landscaping

There are no trees specifically protected by Tree Preservation Order on the site but by virtue of the fact that the site is located within a conservation area, all the trees are afforded some level of protection.

There are a number of trees within the site along its boundary, and others just outside the site. The site has been supported by an arboricultural assessment which concludes that, with the exception of a hazel tree (T5), the other trees are category A,B and C and can remain. Of particular note are the large trees noted at G2 which with appropriate protection measures can remain.

The Council's Trees and Woodlands Officer is satisfied with the findings of the report. Conditions are recommended to ensure protection of the trees.

#### Ecology and Biodiversity

The application was supported by a bat report which concluded that there was evidence of bats being present at the site. However, although roosting was evident, this was only for a single pipistrelle bat and the advice received from the Hertfordshire Biological Records Centre is that this roost is considered of low importance. Bat boxes are proposed as mitigation and the developers are recommended to obtain a licence. The proposal is acceptable for approval and bats have been duly considered as part of the application. In line with ecologist advice, conditions are recommended that the findings of the bat report are followed in particular with regard to the timing for demolition.

In response to a sighting of a squashed newt outside the site, the advice of the Records Centre has also been sought in respect of Great Crested Newts. The advice received is that, whilst there are records of great crested newts at Chipperfield Common, it is unreasonable to consider that a builders yard would be important for the local population of newts and that it would be unreasonable for the local planning authority to require any form of newt survey.

Given the known presence of newts in the locality, it is therefore most likely that the newt came from nearby, but not from within the site. Although the comments of Natural England are noted, site specific advice has been sought from the Records Centre and it is therefore considered that adequate regard has been given to newts. Furthermore the ecologist that carried out the bat survey has confirmed that it is extremely unlikely that there would be Great Crested Newts on the site due to the lack of water and the fact that there are no breeding ponds within 250m of the site.

Officers are therefore satisfied that the proposals are therefore acceptable in terms of ecological impact. An increase in landscaping on the site will improve opportunities for biodiversity.

### Highways / Parking

In terms of parking, this is provided as follows:

Plot 1 (2 beds) - 1 space  
Plot 2 (2 beds) - 2 spaces  
Plot 3 (3 beds) - 2 spaces  
Plot 4 (3 beds) - 2 spaces  
Plot 5 (4 beds) - 3 spaces

The standards of the Local Plan at Appendix 5 which have been saved would require 10.5 spaces. The proposals therefore provide well in excess of adopted parking requirements.

HCC Highways is satisfied with the access and concludes that the proposal is unlikely to impact upon the safety and operation of the highway. Whilst HCC has requested financial contributions, these would not be in line with the unilateral undertakings sought for five dwellings or less in rural areas and the contributions have not therefore been requested (refer to Table at Appendix 1 of the Planning Obligations SPD).

The proposals therefore accord with saved Local Plan Policy 58 and Core Strategy Policy CS12.

### Impact on Neighbours

The site is surrounded by residential properties. There are three dwellings on Kings Lane that are most affected by the proposed development. As part of the assessment of this application, a visit has been made to Nabobs and Holly Cottage who have objected to the proposed development.

- Nabobs

This is the property located to the west of the site entrance and whose garden is surrounded on three sides by the application site. The proposed dwellings at Plots 1 and 2 will have the most impact on this property. In terms of privacy, Plot 1 had two windows at first floor level that would look straight down into the immediate rear garden area. These have now been deleted or shown as obscure glazed where they serve a stairwell. Plot 2 does not face directly towards Nabobs and has no windows facing towards it. The impact on privacy is considered acceptable.

Plots 1 and 2 are positioned such that they will not cause loss of light or visual intrusion to Nabobs. At present there is a two storey building adjacent to Nabobs and its garden. Plot 1 will extend further parallel with the boundary of Nabobs than the existing 2 storey building, but will be further from the boundary such that there would be no harm compared with the existing situation. In the objection letter from Nabobs, the position of the proposed bike store for Unit 1 was objected to in that it would be very close to the kitchen window. In response, this has now re-orientated away from the kitchen window and would not constitute a worse outlook than presently looking onto the side of the office building and separate electricity substation.

There is a large conifer hedge along the rear boundary with Nabobs. This is proposed to be retained, although its retention is not considered essential for the purposes of protecting amenity.

- Holly Cottage

Holly Cottage lies on the eastern side of the entrance to the site. The shape of the application site is such that it cuts in around the house and the existing single storey buildings along the eastern side of the site form the actual boundary with Holly Cottage. Holly Cottage will be most affected by Plots 1 and 5.

In terms of privacy, Plot 5 has no side windows at first floor level facing towards Holly Cottage and in the rear elevation, the windows will all be high level to respect the privacy of the garden area. These will be conditioned to remain as such. Plot 1 has a high level window to a bathroom at first floor level facing towards Holly Cottage.

The proposals involve the removal of a single storey building in close proximity to the rear elevation of Holly Cottage and which actually forms the boundary between the two sites. In response to comments received from Holly Cottage, it is proposed that this section of boundary is replaced by a 2m high brick wall. The details of this will be conditioned to ensure that it is constructed of high quality bricks with appropriate detailing.

The cart barn associated with Plot 5 will be further away from Holly Cottage than the existing single storey building which is considered to be an improvement upon the existing situation. From the rear of Holly Cottage, the proposed two storey dwelling at Plot 5 will be clearly visible and this is exacerbated given the shape of the application site relative to Holly Cottage. However, the two storey part of the proposed house will be 27m from the main rear elevation of Holly Cottage and 21m from the conservatory (the latter being offset from the proposed dwelling). It is therefore considered that, although visible, Plot 5 will not cause a loss of light, or amount to a visual intrusion or be visually overbearing to Holly Cottage. Plot 1 does not directly impact Holly Cottage as it is only the side elevation that faces towards Plot 1 and it is off set from it.

- The Forge

The position of the Forge is such that its rear elevation will be approximately 15m from the rear elevation of Plot 2. However, there are no first floor windows in the rear of Plot 2 and its outdoor patio areas have been orientated away. In terms of visual intrusion or loss of light, 15m is a sufficient distance such that, whilst Plot 2 will be visible,

significant harm would not be caused.

- Inglenook

This property is positioned to the east of the site. Although close to Plot 2, it is set at an oblique angle and would not be affected by it.

- Other properties

Other dwellings are of sufficient distance from the application site not to be affected.

Conditions are recommended to remove permitted development rights for extensions, roof additions and windows and doors other than those shown on the plans in order to protect the residential amenity or surrounding occupants.

### Amenity Space

Each dwelling has been provided with private amenity or garden space. All the plots have either a length or width of garden equal or greater than the 11.5 metres required by Saved Appendix 3 of the Local Plan.

### Sustainability

The applicants have submitted a C-Plan assessment and the scheme achieves either amber or green lights in all respects. With conditions requiring further information, the proposals are considered acceptable for approval.

### S106

A unilateral undertaking has been agreed which makes contributions in line with the Council's toolkit, with the exception of the Natural Green Spaces contribution (which would have been £115). This was deemed unnecessary due to the proximity to Chipperfield Common.

The contributions agreed to are as follows:

Child Play Space - £7360

Travel Smart - £125

Libraries - £875

Monitoring - £508.50

The unilateral undertaking also secures the affordable housing unit.

At the time of writing, the unilateral undertaking is with the applicants awaiting signature.

**RECOMMENDATION** - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning following the expiry of the consultation period and no additional material considerations being raised, with a view

to grant for the following reasons.

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

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

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

- **bricks;**
- **bonding mortar colour;**
- **flint –which should be knapped and roughly coursed;**
- **timber and timber finishes for the barn;**
- **windows including openings – a 1:20 plan should be supplied;**
- **details of the timber car ports including wood stains/colours**
- **any external lighting**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the conservation area in accordance with policies CS12 and CS27 and saved Local Plan policy 120.

- 3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure, in particular the brick wall adjacent to Holly Cottage;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and retained thereafter**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12.

- 4 **The trees shown for retention on the approved Drawing No. BY/2013/001**

**Rev G and Tree Protection Plan TPP/TYKLCH/010 A shall be protected during the whole period of site excavation and construction in accordance with Tree Protection Plan TPP/TYKLCH/010 A and with the Arboricultural Report prepared by David Clarke dated July 2013.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Local Plan policy 99.

- 5 No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. BY/2013/001 Rev G or Tree Protection Plan TPP/TYKLCH/010 A.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Local Plan policy 99.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- **a survey of the extent, scale and nature of contamination;**
- **an assessment of the potential risks to:**
  - **human health,**
  - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - **adjoining land,**
  - **groundwaters and surface waters,**
  - **ecological systems,**
  - **archaeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to**



controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS12 of the Core Strategy.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 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 Policies CS1 and CS29 of the Core Strategy.

- 8 **Prior to the commencement of development, 2 no. Schwegler 1FF and 2 no. Schwegler 1FN bat boxes shall be erected in retained mature and semi-mature trees on the western and southern site boundaries. The newly-erected bat boxes must be free from light-spillage, and should be sited by a suitably qualified ecologist. The boxes shall be left in-situ, regardless of whether or not they are utilised during the works.**

**The findings of the Bat Assessment report prepared by Belos Ecology and dated 29th July 2013 should be adhered to. In particular, demolition works to B1, or at least the removal of tiles/slates from the roofs, should then be undertaken at a time of year when bats are less likely to be present; during early-spring (March to April) or autumn (October to November) and under supervision of an appropriately experienced and licenced bat ecologist. If individual bats are encountered during the works, they should be moved to the previously erected bat boxes by the ecologist on site.**

Reason: To incorporate positive measures to support wildlife and to mitigate impact against a European protected species in accordance with Core Strategy policy CS29.

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

## **Schedule 2 Part 1 Classes A, B and E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and openness of the Green Belt in accordance with Policies CS5, CS6 and CS12 of the Core Strategy.

- 10 **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 windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy 12 of the Core Strategy.

- 11 **The bedroom windows at first floor level in the rear (east) elevation of the Plot 5 of the development shall have a cill height of not less than 1.6 m above internal floor level.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

- 12 **The window(s) at first floor level in the rear (east) elevation of Plot 5 and the west elevation of Plot 1 shown as obscure glazing on the approved drawings shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Core Strategy.

- 13 **Prior to the commencement of development, detailed drawings of the proposed access, car parking and turning areas shall be submitted to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved plans prior to the occupation of any of the dwellings and car parking and turning areas permanently marked out. The car parking and turning areas 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 the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority. To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Core Strategy and saved Appendix 5 of the Local Plan.

- 14 **The parking spaces shall be used for the parking of vehicles associated with the residential use of the site at all times.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway in accordance with Policy CS12 of the Core Strategy and saved Appendix 5 of the Local Plan.

- 15 **Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area and in the interests of highway safety in accordance with Policy CS12 of the Core Strategy.

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

**Location Plan  
Topographical Survey  
BY/2013/007  
BY/2013/009A  
BY/2013/009B  
BY/2013/009C  
BY/2013/001  
BY/2013/101  
BY/2013/008  
BY/2013/002  
BY/2013/002A  
BY/2013/003  
BY/2013/003A  
BY/2013/004  
BY/2013/004A  
BY/2013/005  
BY/2013/005A  
BY/2013/006  
BY/2013/006A  
TPP/TYKLCH/010 A**

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

Article 31 statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead 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.

## INFORMATIVES:

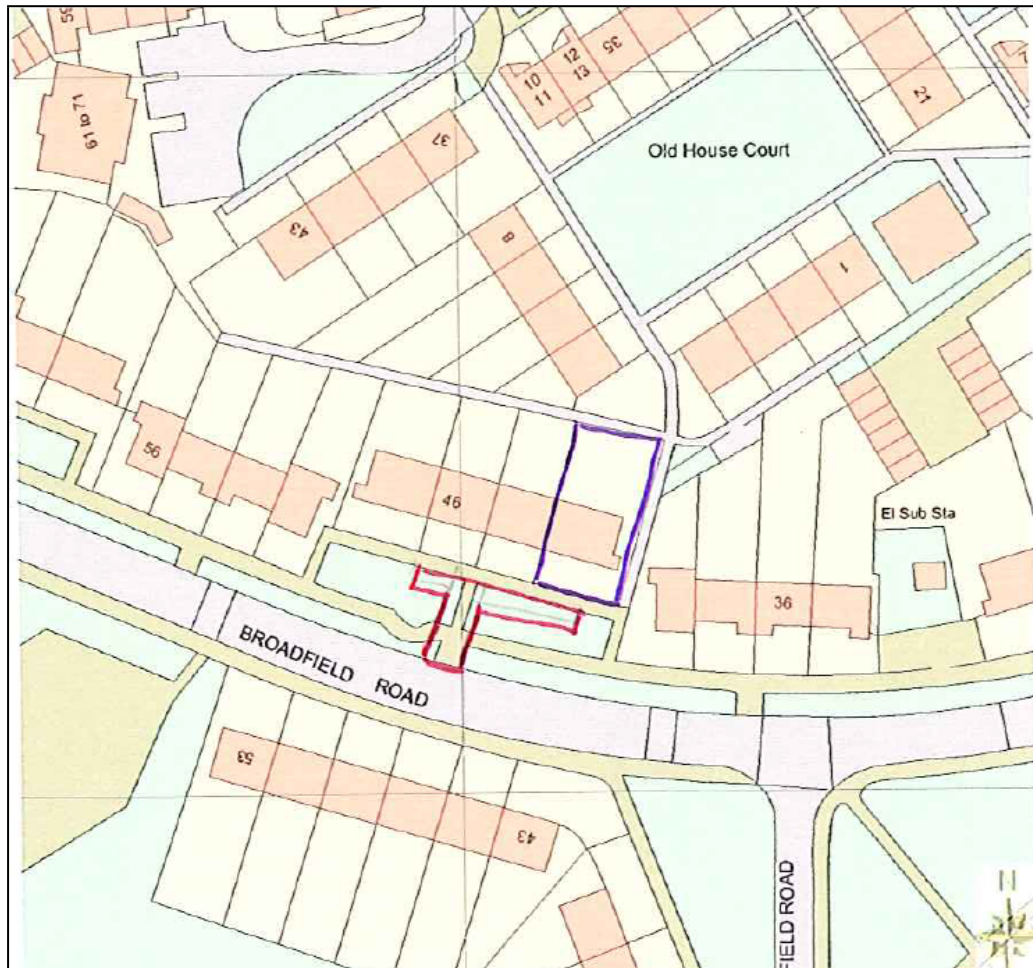
If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire – 'Highway design guide'. Before proceeding with the proposed development, the applicant should contact Highways at [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction and to obtain their permission.

The Council's Conservation and Design officer has suggested windows are of a traditional opening (i.e., side hung casements flush fitting or sliding sash) and details of the glazing bars and finishes should be provided as part of the submission of details.

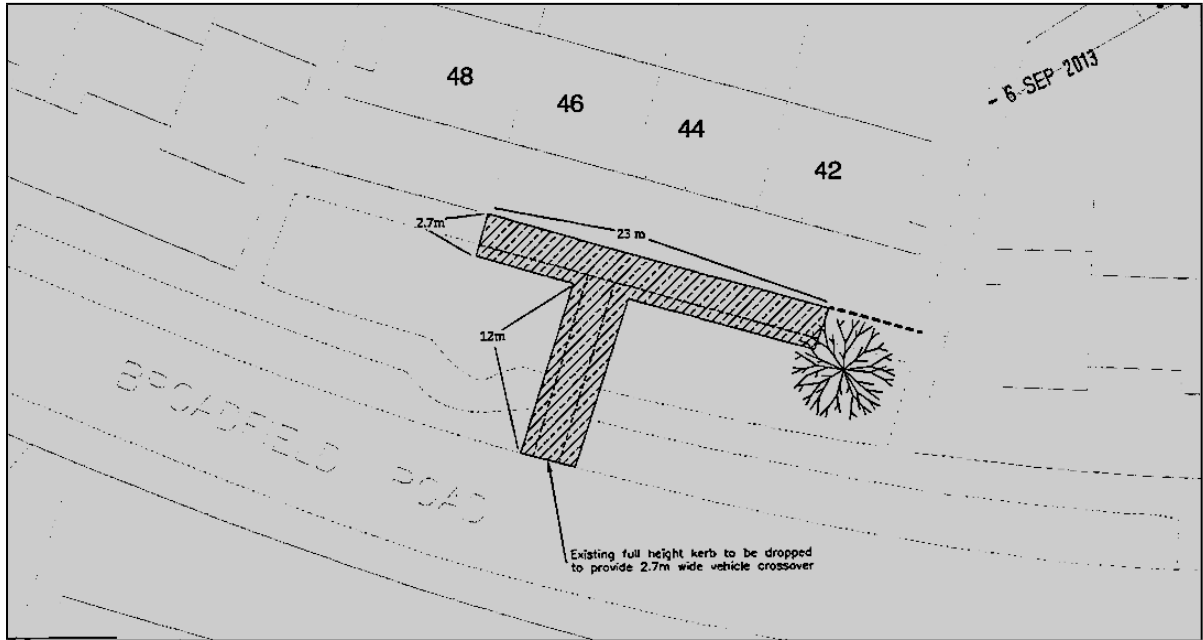
**Item 5.3**

**4/01673/13/FUL - VEHICLE ACCESS CROSSOVER TO THREE PARKING PADS IN FRONT OF 42,44 AND 46  
LAND IN FRONT OF 42,44 AND 46, BROADFIELD ROAD, HEMEL HEMPSTEAD, HP2 4DW**



Item 5.3

4/01673/13/FUL - VEHICLE ACCESS CROSSOVER TO THREE PARKING PADS IN FRONT OF 42,44 AND 46  
LAND IN FRONT OF 42,44 AND 46, BROADFIELD ROAD, HEMEL HEMPSTEAD, HP2 4DW



**5.3 4/01673/13/FUL - VEHICLE ACCESS CROSSOVER TO THREE PARKING PADS IN FRONT OF 42,44 AND 46 LAND IN FRONT OF 42,44 AND 46, BROADFIELD ROAD, HEMEL HEMPSTEAD, HP2 4DW**  
**APPLICANT: MRS N BOOTH**

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[Case Officer - Intan Keen]

[Grid Ref - TL 06702 07325]

### **Summary**

The application is recommended for refusal.

The proposed hardstanding together with the vehicle crossover would represent an inappropriate form of development that would significantly alter the character of a key amenity green within the neighbourhood and creating a car-dominated frontage to the dwellings behind, whilst setting an undesirable precedent to the detriment of the appearance of the street scene and the first generation New Town. The development would not have an adverse impact on the amenity of adjoining properties. The proposed access arrangements would not be satisfactory although would not represent a significant highway safety concern to warrant refusal, and proposed car parking provision is acceptable. The proposal is therefore contrary to the aims of the National Planning Policy Framework and Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site Design), and CS13 (Quality of the Public Realm) of the Dacorum Core Strategy (September 2013), and saved Policy 116 (Open Land in Towns and Large Villages) of the Dacorum Borough Local Plan 1991-2011.

### **Site Description**

The amenity green on which the application site is located lies on the northern side of Broadfield Road, in front of a four-dwelling terrace row comprising Nos. 42, 44, 46 and 48. It is one of two green spaces sited in front of a terrace row, the other located further west and greater in length. The immediately surrounding area, including the T-junction of Broadfield Road and Newfield Lane incorporates a number of open green spaces as well as wide grass verges, incorporating footpath links and places for crossing. Specifically, the northern side of Broadfield Road contains a deep grass verge across its full length, interrupted by several crossovers within the street. Some amenity spaces contain mature trees, and this is the case for the amenity green in front of Nos. 42, 44, 46 and 48.

There is evidence of vehicle crossovers across the grass verge throughout the street, including one example at the end of terrace dwelling at No. 48 where grasscrete has been laid providing vehicle access across the amenity green directly west of the application site.

Additionally, a double width vehicle crossover exists at No. 37 Broadfield Road which traverses through the the deep amenity green at the street corner and the adjacent footpath.

### **Proposal**

The application site follows the existing central footpath through the amenity green and proposes a slightly wider area of hardstanding through the green. The hardstanding

would take the shape of a T, with an area of hardstanding spanning the full width of the front boundaries at Nos. 44 and 46 Broadfield Road, and the western half of No. 42, to replace the existing footpath. The proposed hardstanding and vehicle crossover would also extend across the grass verge and the footpath parallel with and closest to Broadfield Road.

The proposed hardstanding and vehicle crossover would enable vehicle access from Broadfield Road to the front gardens of Nos. 42, 44 and 46.

### **Referral to Committee**

The application is referred to the Development Control Committee as part of the application site is Council owned land.

### **Planning History**

None on site.

Application 4/00933/13/FHA for formation of hardstanding and crossover across amenity land at No. 58 Broadfield Road was granted on 5 August 2013. This also involved a relocation of the footpath.

There is no recent available planning history for the grasscrete drive to No. 48 Broadfield Road, or the double width crossover and driveway to No. 37.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework

#### Core Strategy

Policies CS4, CS11, CS12 and CS13

#### Dacorum Borough Local Plan (saved policies)

Policies 58 and 116

Appendix 5

#### Supplementary Planning Guidance

Residential Character Area HCA22 - Adeyfield South

Area Based Policies - Development in Residential Areas

### **Representations**

#### Neighbours

Nos. 40, 44, 45, 47, 48 and 49 Broadfield Road were notified on 10 September 2013.



No representations received at the time of writing this report.

### Conservation and Design

Conservation and Design (internal) was notified on 20 September 2013. The following response was received on 1 October 2013:

*Adeyfield is one of the seven residential neighbourhoods created within Hemel Hempstead New Town and is one of the earliest housing developments. The neighbourhood is planned development with housing clustered around green spaces and grassed verges along road ways. The green spaces were considered an integral part of the neighbourhood design with car parking limited to garage courts. Housing was designed in short terraces set within the plot with hedges to the front boundaries to delineate between public and private space. The totality of the original design concept was to provide a planned spacious green environment.*

*Unfortunately with the growth of car ownership and with people wishing to park as close to their properties as possible, there is pressure on the landscape spaces to provide for overspill parking and hardstanding. This is eroding the quality of the landscape areas both in size and form and is causing the over dominance of the parked car. In addition the landscape areas are causing maintenance problems due to the surface being rutted by tyre tracks and hardstandings causing fragmentation of areas requiring mowing.*

*Overall the incremental changes of new hardstandings, driveways, loss of boundary treatments and hard surfacing of front gardens is eroding the quality of the local environment in the New Town neighbourhoods.*

### Estates

Estates (internal) was notified on 16 September 2013. No formal comments received at the time of writing this report.

### Rights of Way

Rights of Way (internal) was notified on 16 September 2013. A response was received on 1 October 2013 confirming there is no public right of way over the amenity green.

### Trees and Woodlands

Trees and Woodlands (internal) was notified on 16 September 2013. No formal comments received at the time of writing this report.

### Highways

Highways (Hertfordshire County Council) was notified on 16 September 2013. The following response was received on 18 September 2013:

*Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council does not wish to restrict the grant of permission.*

*Highway Informative: The highway authority require the construction of the double width vehicle crossover to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway.*

#### *Highway Note*

*As part of this application, the applicant wishes to have one vehicle crossover (VXO) traversing amenity green land and serving three dwellings, 46, 44 and 42 Bradfield Road allowing one off street parking space to each dwelling. The amenity green land and the footpath at the back edge of the green are not in the control of highway authority. It is noted that the footpath will be widened and hardened to allow vehicles to drive along before parallel parking in their respective front garden areas, which will also need to be hardened too. The plan submitted DBC/029 shows a "T" formation allowing all three dwellings to be served off this one VXO but the highway authority would suggest that if the LPA are minded to grant this application, the access is widened to more than the 2.7m shown and that there are 45 degree splays at the top of the "T" formation. Otherwise, there is a risk of vehicles overriding the green as they turn left or right whilst manoeuvring to parallel park.*

*Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 4 - Design Standards and Advice, Chapter 1 - Road Design Criteria states that the maximum permissible vehicle crossover should be no more than six standard kerbs with two ramped making a total width along the kerb line of 7.2m.*

*Therefore, should the LPA be minded to grant planning permission, the highway authority would ask that the above informative and advice be included in the decision notice.*

Further advice received on 2 October 2013 state that a refusal would not be warranted if previous highway comments above were not included into any amended plans or future application.

#### **Considerations**

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed hardstanding and vehicle crossover, the impact of the proposed development on the character, appearance and layout of the amenity green and the street scene, the impact on neighbouring properties, and the impact on access and car parking.

#### Policy and Principle

Under the Area Based Policies, Development in Residential Areas Supplementary Planning Guidance, the terminology section defines amenity spaces and greens as small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space but do not qualify as larger areas of structural open land defined in Policies 9 and 116 of the Local Plan. (Policy 9 now superseded by Policy CS4 of the Core Strategy).

Policy CS4 of the Core Strategy states that appropriate residential development in

residential areas is encouraged. The application site is located within a residential area within the town of Hemel Hempstead. The proposed development proposes an access to an existing group of dwellings and therefore would not raise any policy objections. It is also noted there is no public right of way over the amenity green.

#### Impact on layout and appearance of street scene

The NPPF places great importance to the design of the built environment, and the integration of development into the natural, built and historic environment. The above mentioned policies contained in the Core Strategy and saved policies in the Local Plan are consistent with the objectives of the NPPF.

HCA22 - Adeyfield South is identified as the first new town neighbourhood in Hemel Hempstead. Amenity land within this character area is given great importance acknowledging these spaces are structural to the layout of dwellings and a key feature providing a well landscaped appearance to the area. As such, the character area statement encourages the retention of amenity land, however, use of parts of these areas of amenity land for car parking may also be acceptable if the character and appearance of the area is not unduly harmed by the resulting visual impact and the effects on established landscaping. This is reinforced by saved Policy 116 (a) of the Local Plan.

The character area statement continues to state that the provision of off street car parking in landscaped communal areas is encouraged, rather than by front forecourt provision or conversion, and private drives. The Supplementary Planning Guidance (both documents) referred to above together with advice from Conservation and Design place significant weight on the protection of these amenity greens, and identifying these greens as a key feature within the New Town neighbourhoods. Saved Policy 116 of the Local Plan states that proposals to develop on open land will be assessed on the basis of the local contribution the land makes to visual amenity and the general environment (amongst other things).

The proposal involves the creation of a T-shaped area of hardstanding leading from Broadfield Road, traversing through the centre of the amenity green to follow the existing path and spreading horizontally across the majority of the combined frontages of Nos. 42, 44 and 46; the driveway would serve a vehicle access to these three dwellings. The harm created by the development is two-fold, as the proposed area of hardstanding would disrupt the simple and symmetrical layout of this amenity green as well as the established pattern of hard and soft landscaping within these amenity spaces within Broadfield Road.

Secondly, the proposal would introduce a greater amount of cars within the main and central part of the green and the provision of further hardstanding for car parking within the recessed forecourts of dwellings behind the amenity land. Policy CS11 (f) and HCA22 - Adeyfield South oppose the conversion of front gardens to vehicle hardstanding. Additionally, such development is strongly discouraged by the NPPF where a proposal of poor design fails to improve the character and quality of an area and the way it functions.

By altering the layout and function of the amenity green, the proposal would have a detrimental impact on the appearance of the street scene, and the landscape character of the surrounding area. The development would significantly harm the visual

appearance of an important and prominent feature within the street and wider neighbourhood and therefore fails to respond to the character of the locality as previously outlined. The NPPF seeks to ensure that development is responsive to local character; an objective which is supported by Policies CS11 (a), CS12 (f) and (g), and CS13 (c) of the Core Strategy and saved Policy 116 (a) of the Local Plan.

Furthermore, the development would set an undesirable precedent with respect to development on amenity land resulting in the loss of green amenity land whilst allowing for the potential for hardstanding of various amounts and configurations to be constructed. This type of development would undermine the cohesion and visual function of these spaces, to the detriment of the appearance of the street scene and layout of the New Town neighbourhood. The creation of driveways across amenity greens would encourage further conversion of front gardens to vehicle car parking which as mentioned above would be contrary to the local character of the immediate area, and as such is unacceptable.

It is also important to note that it has been determined that the area of hardstanding proposed would not be sufficient for vehicles to comfortably manoeuvre out of the parking forecourts without driving on the retained grassed area (as mentioned in Highways consultation response above). Over time this would lead to the degradation of the green space and as such would fail to meet the objectives of HCA22 - Adeyfield South and therefore would be unacceptable under the NPPF, Policies CS11, CS12 and CS13 of the Core Strategy and saved Policy 116 of the Local Plan. Evidence of car parking and vehicle movements is evident on the amenity green further west, the grassed surface of which appears to have deteriorated over time.

Of lesser concern is the creation of a crossover to the northern side of Broadfield Road where the hardstanding would remove a small part of the grass verge. However it is noted an area of hardstanding exists in this location off the footpath, and a similar dropped kerb exists to the other amenity green to the west on Broadfield Road, although this would appear to be formally used for pedestrians crossing.

In summary, the proposal would represent an unacceptable form of development due to the siting and amount of hardstanding and the introduction of cars onto the amenity green and within the dwelling forecourts beyond. The development would therefore have an adverse impact on the layout, character and appearance of the individual amenity green and would disrupt the landscaping pattern within the street scene. The proposal would set an undesirable precedent that would have a detrimental visual impact on the surrounding area. The proposal is therefore contrary to the aims of the NPPF, Policies CS11, CS12 and CS13 of the Core Strategy and saved Policy 116 of the Local Plan.

#### Impact on neighbouring properties

Due to the nature of the proposed development, the amenity of surrounding residential properties would not be adversely affected. The proposal is therefore in accordance with Policy CS12 (c) of the Core Strategy.

#### Impact on access and car parking

Amendments to hardstanding layout including splays at the top of the T formation and the widening of the driveway from Broadfield Road have been suggested to avoid

vehicles manoeuvring onto the grassed part of the amenity green. However, this is not considered to raise a significant highway safety concern to warrant refusal on these grounds.

The proposal would involve the removal of approximately one on street car parking space, and would create three off street car parking spaces within the forecourts of Nos. 42 and 44 and the front garden of No. 46 Broadfield Road. The proposed net increase in car parking provision is considered acceptable and in accordance with the objectives of saved Policy 58 and Appendix 5 of the Local Plan.

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

- 1 The proposed hardstanding together with the vehicle crossover, by reason of its layout, site coverage, and materials would significantly alter the character of a prominent amenity green, whilst encouraging a car-dominated frontage to the dwellings behind, to the detriment of the appearance of the street scene and the visual interests of the New Town neighbourhood. The development would be harmful to the appearance of the green, would set an undesirable precedent that would lead to further degradation of these green spaces that are a key feature of the street and wider neighbourhood. The proposal is therefore contrary to the aims of the National Planning Policy Framework, Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site Design), and CS13 (Quality of the Public Realm) of the Dacorum Core Strategy (September 2013), and saved Policy 116 (Open Land in Towns and Large Villages) of the Dacorum Borough Local Plan 1991-2011.**

NOTE 1:

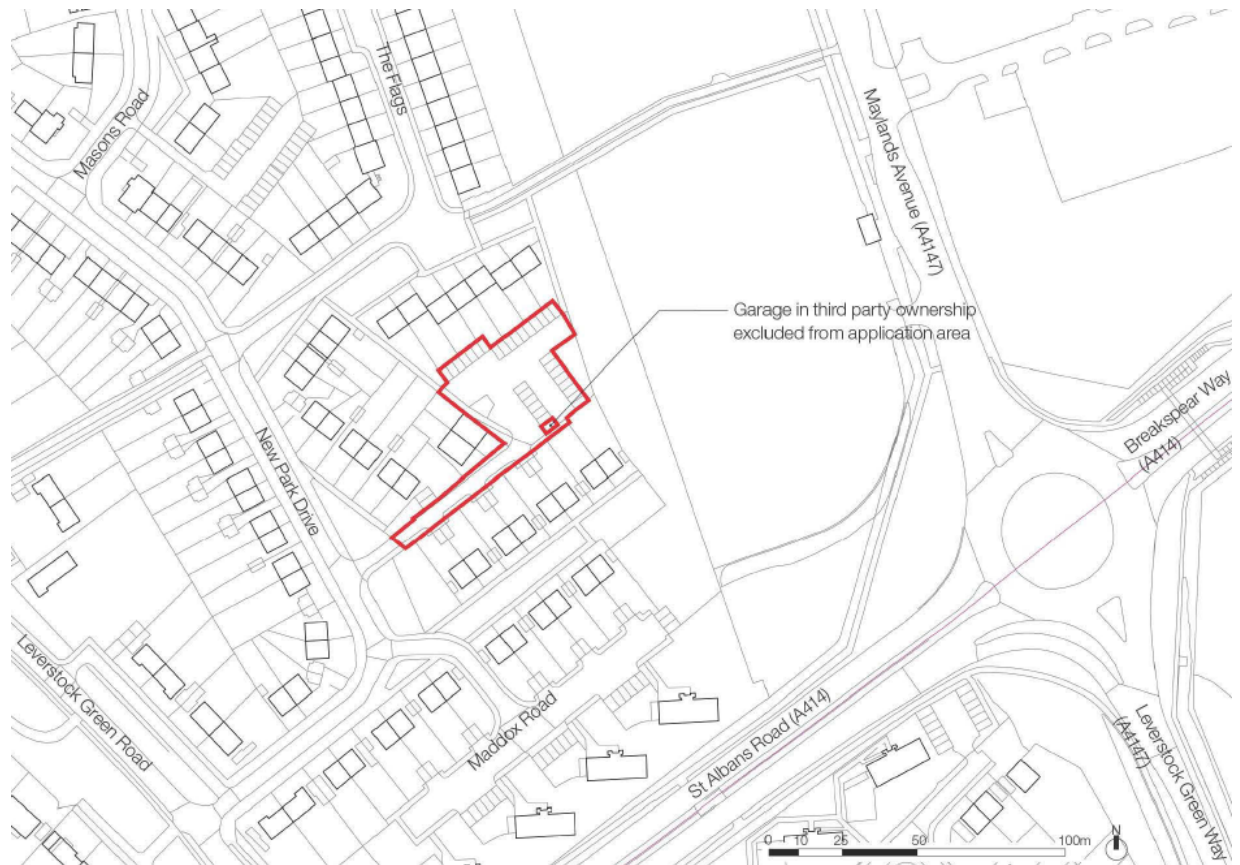
#### **Article 31 Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable on this particular site and the fundamental objections cannot be overcome. Since no solutions can be found the Council has complied 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**

**4/02191/12/OUT - REDEVELOPMENT 31 DOMESTIC GARAGES TO PROVIDE FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER UNALLOCATED PARKING.**

**GARAGES SITE AT, NEW PARK DRIVE, HEMEL HEMPSTEAD, HP2**



**Item 5.4**

**4/02191/12/OUT - REDEVELOPMENT 31 DOMESTIC GARAGES TO PROVIDE FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER UNALLOCATED PARKING.  
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**5.4 4/02191/12/OUT - REDEVELOPMENT 31 DOMESTIC GARAGES TO PROVIDE FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER UNALLOCATED PARKING.  
GARAGES SITE AT, NEW PARK DRIVE, HEMEL HEMPSTEAD, HP2  
APPLICANT: DACORUM BOROUGH COUNCIL**

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[Case Officer - Richard Butler]

[Grid Ref - TL 07861 07317]

### **Summary**

The application is recommended for approval.

The application seeks outline planning permission to demolish 31 domestic garages and replace with 2 three-bed dwellings and 27 parking spaces; the level of cars likely to be displaced by this development (over and above the parking that shall be re-provided within the development) is considered to be small scale and not lead to detrimental impacts to highway safety within the surrounding area.

The quantum and likely scale of the proposed residential development is considered to be appropriate.

### **Site Description**

The application site is located behind residential units on the north eastern side of New Park Drive and 1-8 Greenway. The site comprises 31 garages in four blocks and excludes a single garage in private ownership at the end of a garage row in close proximity to the south eastern boundary of the site. The site is accessed via a service road off New Park Drive which also provides access to garages to properties in Greenway and to two new units in the rear gardens of Nos.50 and 52 New Park Drive. The site is covered in hard standing with the exception of a grassed area surrounding a single tree in the western portion of the site with mature landscaping between the site and the Maylands industrial area.

### **Proposal**

Outline planning permission (with all matters reserved) is sought for the redevelopment of the site, including the demolition of the garages (save the privately owned garage) and the development with residential use. The proposal shall also include the re-provision of a number of parking spaces to accommodate parking lost through the removal of the garages.

The application was submitted in December 2012; the original proposal sought the development of a terrace of three 3-bed dwellings with a detached building at the eastern extent of the site providing a 2-bed flat over three garages. A total of 17 parking spaces were provided across the site, 8 allocated to the proposed residential units and 9 unallocated to provide a replacement to the demolished garages.

Through the course of the application further information has been requested with regard to the occupancy rate of the garages; this concluded that of the 31 garages 29 are leased from the council with only 2 void garages.

The proposal has been amended as follows:



A semi-detached pair of two 3-bed dwellings. The remainder of the site is to be laid out for parking. A total of 27 parking spaces are provided across the site, 5 allocated to the proposed residential units and 22 unallocated to provide a replacement to the demolished garages.

Of these parking spaces 11 are located in a block which runs adjacent to the north flank of the proposed residential units; the applicant has suggested that the use of these spaces should be monitored and if proved to me not needed, there is potential for the semi-detached block to be extended to a terrace of three units.

### **Referral to Committee**

The application is referred to the Development Control Committee as the application site is in the ownership of Dacorum Borough Council.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework

#### Dacorum Core Strategy (Adopted September 2013)

Policies CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26 CS28, CS29, CS31, CS33 and CS35.

#### Dacorum Borough Local Plan 1991-2011 Saved Policies

Policies ,10,13,18, 51, 54, 58, 61, 63, 99 and 111  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance

Accessibility Zones for the Application of Parking Standards  
Area Based Policies for Residential Character Area HCA22 - Adeyfield South

### **Representations**

#### Spatial Planning

Housing development is acceptable in principle in terms of Local Plan Policy 9 (land use division in towns and large villages), as the site is located in a residential area. The development is also acceptable in principle in relation to Core Strategy Policy CS4 (the towns and large villages), which will replace Local Plan Policy 9 once the Core Strategy is adopted.

The application should be assessed against Local Plan Policy 11 (quality of development) and the various Core Strategy policies (see Core Strategy Appendix 1) that will replace it following adoption of the Core Strategy.

The Council's Supplementary Planning Guidance on Development in Residential Areas

should also be taken into account. The site is in character area HCA22 (Adeyfield South). The policy statement for HCA22 includes the following guidance on redevelopment under the sub-heading 'scope for residential development':

"Strongly discouraged. The redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking and where proposals accord with the

Paragraph 2.3 in the Design and Access Statement accompanying the application states that the garages are not fully occupied. However, no information is provided on how many garages are used and whether the occupied garages are used for parking cars or for other purposes, such as storage.

Paragraph 4.4.1 in the Design and Access Statement states that 8 parking spaces are proposed for the new housing and 9 additional unallocated spaces for visitors and existing residents in the surrounding area. The 8 spaces proposed for the new housing meets the standards in Local Plan Appendix 5, given the site's location in Zone 4 (as shown in the Supplementary Planning Guidance on Accessibility Zones). The 9 proposed unallocated spaces are welcome, but it is not clear whether this is sufficient provision for displaced parking.

It appears that the proposals accord broadly with the Development Principles for HCA22.

The application is acceptable in respect of Local Plan Policies 17 (control over housing land supply) and 18 (the size of new dwellings) and Core Strategy Policies CS17 (new housing) and CS18 (mix of housing).

We are pleased that a mature tree within the site is to be retained.

The proposals are acceptable, as long as you are satisfied that the 9 proposed unallocated spaces represent sufficient provision for displaced vehicle parking.

Note - The comments above do not take account of the amendments to the scheme.

### Hertfordshire Highways

Does not wish to restrict the grant of permission subject to the following conditions: The proposal is for outline planning permission. This latest application is proposing to demolish the 31 Dacorum Borough Council leased garages and redevelopment with dwellings comprising of 2 x 3 bedroom dwellings at the former garage area, to the rear of New park Drive, Hemel Hempstead. It would appear that the uptake in garage rental is low with many of the garages in a poor overall condition. The original vehicular access off New Park Drive is to be reused the service road is currently not adopted by the highway authority and there are no plans to widen or modify this access at present. It follows that the access road must be accessible in terms of both refuse collection and fire and rescue needs. This latest application is proposing to increase the availability of off street parking allocation but no figure is attached.

#### Internal Highway layout and parking

It follows that the existing service road will remain the only vehicular access route to the site. There are two other pedestrian routes. As such, this main access will become a shared surface road of some description but again there are no clear details of how this will be achieved. The highway authority notes that the applicant is proposing to

create a minimum of 29 parking spaces and 24 of these will be for visitors and existing residents. The highway authority welcomes this, as there is an existing heavy demand for on street parking, particularly at night in this vicinity and safe and secure additional off street parking would help to some degree with this problem.

The highway authority notes that a section of this parking area as shown in the D&A statement will be monitored for its use and if not used then future development may be considered. There are no details of how this will be done which must be agreed with the LPA

Highway Benefits - The applicant should be made aware of the following: Subject to a financial contribution in line with current County policies for sustainable transport and the following suggested planning conditions, the County Council would not wish to object to this application.

The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

The Highway Authority will seek a standard charge contribution of £1125 per three bedrooms. All contributions are to be index linked from the date of the agreement or Local Planning Authority committee resolution (whichever is the earliest) to the date of payment.

Highway Conditions - Highway Conditions based on the submitted details are likely to include the following:-

The development shall not be occupied until the access, car parking and turning areas have been constructed, surfaced and permanently marked out.

The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

That the parking spaces shall be used for the parking of non-commercial vehicles only and shall be retained thereafter for that purpose and made available to the occupiers of that property unless the Local Planning Authority, in consultation with the Highway Authority, otherwise agrees in writing.

The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, where possible in a forward gear.

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway..

## 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.

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

### Water Comments

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

### Comments from Neighbours

Correspondence was received from four neighbouring properties.

No. 31 the Flags commented on the proposed boundary treatment to the rear boundaries of abutting dwellings at The Flags, specifically that for security to these neighbouring dwellings would be obtained with the incorporation of a brick wall currently provided by the existing garage row to the northern boundary.

Similarly, No. 32 the Flags inquired whether the boundary wall currently provided by the brick garages would be replaced with a similar treatment to ensure security to the rear gardens.

The remaining two responses from No. 33 the Flags and No. 8 Greenway object to the proposal on the following grounds:

- Loss of privacy to dwellings and gardens;
- Loss of light to neighbouring gardens;
- Increased light and noise pollution;
- Maintenance of new boundary fencing and landscaping;
- Loss of garages which are currently in use and other car parking spaces;
- Insufficient parking provision;
- Open car parking spaces resulting in damage to vehicles and prone to vandalism;
- Inadequate street lighting;
- Insufficient access as a result of double parking; and
- Insufficient access for fire and ambulance services to proposed dwellings.

With respect to the above comments it is noted that the current application is an assessment of the principle of residential development on the application site. If outline planning permission is granted, design detail would be considered in a separate future application for approval of reserved matters, where the issues raised above would be addressed. A future application for approval of details with respect to layout, scale and appearance will be subject to a statutory consultation period including to all adjoining properties.

Concerns with respect to property devaluation, neighbour relations, purchasing of garages, and rise in car insurance are not material planning considerations and would generally be covered under separate legislation.

The item of correspondence received from No. 33 the Flags states that a potential review of car parking within The Flags would be reviewed as a result of the loss of the garages. The relevant consideration with respect to car parking relates to the impact of the proposal on the surrounding highway network. The review of other car parking areas is not a matter for consideration under the current application which relates to the application site only.

### Further comments following amendments:

The amended plans for the building of 2 houses on this site. I still feel that the parking will be an issue. The lack of street lights in this area, will there be any put up for this

new development. Is there access for dustcart to access this area to collect bins, as the road is always double parked. Is it necessary to knock down all of the garages as I rent 3 which are used and if the number garages 8 to 14 which are set back are kept then secure parking will be kept for those who rent them at the moment. That way we would be able to retain secure parking as well as having enough allocated parking for new residents. The privacy and light will still be an issue. Is there any way to purchase land at foot of garden behind the current garage which is to be retained so that we can have secure parking to replace the 3 garages which we will be losing.

## **Considerations**

### Pre-Application

The Council undertook a public consultation exercise prior to the submission of the current application. An exhibition was held over two days on 16th July 2012 (1pm - 8pm) and 20th July 2012 (9am-5pm) at which members of the Tibbalds Planning and Urban Design team, planning officers and members of the Dacorum Borough Council's Asset and Property Management team were available to discuss the issues raised by redeveloping garage courts with local residents. The events were attended by 96 people in total.

The attendees raised a number of positive and negative comments in respect to the schemes presented for New Park Drive. The principle concerns raised were:

- that the proposed loss of parking, adequacy of parking arrangements and increased demand from new residents would lead to conditions detrimental to highways safety,
- that the width of the access road was insufficient for emergency vehicles,
- the proposals would increase traffic and congestion in the area,
- that they would lose the use of the existing garage,
- there would be overlooking and overshadowing to neighbouring properties,
- that there will be additional noise and disturbance to existing residents,
- that the units would be occupied by anti-social residents or those engaged in crime,
- that there was a lack of detail in the proposed plans and
- that the proposals would reduce property values

Residents also suggested that:

- the site was subject to anti-social behaviour and its redevelopment could be positive,
- that they were not adverse to residential development but the proposals were too dense,
- the retention of the tree and landscaped area was a positive, and
- that a back to back layout of residential units would be preferable to new houses adjoining the existing site boundaries.

The main issue of relevance to the consideration of this application relates to the appropriateness of the site for residential development.

### Policy and Principle

The National Planning Policy Framework encourages the effective use of land including reusing land, and further states that *housing applications should be considered in the context of the presumption in favour of sustainable development*. The above-mentioned policies contained in the Core Strategy and saved policies of the

Local Plan are consistent with these objectives, and therefore full weight should be given to these provisions.

The application site proposed for residential development would meet the above objective of the NPPF, and would also be consistent with Policy CS4 of the Core Strategy; noting that the application site is located within an established residential area of Hemel Hempstead. Further, there would be a strong presumption in Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough.

The occupancy rate of the existing garages is 29 of 31, equating to 94% of the garages.

With respect to sustainability, it is noted that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. It would be reasonable to expect this development to meet Code Level 4 of the Code for Sustainable Homes given the context of the Core Strategy and likely improvements in relation to the Building Regulations. Such matters would be conditioned to ensure that the proposals would meet the requirements of Policies CS28, CS29 and CS31 of the Core Strategy and saved Policy 1 and Appendix 1 of the Local Plan.

For reasons outlined above, the principle of residential development on the application site would be acceptable.

The Council, and any successor in title, would be expected to comply with Policy 13 of the Local Plan, Policy CS35 of the Pre-submission Core Strategy, and the Planning Obligations Supplementary Planning Document and as such it is necessary for the Council to enter into a planning obligation for the development of this site. This agreement will secure contributions towards new allotment provision, outdoor pitches; child play space, natural green space and library provision to off-set the impact of development upon these services.

#### Impact on site layout and design

Although the design and layout of the proposed residential scheme is not set out for consideration at this stage, the proposed layout plan and supporting documentation contain sufficient detail to guide the formulation of a high quality residential scheme in accordance with Policies CS12 and CS13 of the Core Strategy and saved Appendix 3 of the Local Plan. A maximum height of two storeys as notated on the proposed site layout plan would be appropriate in this location, and reflective of existing residential built form.

Proposed dwelling density of 11 dwellings per hectare (four dwellings on a site of 0.18ha); would be less than the figures for medium density as set out in HCA 22 - Adeyfield South. It is noted however that the site conditions including its shape together with the requirement for provision of additional car parking facilities to replace existing garages would warrant a reduced dwelling density in this instance.

The proposed site layout and the orientation of dwellings would generally be consistent with the terraced dwelling stock in the immediate area, following the established linear pattern whilst enabling sufficient surveillance of open access and parking areas in

accordance with the NPPF and HCA 22 - Adeyfield South of the Local Plan, and Policy CS12 of the Core Strategy. There would be no loss of significant trees, noting the existing tree proximate to the site's south-western boundary would be retained and a proposed landscaping scheme has been indicated.

#### Impact on neighbouring properties

The application site has 19 directly abutting properties (excluding the single garage). Given the indicative siting of the dwellings, their distance from shared boundaries, the proposed building height and orientation, it is considered that the proposal would not significantly detract from the amenities of neighbouring properties in accordance with Policies CS12 and CS13 of the Core Strategy and saved Appendix 3 of the Local Plan.

The area indicated for the proposed dwellings would be sited a minimum of 23m from the rear walls of dwellings to the north and south at The Flags and Greenway respectively. At this distance as set out under Appendix 3 there would not be an unreasonable level of overlooking to these dwellings. It is also noted that the main orientation of the dwellings would be to the north-east and south-west, and not in the direction of dwellings fronting The Flags or to Greenway.

The height of the buildings and their slightly lowered position relative to dwellings immediately north at The Flags would ensure that there would not be an unacceptable loss of light to these properties.

It is again noted that if outline planning permission is granted, concerns with respect to the impact of the amenity of neighbouring properties would be considered on submission of further details.

Existing access routes to nine adjoining dwellings (Nos. 1, 2, 3, 4, 5, 6 and 8 Greenway and Nos. 1 and 2 New Park Mews) and the single garage would be maintained.

As such, the proposal would be in accordance with the NPPF and Policy CS12 of the Core Strategy.

#### Impact on access and car parking

The suitability of the application site for residential development is dependent on the provision of appropriate arrangements for the management of parking within the area. The proposed site layout ensures that the development would be self-contained and would not lead to the dispersal of vehicles onto the surrounding highway network to the detriment of highway safety in accordance with saved policies 51, 54 and 58 of the Local Plan, and Policies CS8 and CS12 of the Core Strategy.

Specific to the proposed development, whilst the layout and scale of the residential units are yet to be determined, the illustrative layout of the site is based on each of the dwellings comprising three bedrooms. With reference to the saved Appendix 5 of the Local Plan the two 3-bed dwellings would require a parking allocation of 2.25 spaces per dwelling, equating to 4.5 spaces. The proposed layout indicates a total of 27 spaces across the development. 5 of these shall be allocated to the proposed dwellings, with a further 22 provided as unallocated parking to re-provide parking lost by the demolition of the 31 garages.

The parking provided for the residential units is appropriate and in accordance with appendix 5 of the Local Plan.

As noted in the design and access statement, 29 of the 31 garages are leased, leaving only 2 void. With the development providing 22 unallocated spaces for surrounding residential units, there is a shortfall of 7 parking spaces. The supporting information submitted with the application demonstrates the possibility for parking to be provided within a number of surrounding garage courts which shall remain within the control of Dacorum Borough Council. There are three parking courts within a radius of 250m, which have a combined total of 49 vacant garages. This gives reassurance that should residents wish to find alternative garage rental facilities, there is availability within a reasonable distance of the site.

Whilst the initial indication of the limited vacant garages within this parking court would suggest that the existing parking court is well used for parking cars; it has been noted in details submitted with the application that of the garages which are leased a fair number are not used for the regular parking of a vehicle with reasons being that the garages are not built to the dimensions of a modern car, making the use for storage of cars very difficult and often alternative uses for garages prevail, such as storage of household items. Therefore the displacement of cars from leased garages is not likely to be 100%. On this basis, the provision of unallocated parking spaces for this development is considered appropriate.

As previously mentioned, vehicle access to existing private parking areas to nine adjoining properties and the single garage would be maintained, and on-street parking facilities along the road off New Park Drive would remain unchanged as a result of the proposed development scheme. Existing pedestrian routes to and through the site would also be retained to accord with saved Policy 61 of the Local Plan.

The proposed access arrangements are considered to be safe in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Local Plan.

The design and access statement makes reference to the monitoring of the 11 spaces adjacent to the proposed dwellings in order to establish demand for their use, and in the case that the level of parking is above the necessary level, then an additional unit could be added to form a terrace of three dwellings. Rather than specify exactly how this shall be monitored at this time, the application has been assessed with regard to the plans submitted. Should at a later date there be an approach to seek this additional dwelling a new planning permission shall be required. Therefore any evidence to suggest the level of reduced parking would be appropriate can be submitted at this time.

### Sustainability

It is noted that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. It would be reasonable to expect this development to meet Code Level 4 of the Code for Sustainable Homes given the emerging context of the Core Strategy and likely improvements in relation to the Building Regulations. Such matters would be conditioned to ensure that the proposal would meet the requirements of Policies CS28, CS29 and CS31 of the Core Strategy and saved Policies 1 and Appendix 1 of the



Local Plan.

### Planning Obligations

The Council, and any successor in title, would be expected to comply with Policy 13 of the Local Plan, Policy CS35 of the Pre-submission Core Strategy, and the Planning Obligations Supplementary Planning Document and as such it is necessary for the Council to enter into a planning obligation for the development of this site. This agreement will secure contributions towards new allotment provision, outdoor pitches; child play space, natural green space and library provision to off-set the impact of development upon these services.

Planning obligations shall be sought in accordance with the adopted SPD of 2011. It is noted the highways authority have requested specific payments towards sustainable transport contributions above.

Applications for less than 5 residential units generate the requirement of Planning Obligations in accordance with the Dacorum Borough Council Planning Obligations SPD. Sustainable Transport Contributions are an item within the Herts Toolkit.

The proposed development of two 3-bed residential units shall only be subject to the DBC SPD. Hertfordshire Highways have not advanced any specific reason why Sustainable Transport Contributions should be sought on this application and have not given evidence of any specific project against which the monies would be allocated. Therefore it is not appropriate for such contributions to be sought in this situation.

The impact on the development with regard to the loss of garage parking has been addressed in the section above.

With regard to the DBC SPD the contributions sought are as follows:

<b>Term</b>	<b>Amount</b>
Allotments	£126
Outdoor Pitches	£918
Cycles	£136
Primary Schools	£4,938
Child Play Space	£3,200
Natural Green Space	£50
Travel Smart	£50
Libraries	£396
Monitoring	£588.84
Total	£10,402.84

### **Conclusions**

The principle of residential development on the site is acceptable. It can be demonstrated that the scale of residential development proposed is appropriate and that new dwellings could be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The redevelopment of the underused garage site would not lead to the displacement of vehicles to the detriment of highway safety. The proposal will create additional on-street parking in an area where there is significant pressure for existing on-street

parking facilities. The proposal would therefore be in accordance with the National Planning Policy Framework, Policies 2 (Towns), 9 (Land Use Division in Towns and Large Villages), 11 (Quality of Development), 51 (Development and Transport Impacts), 54 (Highway Design), 58 (Private Parking Provision) and 61 (Pedestrians) of the Dacorum Borough Local Plan 1991-2011, and Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages), CS8 (Sustainable Transport), CS12 (Quality of Site Design) and CS13 (Quality of the Public Realm) of Dacorum's Pre-submission Core Strategy.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager of Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and subject to the conditions set out below:

2. That this planning obligation secures the contributions set out in the Planning Obligations Supplementary Planning Document as follows:

<b>Term</b>	<b>Amount</b>
Allotments	£126
Outdoor Pitches	£918
Cycles	£136
Primary Schools	£4,938
Child Play Space	£3,200
Natural Green Space	£50
Travel Smart	£50
Libraries	£396
Monitoring	£588.84
<b>Total</b>	<b>£10,402.84</b>

- 1 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and

Country Planning Act 1990.

- 3 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **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 CS29 of the Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

- 5 **The proposed dwellings shall not be occupied until parking bays for some 27 vehicles has been provided in accordance with the Parameter Plan hereby approved.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policies 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details of appearance to be submitted in accordance with Condition 2 shall include:**

- elevations of the proposed building,
- full details of all materials to be used in the construction of any external surfaces of the development hereby approved,
- full details of any external lighting to the dwellings and
- details of any safety and crime prevention measures incorporated in the design of the new properties.

**The proposed development shall be carried out fully in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

- 7 **The details of layout to be submitted in accordance with condition 2**

**shall include:**

- a block plan demonstrating the relationship between the proposed building(s) and the neighbouring properties at a scale of 1:500,
- floor plans at a scale of 1:50
- details of refuse and recycling facilities,
- measures for disabled access,
- means of enclosure and
- details of any crime prevention and security measures.

**The proposed development shall be carried out fully in accordance with the approved details.**

Reason: To ensure a satisfactory relationship between the proposed building(s) and neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

**8 The details of landscaping to be submitted in accordance with Condition 2 shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- trees to be retained and measures for their protection during construction works;

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area with regard to Policy 11 of the Adopted Local Plan and CS12 of the Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

**9 The details of scale to be submitted in accordance with Condition 2 shall include:**

- an existing topographical survey of the site,
- details of slab levels, finished floor, eaves and ridge levels in respect to existing and proposed ground levels and
- details of slab level, finished floor, eaves and ridge levels to the existing dwellings adjacent to the boundaries of the site.

Reason: To ensure a satisfactory relationship to neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local

Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

- 10 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- **a survey of the extent, scale and nature of contamination;**
- **an assessment of the potential risks to:**
  - **human health,**
  - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
  - **adjoining land,**
  - **groundwaters and surface waters,**
  - **ecological systems,**
  - **archaeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria,**

**timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(c) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(d) Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

**with the following approved plans:**

**5350 OPA 01**

**5350 OPA 02**

**5350 OPA 03 rev A**

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

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 applicants have demonstrated that the redevelopment of this underused garage court would not lead to the displacement of vehicles to the detriment of highways safety. The proposals will create additional on-street parking within an area where there is significant pressure for existing on-street parking facilities. The new parking bay would be commensurate in scale with the current occupation rate for the garages to be demolished. It can be demonstrated that the scale of residential development proposed is appropriate and these new dwellings can be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The proposals would be in accordance with Policies 2, 9, 11, 51, 54 and 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4, CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

NOTE 2:

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

**Dacorum Core Strategy**

Policies CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26, CS28, CS29, CS31 and CS35

**Dacorum Borough Local Plan 199-2011**

Policies 1,10,13,18, 51, 54, 58, 61, 63, 99 and 111  
Appendices 1, 3 and 5

**Supplementary Planning Guidance and Documents**

Accessibility Zones for the Application of Parking Standards

Area Based Policies for Residential Character Area – HCA 20: Highfield

Article 31 Statement

Planning permission has been granted for this proposal. There has been pre-application public consultation and involvement which has influenced the scale of the scheme submitted and discussion during the determination process which led to improvements to the scheme. The Council has therefore

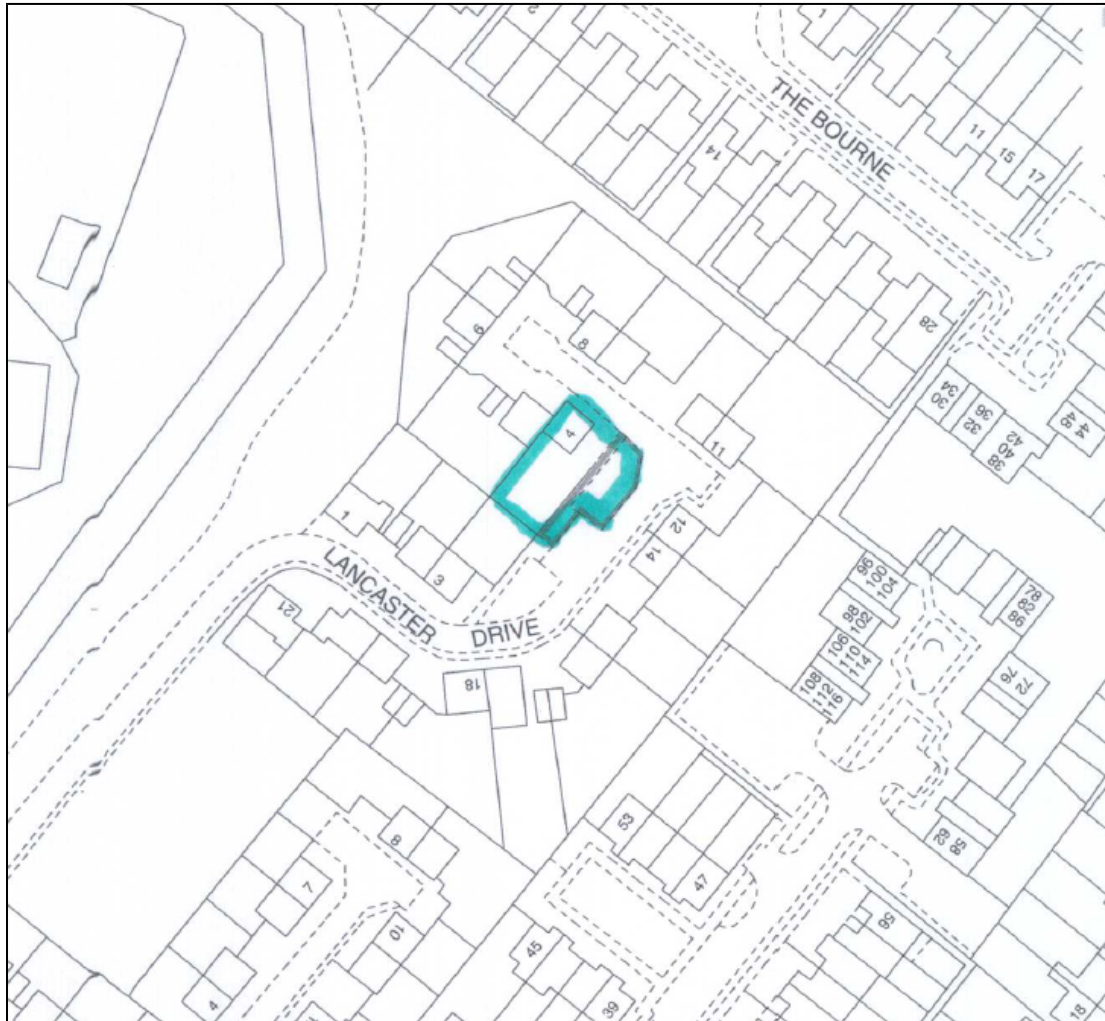
acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.



Item 5.5

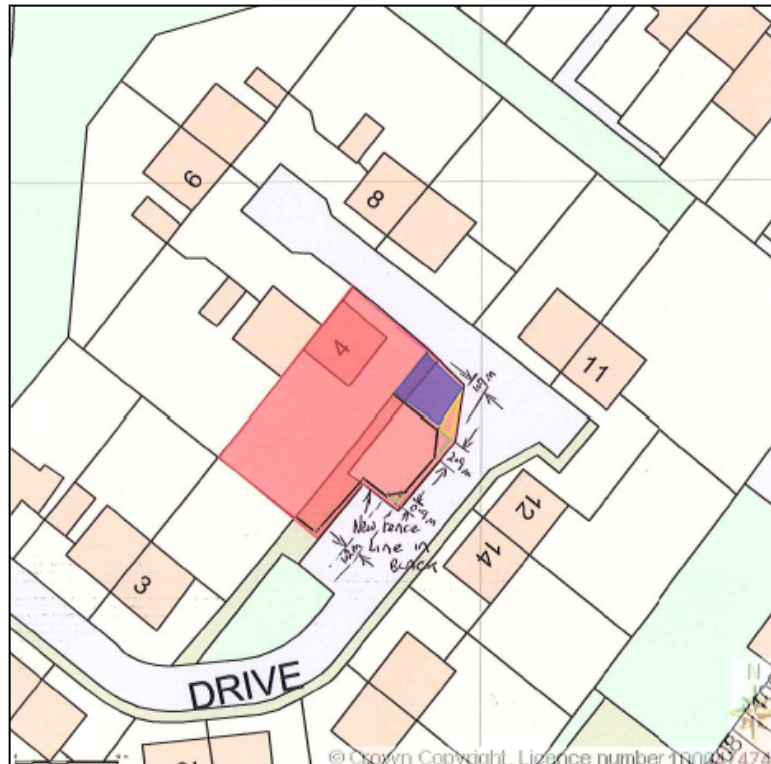
**4/01134/13/FUL - CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL GARDEN,  
FRONT HARDSTANDING, CREATION OF VEHICLE CROSSOVER AND CONSTRUCTION  
OF 1.8M HIGH FENCE**

**4 LANCASTER DRIVE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0RX**



Item 5.5

4/01134/13/FUL - CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL GARDEN,  
FRONT HARDSTANDING, CREATION OF VEHICLE CROSSOVER AND CONSTRUCTION  
OF 1.8M HIGH FENCE  
4 LANCASTER DRIVE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0RX



**5.5 4/01134/13/FUL - CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL GARDEN, FRONT HARDSTANDING, CREATION OF VEHICLE CROSSOVER AND CONSTRUCTION OF 1.8M HIGH FENCE  
4 LANCASTER DRIVE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0RX  
APPLICANT: MR C ARRIS**

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[Case Officer - Intan Keen]

[Grid Ref - TL 01085 03873]

### **Summary**

This application is recommended for approval.

The proposed boundary fence, front hardstanding and vehicle crossover are considered to be acceptable and would not detract from the character and appearance of the original dwelling or the street scene. There would not be an adverse impact on the amenity of neighbouring properties. The proposed car parking arrangements are sufficient and the proposal would not have an adverse impact on highway safety. The proposal is therefore in accordance with the National Planning Policy Framework and Policies CS4 (The Towns and Large Villages) and CS12 (Quality of Site Design) of the Dacorum Borough Core Strategy September 2013.

### **Site Description**

The application site is currently occupied by a two storey semi-detached dwelling and adjacent amenity green located on the western corner of Lancaster Drive. The application site shares visual similarities with dwellings in the immediate area in terms of design and external materials. On street car parking exists and parking inlets are provided on the street, one of which is located directly south of the application site. At the time of the site visit, the fencing enclosing the amenity green had been erected, including it within the rear garden of No. 4 Lancaster Drive.

### **Proposal**

Planning permission is sought for the creation of an area of hardstanding to the side of the dwelling and associated 5.3m wide vehicle crossover to the south-western side of Lancaster Drive. The area of hardstanding would have approximate dimensions of 5.3m wide by 5.2m deep.

It is also proposed to construct a 1.8m high timber fence that would follow the boundaries of the application site and set in approximately 0.75m from the road.

Amended plans were received on 24 July 2013 showing amendments to the boundary fence to incorporate splays to both corners where it directly fronts Lancaster Drive.

The application was amended on 29 August 2013 to include the change of use of the land from amenity green to residential garden.

### **Referral to Committee**

This application has been referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

## **Planning History**

Application 4/01358/85 for construction of 'Category C' prison, ancillary buildings and structures; playing fields; erection of housing accommodation; access roads etc. at Part of Bovingdon Airfield, Chesham Road, Bovingdon. The Borough Council did not object to the proposal and the Council's decision notice was dated 17 January 1983 (consultation under Circular 7/77). The application site forms part of this development.

## **Constraints**

Large Village

## **Policies**

National Policy Guidance

National Planning Policy Framework

Core Strategy

Policies CS4 and CS12

Dacorum Borough Local Plan (saved policies)

Policy 58

Appendix 5

## **Representations**

Neighbours

Nos. 2, 3, 5, 6, 8, 9, 10, 11, 12, 14 and 15 Lancaster Drive were notified on 26 June 2013.

Four items of correspondence were received. This included one from No. 6 Lancaster Drive on 3 July 2013 in support of the proposal.

The remaining three items of correspondence were received from No. 15 Lancaster Drive on 5 July 2013, 10 Lancaster Drive on 8 July 2013, and 12 Lancaster Drive on 15 July 2013, objecting to the proposal on the following grounds:

- Loss of footpath to the side of the application site;
- Proximity of proposed fence to the road raises safety issues with respect to on street car parking and being able to exit cars when parked on street;
- Proximity of proposed fence to the road would have implications for road access for large vehicles and turning vehicles;
- Visibility around the corner at the T junction of Lancaster Drive; and
- Visual intrusion on street.

Following the submission of amended plans, the above neighbours were notified on 26 July 2013, and subsequently on 29 August 2013 following an amended description to include the change of use. Three items of correspondence were received including two from No. 16 Lancaster Drive on 29 July 2013 and 2 September 2013, and one from No. 10 Lancaster Drive on 31 July 2013 objecting to the proposal on the following grounds:

- Visual intrusion;
- Proximity of fence to road and parking bays;
- Loss of footpath;
- Loss of children's playground.
- Highway safety and sufficient area for parking and turning of vehicles; and
- Road access.

#### Bovingdon Parish Council

Bovingdon Parish Council was notified on 26 June 2013. The following response was received on 26 July 2013:

#### *Object*

- 1. Cuts off a public right of way*
- 2. Removes amenity land from public use*
- 3. Fence too high as it is close to a junction*

Following the submission of amended plans, Bovingdon Parish Council was notified on 26 July 2013. The following response was received on 21 August 2013:

#### *Object.*

*Our concerns are as previously reported. This was amenity land with a public footpath across it when the Ministry of Justice sold it to the applicant and, therefore, should be retained as such. Members of the public should still have free access to come and go as before. If it is added to the curtilage of No. 4, then the public will be restricted from accessing it. The fence that has been erected is too close to the junction and road. We note that the fence and associated works were carried out prior to the appropriate planning permission being applied for.*

Following the amended description to include the change of use, Bovingdon Parish Council was notified on 29 August 2013. The following objection was received on 26 September 2013:

*The right of way should be retained and the land continued to be used as amenity land with the public having access to it. This would be keeping with the comments contained in The Green Space Area Study included in the Dacorum Green Space Strategy 2011-2016, which found that Bovingdon has a significant under provision of open space and lacks allotments, green corridors, parks and gardens and space for children and young people. We understand that this land was determined as a children's play area in 1986.*

## Highways

Highways (Hertfordshire County Council) was notified on 26 June 2013. The following response was received on 16 July 2013:

*Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:*

*1) The applicant has not demonstrated adequate visibility can be achieved.*

*Reason for refusal: In the interests of highway safety and amenity.*

### *Highway Comment*

*The above application is for the creation of off street parking and the retention of a 1.8m high close-boarded fence on the boundary of the applicants land. The applicant states that the road and footways are maintained by the HM Prison. They are not. HCC is the highway authority and maintains this section of road at public expense.*

*The closeness of the fence to the highway is the concern and not the creation of additional off street parking spaces. The lack of forward visibility created by the fences position could lead to conditions where other highway users are put in danger.*

*The highway authority's concerns are over the lack of forward visibility when driving up to the bend in Lancaster Drive and the restricted visibility when exiting the existing parking spaces. Both pedestrians and vehicle forward visibility is sub standard as per the suggested minimum standards in Roads in Hertfordshire- Highway Design 3rd edition.*

*The application should be refused until the fence is repositioned creating acceptable levels of visibility as mentioned above.*

Following submission of amended plans, Hertfordshire Highways was notified on 29 July 2013. The following response was received on 5 August 2013.

*Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

*1) The proposed car parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.*

*Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.*

*2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway,*

*and the use of such areas must not interfere with the use of the public highway.*

*Reason: In the interest of highway safety and free and safe flow of traffic*

#### *Highway Comment*

*The above-amended application is for a 1.8m high close-boarded fence and two off street parking spaces to the side of 4 Lancaster Drive. The previous application submitted was in fact retention of the as built fence. The amended plan, which is for consideration now shows both forward visibility and inter visibility where previously there was none by virtue of the fences position to the adopted highway. As part of this scheme, the applicant is proposing to construct two off street parking spaces served via a new dropped kerb vehicle crossover (VXO) as shown on the submitted plan. On street parking demand opposite and in close proximity to 4 Lancaster Drive is high so the request to create more off street parking is not unreasonable in this instance.*

#### *Conclusion*

*Although the highway authority in principle has no objection to the construction of this VXO, it shall only be constructed to the local highway authority's maximum width and standard, hence the informative above. On balance, this proposal with the improved visibility splays from the car parking spaces and around the left hand corner of Lancaster Drive is unlikely to have a significant impact on the safety and operation of the adjacent highway. Therefore, the highway authority does not consider it could substantiate a continued highway objection to this amended proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.*

Further informal advice was received from Hertfordshire Highways on 5 August 2013 that there is no requirement for the applicant to dedicate some of their land to provide a footpath on their side of Lancaster Drive, and further advice received on 19 August 2013 confirming that the proposed width of the vehicle crossover is acceptable.

#### Rights of Way

Rights of Way (internal) was notified on 27 September 2013. It was confirmed on 1 October 2013 that there is no public right of way through the application site (the former amenity green adjacent to No. 4 Lancaster Drive).

#### **Considerations**

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed change of use, the impact of the loss of the amenity space, the proposed front hardstanding and fencing on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on highway safety, access and car parking.

#### Policy and principle

Under the Area Based Policies, Development in Residential Areas Supplementary Planning Guidance, the terminology section defines amenity spaces and greens as small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space but do not qualify as larger areas

of structural open land defined in Policies 9 and 116 of the Local Plan. The former has been superseded by Policy CS4 of the Core Strategy; and Policy 116 of the Local Plan is a saved policy.

Policy CS4 of the Core Strategy states that in residential areas appropriate residential development is encouraged. The application site is located within an established residential area within the large village of Bovingdon. The proposed change of use would not raise any policy objections.

The Dacorum Green Space Area Study 2011-2016 (January 2011) does not identify small amenity greens on Lancaster Drive as integral to the provision of outdoor and recreational facilities within the Borough. It is important to note that an amenity green of such size would not contribute to the existing provision of facilities for children and young people as identified in the study. Nor does the study identify this amenity green as a children's playground. As such, the study does not preclude the transfer of this amenity green to private ownership where in this instance it would form part of a residential garden.

It is also important to note that there is no public right of way across the amenity green.

Sufficient evidence has been provided to confirm the application site is entirely within the applicant's ownership, with no restrictions to converting the site to form part or for its use as a residential garden.

#### Impact on appearance of original building and street scene

The NPPF places great importance to the design of the built environment, and the integration of development into the natural, built and historic environment. The above mentioned policies contained in the Local Plan and the Pre-submission Core Strategy with Modifications are consistent with the objectives of the NPPF.

The proposed boundary fence would be of a simple design and dark stained to complement the host dwelling and blend in with its surroundings. Its timber construction would give the fence a softer appearance and would be an expected feature within a residential area, particularly when enclosing a private garden which has a road frontage. At a height of 1.8m this would ensure the fence would be subservient to the parent building.

The splayed fence would ensure that a sufficient grassed area to the north-western corner at the T-junction of Lancaster Drive would be retained and this would assist in softening the appearance of the proposed hardstanding.

Hardstanding within the front garden of residential properties within the street is a common feature, including to dwellings on Lancaster Drive. Front gardens in the immediate area are open with the absence of front fencing, and whilst the proposed hardstanding would be visible, it would be suitably integrated within the street. The use of grey block paving would be an appropriate material that would allow the proposed hardstanding to blend in with the surrounding area.

The insertion of the 5.3m wide vehicle crossover, although quite wide, is considered acceptable with respect to its impact on the street scene. The proposed car parking layout and access as viewed from the street would not be dissimilar to the existing on



street parking arrangements of the inlets providing 90° parking bays, located to the south-west of the application site.

The resultant layout of the application site and the proposed residential curtilage is considered acceptable. The boundaries of the residential curtilage would appropriately mirror the garden area of the adjoining property to the rear at No. 3 Lancaster Drive.

For reasons mentioned above, the proposal would not detract from the appearance of the street scene. Although the amenity green sits on a prominent corner within the street, its enclosure is not considered to have a significant impact on the character of the street scene to warrant refusal. It is not uncommon for side gardens to be sited on a road frontage and as such, high fencing to enclose private garden areas is to be expected. This is exemplified by the enclosed side garden at No. 3 Lancaster Drive. The conversion of the amenity green would not unduly affect the landscape character of the surrounding area.

In summary, the proposal represents a satisfactory design and would not detract from the character and appearance of the original building or the street scene. The proposal is therefore in accordance with the NPPF, Policy 11 of the Local Plan and Policy CS12 of the Pre-submission Core Strategy with Modifications.

#### Impact on neighbouring properties

The proposed boundary fence would not be sited proximate to any habitable room windows and therefore this aspect of the development would not have an adverse impact on the amenity of surrounding properties.

Similarly, the proposed front hardstanding and vehicle crossover would not be significantly raised above existing ground level, and noting that the land is generally flat, there would not be a detrimental impact on neighbouring properties directly opposite with respect to visual intrusion.

#### Impact on highway safety, access and car parking

It is not considered necessary that a footpath is provided across the application site, and this approach has been supported by Highways, nor is there a public right of way over the amenity green. It would appear sufficient pedestrian links exist within the street, including directly opposite the application site on the far side of Lancaster Drive in front of dwellings at Nos. 12 and 14. It is not considered reasonable to require that public access is maintained through this space. It follows that it would not be reasonable to restrict the enclosure of this space for the purposes of providing a public amenity green or a footpath link.

The proposed fencing would incorporate splays to enable a sufficient level of visibility to be achieved from the car parking spaces immediately south of the application site; and therefore this aspect of the proposal would not raise a highway safety concern. Similarly, the proximity of the fence to the kerb with Lancaster Drive has not raised any concerns from a highways perspective.

With respect to car parking provision on the site, the application proposes to cover part of the front garden in hardstanding that could accommodate two on site car parking spaces to dimensions required by Appendix 5 of the Local Plan. This is considered

acceptable from a highways perspective.

The construction of a vehicle crossover to the application site would decrease the number of available on street car parking spaces by one. However, the proposal would provide for two on site car parking spaces resulting in a net gain of spaces. The proposal has also received the support of Highways and in this instance the car parking arrangements are satisfactory.

It would be reasonable to attach the suggested condition above relating to the measurements of the proposed car parking spaces and that they would be maintained as a permanent ancillary to the dwelling, if planning permission is granted. However, with respect to the condition relating to areas of storage and delivery of materials associated with construction of the development, if planning permission is granted it would not be reasonable to attach this condition as this matter cannot be enforced by the local planning authority.

#### Other matters

It is noted that the construction of the fence prior to planning permission being sought would not restrict the grant of retrospective planning permission.

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 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 Policy CS12 of the Dacorum Borough Core Strategy September 2013.

- 3 **The proposed car parking spaces shall have measurements of 2.4m by 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway.

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans: CMA 07 (site location plan) received**

**26 June 2013; CMA08/A (proposed block plan) received 24 July 2013; and e-mail dated 15 August 2013 (confirming dimensions of hardstanding and vehicle crossover).**

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

INFORMATIVE:

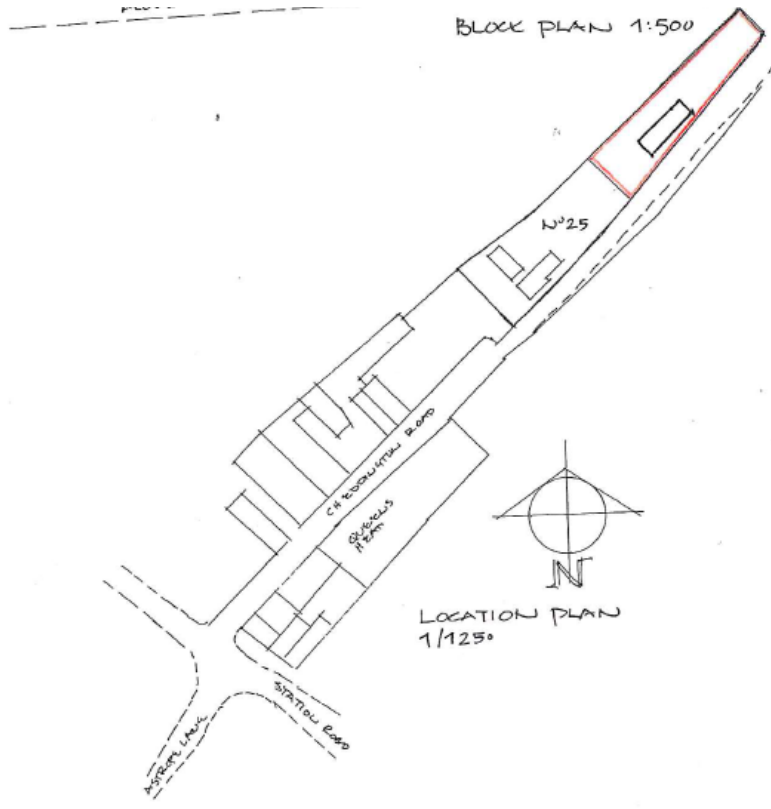
The highway authority require the construction of the vehicle crossover to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

**Article 31 Statement**

Planning permission has been granted for this proposal. The Council acted proactively 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 5.6

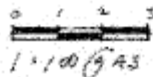
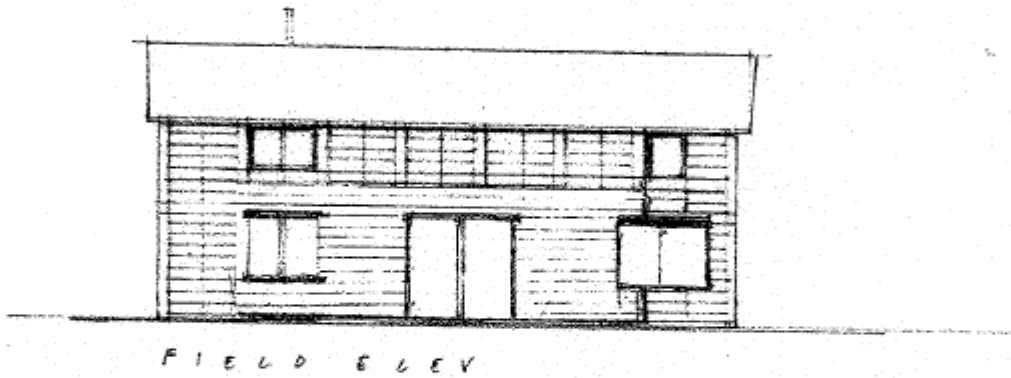
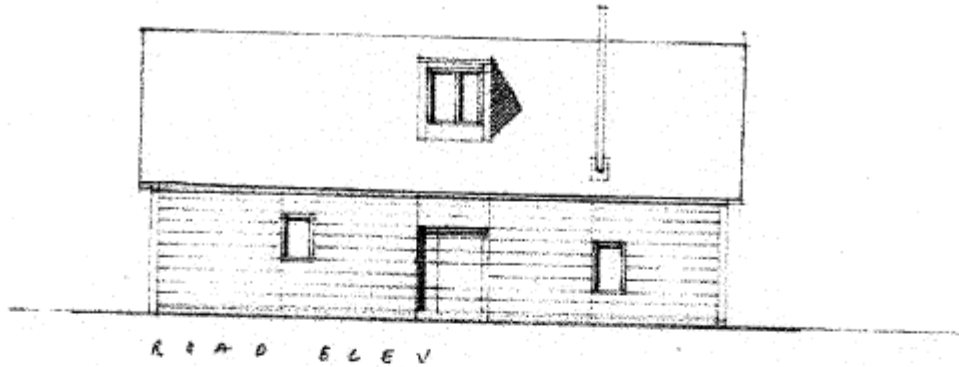
4/01365/13/FUL - NEW DWELLING (REVISED SCHEME).  
LAND ADJACENT NUMBER 25, CHEDDINGTON LANE, LONG MARSTON, TRING, HP23



Item 5.6

4/01365/13/FUL - NEW DWELLING (REVISED SCHEME).

LAND ADJACENT NUMBER 25, CHEDDINGTON LANE, LONG MARSTON, TRING, HP23



Atkins Barn  
25 Cheddington Lane  
HP23

**5.6 4/01365/13/FUL - NEW DWELLING (REVISED SCHEME).  
LAND ADJACENT NUMBER 25, CHEDDINGTON LANE, LONG MARSTON, TRING,  
HP23**

**APPLICANT: MR R ATKINS**

[Case Officer - Sally Peeters]

[Grid Ref - **SP 89936 15756**]

### **Summary**

The application is recommended for refusal. The site is located within the rural area and no special justification or reasons have been given for allowing a new house. The proposal is therefore contrary to Core Strategy Policy CS7 and to the NPPF (paragraph 55). The proposal does however address previous reasons for refusal around siting, scale and design; and relating to the lack of unilateral undertaking.

### **Site Description**

The application site comprises land within the residential curtilage of number 25 Cheddington Lane, which is a detached, grade II listed cottage. Vehicular access and parking for the cottage lie immediately adjacent to it.

The cottage has a long garden which runs to the side of the property and parallel with Cheddington Lane. It has a static caravan positioned approximately half way along it which has been clad in timber. At the far end of the garden is a further vehicular access to the site serving a green house and small shed / outbuilding. A small fence subdivides the garden between the house and the static caravan, but it has a gate within it and all parts of the site, gardens and outbuildings belong to and are used and maintained by the current occupiers of the main cottage.

The caravan is not used for independent residential purposes and is mainly used by the applicant's family when visiting. However, the applicant has also advised that he has rented the caravan out independently for short periods of time. The applicant has been advised that this is not lawful in planning terms.

The main cottage is designated within a small village in the rural area (Long Marston), but the majority of the garden including the caravan and outbuildings are outside the village within the rural area. The whole site is located within a conservation area and area of archaeological importance.

The site is bounded to one side by mature vegetation which screens most of the site from Cheddington Road, including the caravan and to the other sides by open countryside / agricultural land. Beyond the main cottage towards the village along Cheddington Road is existing residential development.

### **Proposal**

It is proposed to remove the existing static caravan and replace it with a detached timber clad dwelling with 2 bedrooms. It would have a steeply sloping roof to the front, such that the upper floor would appear to be within the roof. At the rear, the proposed design is for 2 storeys, plus shallower roof. It would utilise the existing access at the far end of the plot and be positioned where the existing caravan is located.

The footprint of the new dwelling is similar to that of the existing caravan and it would be approximately 2m higher (as measured to the ridge).

The application follows two refusals of planning permission for detached dwellings on the site (4/01184/12/FUL and 4/00107/13/FUL). The main difference with this scheme and the previous schemes is that they involved much larger buildings and were not located on the position of the existing caravan.

### **Referral to Committee**

The application is referred to the Development Control Committee as it has been called in by Councillor Christopher Townsend. In summary, he feels that the application should be debated by committee due to the level of local support and whether the village boundary position should be interpreted so literally.

### **Planning History**

Various planning and listed building applications relating to the alterations to the existing listed cottage.

304/11/PRE - Pre-app advice sought in respect of a new dwelling. Objection raised.

4/01184/12/FUL - Replacement of Static Caravan with Detached Dwelling. Refused 9th August 2012.

4/00107/13/FUL - Replacement of Static Caravan with Detached Dwelling. Refused 22nd March 2013.

Both of these refusals had three reasons:

- principle of locating a new house in the rural area
- design and conservation concerns
- lack of unilateral undertaking

### **Policies**

The site falls within:

- Rural Area
- Conservation Area
- Area of Archeaological significance

#### National Policy Guidance

NPPF

#### Core Strategy (September 2013)

CS1, CS7, CS11, CS12 and CS 27

#### Saved Dacorum Borough Local Plan Policies and Appendices

Policies 13, 23, 118, 119 & 120.

## Supplementary Planning Documents / Guidance

Supplementary Planning Document Planning Obligations (April 2011)  
Sustainability Advice Note (March 2011)

### **Representations**

#### Councillor Christopher Townsend

I feel it is my responsibility to reflect correctly what local residents are saying when there is a debate to be had. I have taken further soundings locally and there is no objection to this development and a general feeling of support. I see the key issue as being the village boundary should have gone to the end of the land. I think there is a point of debate as to whether the village boundary should be interpreted so literally 'to the metre'. Whilst I can't argue that the dwelling would technically be outside the boundary, I feel that the committee should be given a chance to review the arguments in favour of having this slight variation in this case. There is a need for housing and this development is very reasonable. I completely appreciate that your decision follows policy and would ask that you ask the committee carefully considers both sides of the argument before making a decision.

#### Tring Rural Parish Council

No objection

#### Strategic Planning

As this is a revised scheme, no comments provided. Those provided in connection with the previous scheme (4/00107/13/FUL) as follows:

Strategic Planning did not comment on the previous application (4/01184/12/FUL). However, we agree with reason for refusal 1 and the contents of your officer report on this application.

The current application proposes to locate the dwelling in a different part of the site and it appears that the size of the proposed dwelling has been reduced. Nevertheless, the revised application does not overcome the policy objections, as explained below:

- Local Plan Policy 8 (selected small villages in the Rural Area) allows for housing development in the selected small villages, if points i) and ii) in the policy are complied with. Part of the curtilage of 25 Cheddington Lane (including the existing cottage) is within the selected village of Long Marston. However, the application site is outside the village envelope boundary, so Local Plan Policy 7 (the Rural Area) and Core Strategy Policy CS7 (Rural Area) are relevant. Housing development is not appropriate in this location.
- The existing caravan is located within the curtilage of 25 Cheddington Lane and does not have permission for independent residential use. Therefore, the application cannot be regarded as a proposed replacement dwelling in terms of Local Plan Policy



23 (replacement dwellings in the Green Belt and the Rural Area).

- Even if Policy 23 was relevant, the proposal would be contrary to the policy, because the application proposes the replacement of a temporary dwelling by a permanent one and also the proposed dwelling is much larger and higher than the existing caravan.

The Local Plan village boundary has been drawn logically. Any decisions on new development would need to take this into account.

Looking at the site on the map, the property has an extensive frontage onto Cheddington Lane (nearly 100m in length). The village boundary has been drawn only partly through the plot to deliberately exclude the full development potential of the site. If all of the garden was included within the village then it would potentially extend the urban area further along Cheddington Lane into open countryside beyond. This would effectively lead to ribbon development along Cheddington Lane.

This is a standard approach we have followed in drawing up village boundaries in both the Rural Area and the Green Belt. I note in Long Marston, for example, that the boundary has been drawn around the rear gardens of properties on Tring Road, but these are more compact and have a less extensive frontage onto the road. It would be open to the applicant to seek to get the boundary amended through the Site Allocations process. We could then consider the merits of changing the boundary. Please put them in touch with me if this is something they would like to pursue.

The Strategic Planning Team's main focus over the next few months will be the preparation of the Pre-Submission version of the Site Allocations Development Plan Document (scheduled for publication September 2013). As part of this project, we will review the village envelopes boundaries for the selected small villages in the Rural Area. At present, it is not possible to say whether the Council is likely to propose any change to the Long Marston village envelope boundary in the vicinity of the application site.

### Conservation and Design

Number 25 Cheddington Lane is a grade II statutory listed building set within Long Marston Conservation Area. The curtilage forms a narrow linear plot diagonal to the house and at the end of the garden there is a static home that has been in the garden a number of years. The scheme seeks to remove the existing mobile home and construct a two storey timber building in its place.

My concern is that no plan or elevation has been supplied showing the outline and elevations of the existing superimposed on the proposed building, and these will need to be supplied as the scheme hinges on these details. However, from a design and architectural aspect I consider this is an acceptable scheme subject to further details. The timber cladding should be untreated timber that will silver over the years. There should be no corner columns as appear to be shown on the drawings. The roof should veer away from traditional materials but a corrugated or another metallic material may offer a suitable alternative but this should not have sheen or reflective qualities. The form of the windows should follow through as if the building had studwork.

The roadside elevation is acceptable though the front entrance should be recessed at least 0.75m.

Regarding the field elevation the dormer should not exceed the width of the front entrance and should be clad in timber to the cheeks and to match the walls whilst the side elevations and the roof formed of the same metallic material as the roof.

The timber building will allow this building to be architecturally compatible with barns in this location and this local resonance will help to reduce any harm to the special architectural / historic interest of the nearby listed building within whose curtilage this will be constructed. The aim is to have a neutral effect on the setting of the listed building and it is hoped that this will appear as a modern twist on a traditional barn.

The crux of this design will centre on its height, footprint, materials and details. With the exception of the roadside elevations which are acceptable, the openings should be conditioned as the proposed proportions on the other elevations are not acceptable. All materials are to be conditioned or supplied as additional information and should include details of the proposed entrance area and door.

On the field elevation drawing there are a strange set of lines at first floor - an explanation of what these represent will be required but further openings on this elevation will not be supported.

If it is possible, please condition that no further extensions or alterations will be permitted in the future. PD should definitely be removed.

#### HCC Highways

No comments received in connection with this application, but previous comments were:

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The application form states that both pedestrian and vehicular access to the dwelling will be via the existing access off Cheddington Lane. This is shown on the submitted plan. This current access, which appears not to be in daily use, is not a properly formed and will require a hardened surfaced to prevent stone etc from being dragged onto the highway. The access is also currently bounded either side by tall hedging and this will require localised cutting back to create the necessary visibility splays required for this type and speed of road ( in accordance with MfS) so that continued use will not endanger both the occupiers or passing highway users when used.

The highway authority require the remedial works to the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway.

#### HCC Archaeology

No response received in connection with this application. Comments on previous applications were:

The site lies within Area of Archaeological Significance No.12, as described in the Local Plan. This notes that 'Long Marston is a medieval village. The parish church dates from the 15<sup>th</sup> century.' Immediately NW of the proposed development site is a pasture field containing clear extant earthworks of medieval ridge and furrow. I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. the archaeological evaluation of the proposed building footprint by means of strip, map and sample methodology. The removal of existing slab, construction of access and service runs etc. should be archaeologically monitored
2. a contingency for the archaeological investigation of any remains encountered during the monitoring programme
3. the analysis of the results of the archaeological work and the production of a report and archive
4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide. In this case an appropriately worded condition on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants.

#### Response to Neighbour Consultation / Site Notice

Petition of 102 signatures in support of the proposal.

### **Considerations**

#### Principle of the Development

The site is located outside the village boundary within the rural area where new residential development is not appropriate (Policy CS7). Whilst replacement dwellings may be acceptable (in principle), the existing caravan does not have an independent residential use and forms part of the existing residential curtilage (see paragraph at the end of this section). The proposal can not therefore be considered as a replacement dwelling for the purposes of saved Policy 23. The proposal therefore constitutes a new dwelling in the rural area for which no special justification exists. The principle of the development is therefore contrary to the recently adopted policy.

Even if the applicants successfully argued that independent residential use of the caravan was lawful, the proposal would be contrary to saved Local Plan policy 23 which does not permit the replacement of temporary residential accommodation, or a building constructed of short life materials. In terms of the size criteria under this policy, the footprint of the new dwelling would only be marginally higher than the caravan. Although the new building would be higher (by approximately 2m), in overall

terms it would not be substantially larger.

The NPPF at paragraph 55 states that Local Planning Authorities should avoid isolated dwellings in the rural area and the proposal does not meet any of the criteria stated in this paragraph that may make the proposal acceptable.

In connection with this application and with previous applications, there has been some discussion about the position of the village boundary. This has been clarified with the Council's Strategic Planning team which has confirmed that the boundary to the village has been drawn logically to avoid ribbon development along Cheddington Lane. It is therefore considered appropriate to interpret the position of the village boundary literally.

The principle of the proposal is therefore contrary to policy and the previous refusal reason 1 has not been addressed. Whilst the position of the new dwelling and its size is not now objected to, there remains an in principle objection and it is therefore recommended that planning permission be refused.

The applicant has been advised that should they be willing to use the proposed dwelling as an annex (and therefore not create an independent residential use in the rural area) then the same policy objections may not apply. However, there are seeking independent use of the dwelling and have not been willing to consider this option.

The applicants have provided a sworn affidavit from the previous owners of the site in relation to the use of the caravan. It states that the caravan was brought onto the site in 2000 and was occupied by the elderly mother of the owners of the house until 2001. Between 2001 and 2006, the sister in law of the then owners of the house lived in the caravan. Although she apparently paid some rent, this was partially to cover bills which are paid for by the main house. Neither of these occupiers or scenarios would prove independent residential use of the caravan. The current owners and applicants of this proposal have verbally confirmed that they have since used the caravan for family members when they are visiting. Council Tax records have been checked and there has not been a separate billing unit created for the caravan and utilities are associated with the main house rather than having separate accounts. It is therefore concluded that there is no evidence to prove, on the balance of probabilities, that the caravan has a lawful use as an independent unit. There has been no change of use of the land (to separate dwelling) and no erection of a separate dwelling. Although the caravan was stationed without specific permission, by virtue of the fact that it was used for ancillary purposes, no change of use of the land had occurred.

### Layout and Scale

The proposed dwelling has addressed previous concerns regarding scale and layout. The footprint would only be marginally larger than the existing caravan and the overall height of the proposed dwelling is 2m higher than the caravan. This is considered to be a modest increase that would not be harmful to the rural location. The position of the proposed dwelling would be where the current caravan is located which is largely concealed by vegetation.

### Design

The Council's Conservation and Design officer is satisfied that, in overall terms, the design approach is acceptable. The overall form and timber clad design is appropriate to this rural setting. Although some alterations and further information is requested, these are matters which could largely be dealt with by condition.

#### Impact on the setting of the Listed Building and Conservation Area

The siting, scale and design of the proposal is such that previous concerns have been addressed and the proposal is now considered acceptable in this regard.

#### Highways and Access

The Highways Officer has some concerns with the proposal (see summary of representations above), but is not recommending that planning permission be refused.

#### Planning Obligations

The application has been supported by a planning obligation agreement as is required by the Council's Supplementary Planning Document (SPD) 'Planning Obligations' which was adopted in April 2011 and the third reason for refusal of the previous applications has been addressed.

#### Impact on Amenity of Neighbours

There would be no harm to residential amenity in terms of loss of light, visual intrusion or levels of privacy.

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

**The application site is located in the Rural Area beyond the Green Belt. Within this area there is strict control over built development. The proposed construction of a detached dwelling is not one of the specified types of development permissible within the Rural Area and no compelling circumstances have been put forward to justify any departure from this policy of restraint. As such the proposal is contrary to Policy CS7 of the Dacorum Core Strategy (September 2013) and the National Planning Policy Framework (paragraph 55).**

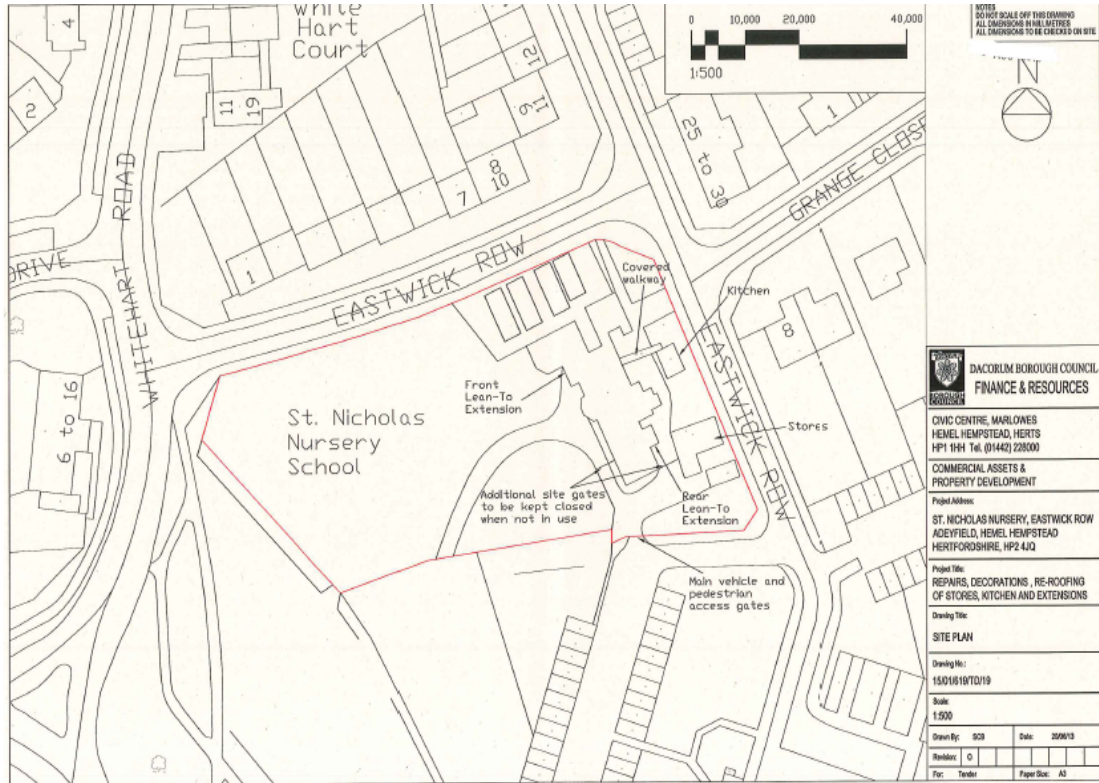
#### Note 1 - Article 31 Statement

Planning permission has been refused for this proposal for the clear reason set out in this decision notice. The Council acted pro-actively through early and continuous engagement with the applicant at the pre-application stage, during the consideration of the previous two applications, since those decisions and during the consideration of this planning application. However, fundamental objections to the scheme have not been overcome and therefore the Council remains of the view that the proposal is unacceptable. 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 5.7

**4/01501/13/LBC - ROOF REPAIRS AND REMOVAL OF ASBESTOS FLUE AND BRICK INFILLING  
BENNETTS END HOUSE, EASTWICK ROW, HEMEL HEMPSTEAD, HP2 4JQ**







**5.7 4/01501/13/LBC - ROOF REPAIRS AND REMOVAL OF ASBESTOS FLUE AND BRICK INFILLING  
BENNETTS END HOUSE, EASTWICK ROW, HEMEL HEMPSTEAD, HP2 4JQ  
APPLICANT: DACORUM BOROUGH COUNCIL**

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[Case Officer - Nigel Gibbs]

[Grid Ref - TL 07113 06866]

### **Summary**

The application is recommended for approval.

The proposed works to this Grade 2 listed building will be compatible with and enhance its historic fabric, ensuring the building's longevity and continued use as a nursery. The works are necessary to maintain to the building's safety and condition. The proposal accords with Policy CS27 of the Pre- submission Core Strategy, Policy 119 of the Dacorum Borough Local Plan and the heritage expectations of the National Planning Policy Framework.

### **Site Description**

St Nicholas Nursery is a two storey 16 /17 Century Grade 2 listed building located off Eastwick Row. This is just to the north of the St Albans Road/Bennetts End Road/White Hart Road main roundabout junction.

The building is located within the eastern part of the nursery's grounds. There is modern housing to the north, east and south.

### **Proposal**

The proposal comprises the upgrading of the building's roof, the removal of an asbestos flue chimney and the resultant brick infilling. These proposals are required in association with a range of other works which do not require listed building consent but are necessary for the continued maintenance of Bennetts End House.

The application is supported by a comprehensive heritage statement and associated Schedule of Works.

### **Referral to Committee**

This is because the works are to a building owned by Dacorum Borough Council

### **Policies**

National Planning Policy

National Planning Policy Framework

Dacorum Borough Local Plan 1991-2011 Saved Policies

Policy 119

## Dacorum Core Strategy (September 2013)

### Policy CS27

#### Supplementary Planning Guidance/Documents

#### Environmental Guidelines

### **Representations**

#### Conservation & Design

St Nicholas Nursery is a two storey red brick property. It dates to the 17th Century with later additions and alterations. The building is Grade 2 listed and located off Eastwick Row. It is also owned by the Council. There are two curtilage listed outbuildings associated with the property, one used as a kitchen and the other as a store – the roofs of these buildings are in need of repair.

The proposed roof works seem sensitive to the listed status of the building and the replacement of former poor tile repairs will be an enhancement.

The removal of the asbestos flue and infilling with an appropriate brick to match will enhance the appearance of the building.

The proposal accords with DBLP Policy 119 and the application is recommended for approval. The tiles and bricks need to be agreed as a condition of consent, an assessment of the suggested samples and a site meeting soon after the works to strip the roofs has started would be appropriate.

#### Response to Newspaper Advertisement/ Site Notice

None to date. The Members will be updated upon the receipt of any subsequent representations at the meeting.

### **Considerations**

#### Policy and Principle

The main consideration is whether the proposed works are compatible with the existing listed building's special architectural /historic quality.

This is with due regard to Policy CS27 which expects that the integrity of the Borough's heritage assets will be protected, conserved and if appropriate enhanced. The NPPF endorses this approach. DBLP Policy 119 confirms that there is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest.

#### Effect upon the Listed Building

The building's historic value is due to its age, quality and location surrounded by substantial modern New Town housing development. Its longstanding use as a nursery has ensured that the building has for many years been closely connected with

and valued by the local community. This use has raised its wider heritage profile benefiting several generations through its conservation.

All the proposed works will benefit the listed building. The works to the roof are essential and there will be a resultant enhancement through the replacement of former poor tile repairs and the removal of the asbestos flue and infilling.

### Conclusion

The proposals are essential in maintaining the building's heritage quality under the Council's continued guardianship and comply with local and national policies enabling the preservation of the character and integrity of this important listed building.

RECOMMENDATION - That Listed Building Consent be GRANTED for the reasons referred to above and subject to the following conditions:

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 Samples of the roof tiles and bricks to be used for the approved works shall be submitted to the local planning authority following the approved removal the existing roof tiles. The works shall be carried out fully in accordance with the approved materials.**

Reason: To safeguard the character and appearance of the listed building to accord with the requirements of Policy 27 of Dacorum Core Strategy and Policy 119 of the Dacorum Borough Local Plan 1991-2011.

- 3 The works hereby approved shall be carried out in accordance with the following approved plans in conjunction with the Schedule of Works:**

**Location Plan 1:1250, Site Plan 1:500, Drawing Nos. 15/01/619/TD/21, 15/01/619/TD/22, 15/01/619/TD/23 (lean-to extensions) elevations) and 15/01/619/TD/23 Roofing details**

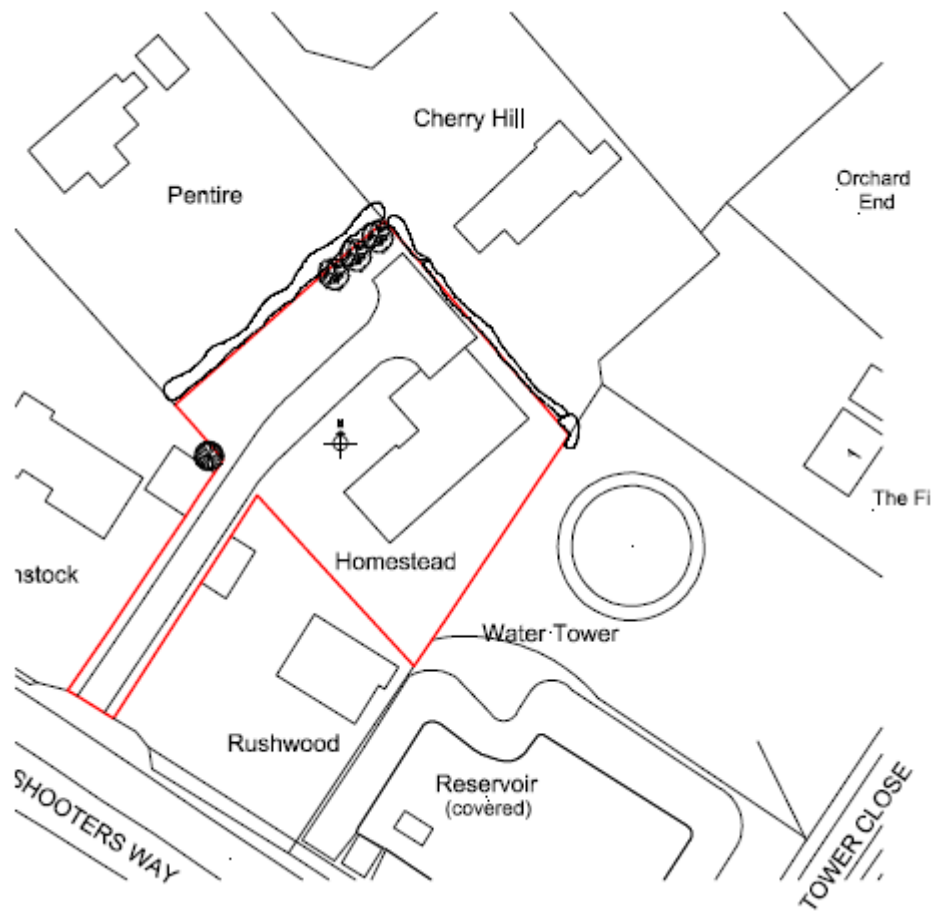
Reason: For the avoidance of doubt and to safeguard the character and appearance of the listed building to accord with the requirements of Policy 27 of Dacorum Core Strategy and Policy 119 of the Dacorum Borough Local Plan 1991-2011.

### Article 31 Statement

Listed building consent 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.

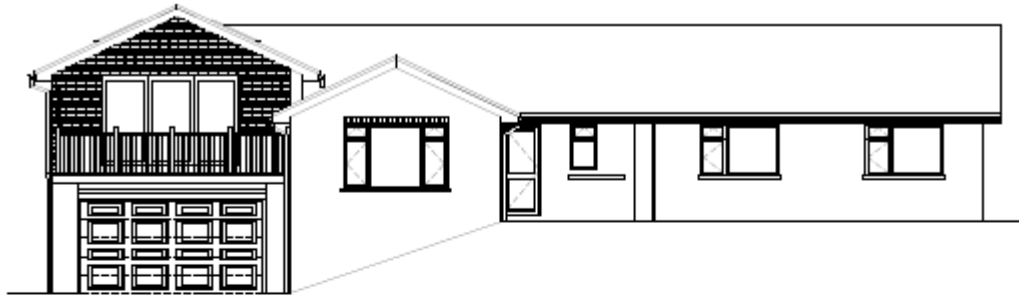
Item 5.8

**4/01519/13/FHA - FIRST FLOOR SIDE EXTENSION  
HOMESTEAD, SHOOTERSWAY, BERKHAMSTED, HP4 3ND**



Item 5.8

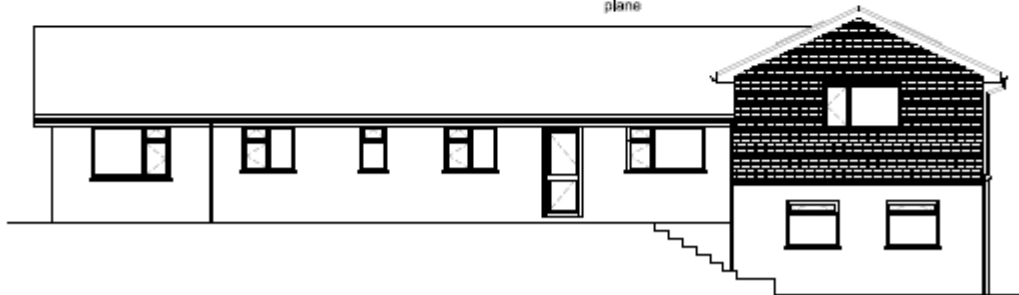
4/01519/13/FHA - FIRST FLOOR SIDE EXTENSION  
HOMESTEAD, SHOOTERSWAY, BERKHAMSTED, HP4 3ND



Proposed Northwest (front) Elevation

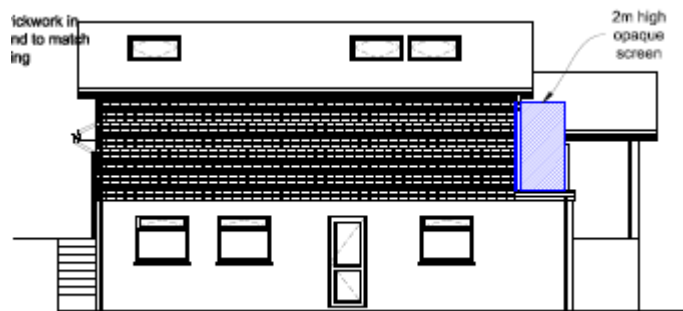
Proposed rooflights not to protrude more than 150mm from existing roof plane

1:100



Proposed Southeast (rear) Elevation

1:100

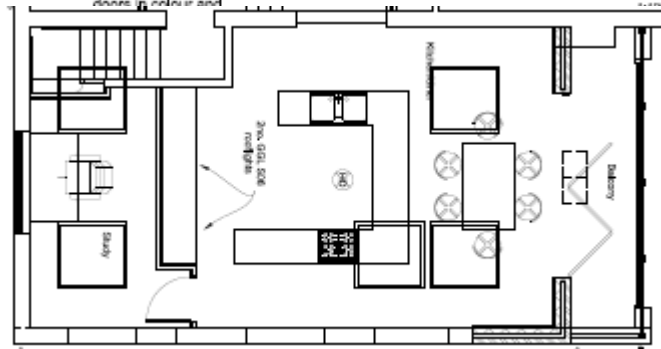


brickwork in  
nd to match  
ing

2m high  
opaque  
screen

Proposed windows and  
doors, colour and

Proposed Northeast (side) Elevation



**5.8 4/01519/13/FHA - FIRST FLOOR SIDE EXTENSION  
HOMESTEAD, SHOOTERSWAY, BERKHAMSTED, HP4 3ND  
APPLICANT: MR S RICHES**

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[Case Officer - Jackie Ambrose]

[Grid Ref - **SP 98096 07166**]

### **Summary**

The application is recommended for approval.

This application is for a first floor extension with a front balcony to an infill bungalow within the residential area of Berkhamsted. Concerns have been raised by immediate neighbours to the potential loss of privacy and noise nuisance particularly from the balcony. However, the proposal, as amended, is not directly contrary to planning policies. To further mitigate the impact a tree management and planting scheme is proposed.

### **Site Description**

This application relates to a four bed bungalow in the residential area of Berkhamsted. The dwelling represents a form of backland development with private access off Shootersway, backing onto the Water Tower. It was built as a low key bungalow with an attached flat-roof garage set down to take account of falling ground levels. The bungalow is on a more elevated position than the surrounding properties particularly in relation to Cherry Hill located along its side boundary and Pentire which it faces towards from its front boundary.

### **Proposal**

This application is for a first floor extension over the side garage. Due to the garage being set lower down than the bungalow this extension would be raised above the level of the existing bungalow. Thus the roofline, as amended through this application, with a relatively shallow pitched roof has its ridgeline being 0.3m higher than the main ridgeline to the bungalow. The extension would serve as an open plan kitchen and dining area, with a small study to the rear, and a balcony across its frontage being the width of the room and 1.3m in depth. The room opens onto the balcony via three bi-fold doors with railings across the front of the balcony and a 2m high opaque screen to the side. Within the pitched roof, three rooflights are shown along the outer slope and two along the inner slope. The extension would be built in materials to match the existing building, in brickwork and concrete interlocking roof tiles.

### **Referral to Committee**

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

### **Planning History**

2012 - Application for demolition and building of two detached houses ref: 4/01585/12/FUL Withdrawn.

## **Policies**

### National Policy Guidance

NPPF  
Circular 11/95

### Dacorum Core Strategy (September 2013)

NP1,CS4,CS11 CS12

### Saved Policies of the Dacorum Borough Local Plan

Policies 13 and 58  
Appendix 3

### Supplementary Planning Guidance

Residential Character Area

## **Representations**

### Berkhamsted Town Council

Original scheme:

The proposed height and bulk of the extension is excessive. The balcony proposed on the north eastern elevation is intrusive and detrimental to the privacy and amenity of neighbouring properties Cherry Hill and Pentire, which it will overlook, contrary to Local Plan Policy 11, Appendix 3 and Core Strategy 12.

Amended scheme:

The first floor balcony proposed on the north eastern elevation is intrusive and detrimental to the privacy and amenity of neighbouring properties Cherry Hill and Pentire. The balcony is linked to a kitchen and dining area and would create excessive noise. Contrary to Local Plan Policy 11 Appendix 3 and Core Strategy 12.

### Tree Officer

The proposed extension will have little impact on the Root Protection Area (RPA) of the mature Larch trees at the rear of property. It will, however, become very close to these trees and a mature boundary hedge on the Northern border. There are no significant trees within this hedge and it can tolerate some pruning to keep it back from the new building.

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

Neighbours at Cherry Hill and Pentire in Cross Oak Road both object:

- Severe overlooking and loss of privacy to family living room and private patio area at Pentire due to height of building, level of intervening hedgerow and direct line

of sight

- Noise and disturbance from balcony to both Pentire and Cherry Hill
- Location plan does not show Pentire as existing and thus gives inaccurate relationship between the two properties
- Overlooking and loss of privacy to the private rear garden and patio area at Cherry Hill
- Proximity of balcony to Cherry Hill garden would cause noise and disturbance
- Amended plans still fail to properly address original objections
- Roof height should be no higher than existing roof height to limit additional visual intrusion and overshadowing to Cherry Hill
- Balcony should be omitted to prevent noise and disturbance to Cherry Hill and Pentire
- Opaque screen is ineffective and architecturally inappropriate - more akin to hotel balconies than for Berkhamsted
- Introduction of rooflights on outer slope will cause loss of privacy
- Visual mass is intrusive
- Backland development normally ensures against direct overlooking
- This would set an unwelcome precedent
- No account taken of possible alternative of re-siting kitchen area and balcony to rear elevation

## **Considerations**

To carry out an extension to an existing dwelling in a residential area is acceptable in principle providing it complies with the criteria contained within the Core Strategy CS12 and the saved Appendix 3 in terms of the quality of development and its impact on neighbouring amenities.

### Policy and Principle

Core Strategy policy CS12 states that each site, development should:

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

### Effects on appearance of building

The amended plans show the proposed extension to have a front gabled roof with its angle of pitch being the same as the existing smaller projecting front gable. Although its ridgeline will be 0.3m above the existing ridgeline this is necessary due to the existing height of the garage on which it is to be built and is not considered to have a harmful impact on the overall appearance of the bungalow. Although the neighbour at Cherry Hill had already provided the case officer with a possible alternative roof design



which included a hipped roof facing Cherry Hill and ridgeline being the same height as the existing ridgeline, it was nevertheless up to the agent to design a lower pitched roof that would be both workable and suitable for the applicants' requirements. Thus, although the amended roofline is slightly above the existing ridgeline, the increase in height of 0.3m is not considered to be unduly harmful or significant and is therefore considered to be acceptable in terms of its design. Furthermore, the amended scheme has introduced rooflights into the two roof slopes and in terms of appearance with the house this is also considered to be acceptable. Their impact on neighbouring amenities is discussed below.

The extension would be built in matching brickwork and roof tiles. The railings would be in iron and the screen would be in opaque glass. Neither of these materials are present on the existing bungalow, however, they are considered to be typical of balcony features. The bungalow is quite a plain design showing no particular architectural merit and is not within a conservation area. As a consequence it is considered that the balcony privacy screen would not appear as unsightly or inappropriate (as suggested in one of the letters of objection) but is functional for its purpose of preventing overlooking.

#### Impact on Street Scene

The bungalow is set well back from the highway along a private access and hence the extension would not be visible from the public highway. However, as viewed within the context of the site itself, the proposed extension would not extend beyond the existing footprint and would not extend any closer to the side, front or rear boundaries of the site. Therefore it would not physically close the gap between the nearest neighbouring properties. This bungalow was built more recently than the surrounding properties and as such its design does not reflect these earlier, traditional-style houses. Therefore the introduction of a side extension with balcony and rooflights is not considered to harm the character of this more modern building nor does it have a harmful impact on the surrounding dwellings.

#### Impact on Neighbours

##### Pentire

Through the original and amended plans their concerns raised regarding this proposed extension related to its bulk and massing through its roof form; loss of privacy from the balcony; and noise and disturbance caused from the balcony.

In terms of the physical relationship with Pentire, the front elevation of Homestead and the rear elevation of Pentire face squarely on to each other with Homestead being on raised ground. The distance between these two elevations is 44m, with Homestead (application site) having a distance to their shared boundary of approx. 17m and the corresponding distance with Pentire being approx. 27m. There is a large, dense high hedge owned and managed by Pentire with a further line of ad hoc tree planting owned by Homestead. Together this tree and hedge screening provides an effective screen between the two properties as existing. However, the floor level (and thus balcony level) for the proposed extension is approx. 1.1m higher level than the rest of the bungalow and would be positioned at a point which directly faces on to the main living room of Pentire (which was formed from a two storey side extension built in 2002 but not shown on the submitted location plan). Directly in front of this room, served by

patio doors, is a main patio area which is well used. Thus a current photo taken from the front part of the flat-roof garage demonstrates that the patio doors to Pentire's living room are just visible above the existing hedgeline, but not the actual patio itself.

Nevertheless it is reasonable to say that the patio doors and people on the patio area would share some intervisibility with people standing on the proposed balcony.

Core Strategy policy CS12 contains criteria protecting against harmful impact on neighbouring amenities in which there should be no direct loss of privacy. However, the distance between back-to-back or back-to-front elevations is only actually quantified in Appendix 3 (as part of the saved local plan) wherein it states: "The minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors."

In this particular case Homestead is on raised ground and the proposed balcony serving a living area affords direct views towards the living room doors and patio area of Pentire. Nevertheless, the intervening distance of 44m, even taking account of a reasonable increase above 23m, provides a very generous distance.

It should be noted that there is no actual policy guidance which relates specifically to balconies and it therefore falls to make a judgement against all the particular factors of this case as to whether a distance of 44m would be a reasonable distance to consider that any potential of overlooking (mutually between both properties) would not be so significant as to sustain a reason for refusal. It is acknowledged that a balcony could be used for sitting out or standing on and this was a specific concern raised by the two neighbouring properties. As a direct result of these neighbour concerns it was decided to approach the applicants through the agent as to whether they would consider incorporating the balcony area into the enclosed living area. However, they decided not to make any further alterations to the amended plans and to retain the balcony as part of the scheme.

It therefore is worth considering whether, to help mitigate the concerns raised by neighbours in terms of privacy and noise, that any additions to the existing tree and hedge screening could be added to this scheme. As a result, the applicants have agreed to instigate some additional tree/hedge planting along this part of their shared boundary with Pentire and plans have just been submitted to indicate this planting. The plans have also been annotated to show some tree thickening and topping along their boundary with Cherry Hill (Plan No. RM 13/083.1 C).

As a consequence it is considered that the intervening plant screening would help further reduce the impact of any overlooking and noise generated from the balcony on the amenities of Pentire. As such this application can be supported.

### Cherry Hill

In terms of the physical relationship with Cherry Hill, the application site shares a side boundary with their side boundary alongside their private rear garden. The distance from Homestead's side garage wall (over which the extension would be built) is approx. 2.5m and on higher ground due to changing ground levels. Homestead has a reasonably dense boundary screen comprising various trees and hedging whilst Cherry Hill's boundary is a 2m high fence. Thus, from Cherry Hill the deciduous trees

along this boundary are at least twice the height of the fence and serve to effectively screen the garage from their patio area, which is close to their rear elevation, as well as overshadowing some of their garden during summer months. Cherry Hill is positioned in parallel with Homestead thus their rear elevation faces diagonally across to the site and also to the Water Tower beyond.

Through the original and amended plans they raised concerns relating to visual intrusion caused by its bulk and massing; loss of privacy from the balcony; and noise and disturbance caused from both the open balcony and the rooflights.

It was considered that the roof massing was indeed cause for visual intrusion and that there could be some possible overlooking from the balcony diagonally across to their private garden.

Following submission of the amended plans for the significantly reduced roof form and the provision of a balcony screen, the neighbours at Cherry Hill are still concerned with the roof in that its ridgeline is (an unnecessary) 0.3m higher than the existing bungalow ridge. This issue has already been discussed above. They have also raised concern over the introduction of three rooflights along this outer roof slope, towards their property. Two would serve the kitchen and one would serve the study.

The concern for the rooflights relates to the potential for overlooking from the rooflights and noise emanating from them when opened. In terms of these issues, the rooflights have their cills being approx. 3.8m above floor level and thus it would not be possible to look out of these rooflights and thus would not give rise to overlooking. In terms of possible noise emanating from the three rooflights proposed on the outer roof slope, it is not considered that this would have a significant impact on the amenities of Cherry Hill within the house or their rear garden.

In terms of the balcony, the design of the screen has already been discussed above and it is considered this addition will prevent any direct overlooking. It should also be noted that the intervening trees currently provide a good screen during summer months.

It is also worth noting that the proposed bi-fold doors would be hinged so that when opened would be set against this side screen and thus would act as a further buffer for protection against both privacy and noise disturbance.

Nevertheless it is accepted that due to the proximity of the balcony to the established private patio area that there could be some general noise from when the balcony is in use. The issue of potentially removing the balcony has already been discussed above. Overall it is considered that grounds for refusal on noise disturbance could not be sustained.

The final point raised by Cherry Hill concerned the possibility of repositioning the study to the front part and the kitchen and balcony to the rear part thus overlooking the narrow rear garden and Water Tower that abuts this rear boundary. However, the scheme that has been submitted is the one to be assessed under this application.

The effectiveness of the existing tree screening is considered to be sufficient in summer months, however, proposed tree thickening and topping may improve the amount of light entering the neighbour's garden and provide enhanced screening of the

bungalow. These tree works are shown on the amended plan just received.(Plan No. RM 13/083.1 C).

On balance it is therefore considered that the impact from the extension on the amenities of Cherry Hill would not be unduly harmful.

#### Other considerations

The proposal does not include any additional bedrooms and therefore there would be no additional parking requirements for the dwelling.

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 compliance with Core Strategy CS12.

- 3 **The three rooflights in the outward-facing roof slope of the development shall have a cill height of not less than 3.5m above internal floor level.**

Reason: In the interests of the amenity of adjoining residents in compliance with Core Strategy CS12.

- 4 **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 windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with Core Strategy CS12.

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

**RM 13/083.1 C**

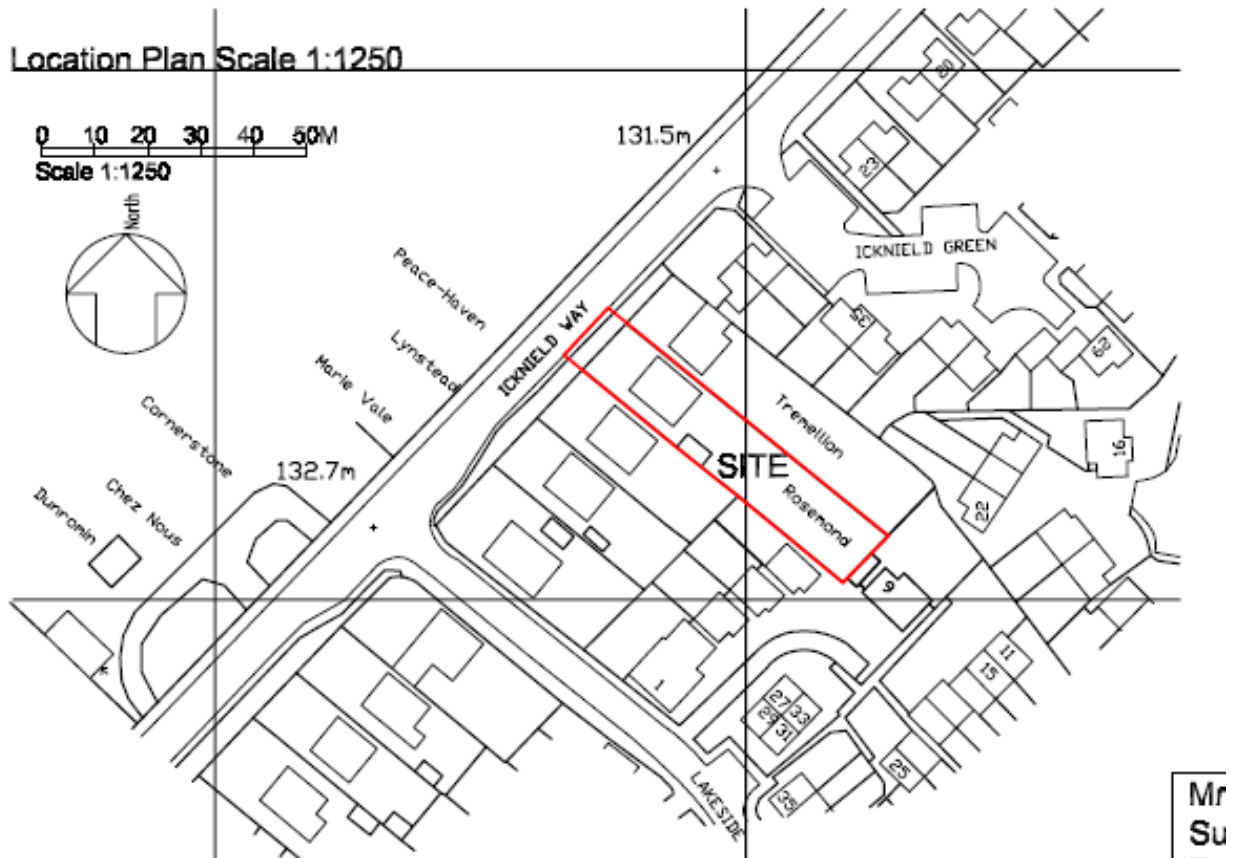
Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

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.

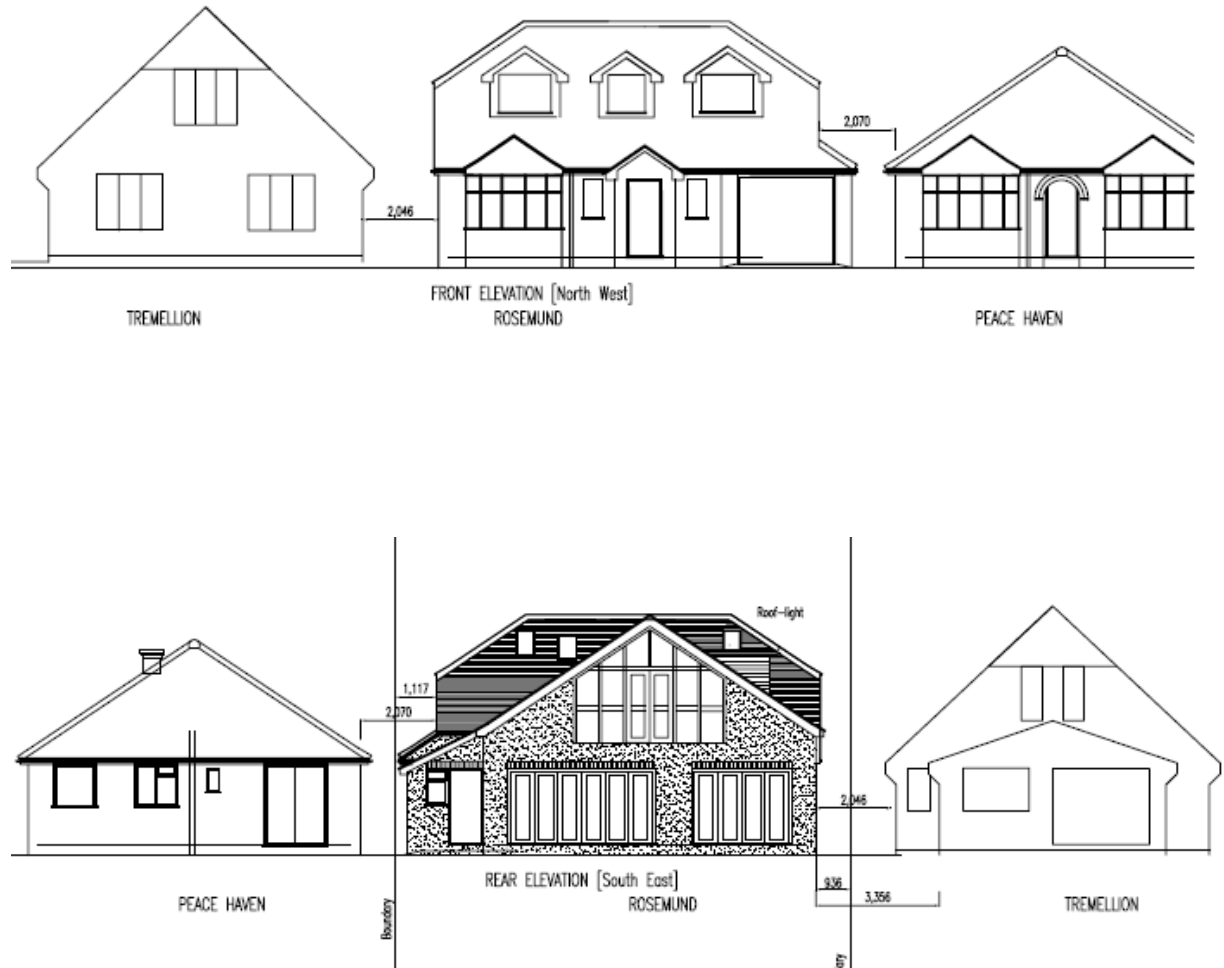
Item 5.9

4/01350/13/FHA - FRONT SIDE AND REAR EXTENSIONS WITH ALTERATIONS TO ROOF AND LOFT CONVERSION WITH FRONT DORMER WINDOWS. PATIO TO REAR AND ALTERATIONS TO DRIVEWAY WITH NEW VEHICLE CROSSOVER.  
ROSEMOND, ICKNIELD WAY, TRING, HP235HJ



Item 5.9

4/01350/13/FHA - FRONT SIDE AND REAR EXTENSIONS WITH ALTERATIONS TO ROOF AND LOFT CONVERSION WITH FRONT DORMER WINDOWS. PATIO TO REAR AND ALTERATIONS TO DRIVEWAY WITH NEW VEHICLE CROSSOVER.  
ROSEMOND, ICKNIELD WAY, TRING, HP235HJ



**5.9 4/01350/13/FHA - FRONT SIDE AND REAR EXTENSIONS WITH ALTERATIONS TO ROOF AND LOFT CONVERSION WITH FRONT DORMER WINDOWS. PATIO TO REAR AND ALTERATIONS TO DRIVEWAY WITH NEW VEHICLE CROSSOVER.**

**ROSEMOND, ICKNIELD WAY, TRING, HP235HJ**

**APPLICANT: MR & MRS HILDRETH**

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[Case Officer - Patrick Doyle]

[Grid Ref - **SP 92298 12528**]

### **Summary**

The application is recommended for approval. The proposed enlargement of this dated detached bungalow will create a modern functional family home; the proposal does not give rise to any detrimental harm to the street scene or the amenity of neighbours. The new access and parking arrangements are acceptable. The proposal is therefore considered acceptable in accordance with the Local Development Framework.

### **Site Description**

Rosemond, Icknield Way is a detached bungalow with pitched roof and of brick construction. Two bay windows give symmetry to the property with projecting gables returning to the main roof structure. The property benefits from a detached garage. The property is bound to the front by hedging approx. 1.5m tall and a wooden ranch style gate. There are well landscaped front and rear gardens. There is a single point of access off Icknield Way.

The character of the locality is varied. Although the application site has remained largely unmodified since its original construction along with a few other bungalows in this part of Icknield Way there is variation to neighbouring properties such as Tremellion which is next door and the modern development of Icknield Green which is present less than 50m away. The site enjoys views of the green belt to the north.

### **Proposal**

The proposal is for the substantial alteration of the existing dwelling. The bungalow will be altered to create a dormer bungalow with Dutch barn style main roof structure with three pitched dormers in the front roof slope and a large projecting 1.5 storey gable to the rear. In the north east roof slope of the rear projecting gable is a hipped roof dormer merging with the main rear roof slope and the projecting rear gable. The side dormer has a high level slit window with obscured glazing and fixed casements as well as a roof light in its south east elevation. The rear roof slope of the main roof has two roof lights and the south west elevation of the projecting rear gable has two further roof lights.

From the front the building will widen almost across the full width of the plot retaining an access way between the boundary with Tremellion. The garage will be integrated into the main structure with the retention of one bay window and the addition of a porch and complementary window. The upper storey will have an inset of 1m from the boundary with Peace Haven to the south west.

The south west elevation will have a further ground floor single storey element projecting from the rear of the principal structure and infilling partially the inset of the



rear projecting gable. The pitched roof will have 3 large obscure glazed skylights.

The rear elevation will have large expanses of glazing at upper floor level infilling the apex of the roof. At ground floor level two sets of large patio doors would be apparent. In the rear of the single storey element a rear door and window is proposed.

The existing detached garage will be demolished. An additional vehicle cross over and entrance is also proposed with an expanded paved driveway to the front with retention of some lawn area.

It is proposed to finish the structure with rendered painted walls and matching plain concrete tiles.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council who consider the scheme would have an unacceptable impact on the overlooking and overshadowing of neighbouring property.

### **Planning History**

None

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Core Strategy (September 2013)

NP1, CS1, CS4, CS8, CS11, CS12

#### Dacorum Borough Local Plan Saved Policies

Policies 13, 58, 99  
Appendices 3, 5 & 7

#### Supplementary Planning Guidance

Environmental Guidelines  
Residential Character Area TCA 9: Icknield Way  
Accessibility Zones for the Application of Parking Standards

### **Representations:**

#### Tring Town Council

The Council recommended this application for refusal on the grounds of loss of privacy and overshadowing.

## HCC Highways

Although the highway authority in principle has no objection to the construction of this second VXO, it shall only be constructed to the local highway authority's maximum width and standard. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

## Neighbour Comment

Tremellion, Icknield Way - Object:

- Out of character
- Loss of residential amenity - undue overlooking and overshadowing
- Inaccurate plans - Tremellion sits two brick courses lower than Rosemond
- Adequate provision should be made for drainage

## **Considerations**

### Policy and Principle

Core Strategy policy CS4 encourages appropriate residential development in Towns and Large Villages. The basis of determining this application is therefore centred on whether the proposal is held to be in accordance with Core Strategy Policy CS12 and saved DBLP Appendix 7 - Small Scale House Extensions.

### Effects on appearance of building

The bungalow will transform the appearance of the building. The building will be substantially enlarged. The roof form although different from the original dwelling will produce a house that is inoffensive and acceptable in appearance, the low eaves level and dormer bungalow appearance would complement the suburban / edge of settlement character of this property and not be out of keeping for a plot of this size. The dormers will not appear out of context with the proposed structure.

The scale of the building will be proportionate to the plot size and location. The Icknield Way character statement suggest medium and large houses are typical of the area the current house is quite small in stature.

The fenestration is considered appropriate there is no uniform style which collectively benefits the appearance of the street and therefore difference and variation in style and appearance is acceptable. The size and proportion of the windows are acceptable and not harmful to the appearance of the building.

The driveway will be extended and a new opening in the hedge will be created to accommodate an additional vehicle access. Although regrettable the small scale loss of vegetation to the front of the building is not reason for refusal.

The finishing material of painted render would be concordant for a building of this type and size in this location.

Overall design and appearance of the property is held to be acceptable in accordance with saved DBLP appendix 3 & 7 and Core Strategy policy CS 12.

#### Impact on Street Scene

Icknield Way has a varied character and forms the edge of Tring settlement. There is no coherent group value in the non-exceptional bungalows at this part of Icknield Way. Although the proposed design will be relatively different to what currently stands it will still respect the overall traditional residential character. It is considered that the proposal will not be harmful to the streetscene. The additional scale and bulk of the property is not inappropriate and the variation of design would not be out of keeping with the character of the area. The modernisation and increase in density of property will form a better land use with due deference to the general density and character intended for the area.

The proposal is considered to accord with Core Strategy policies CS11 & CS12

#### Impact on Trees and Landscaping

The property will retain a substantial garden area appropriate with the scale of the new building and will respect and complement the overall appearance of the property. No trees or landscaping of significant value will be lost by virtue of this proposal; and therefore is acceptable in accordance Core Strategy policy CS12 and saved DBLP policy 99.

#### Impact on Neighbours

There would be no detrimental harm to neighbouring amenity.

The neighbouring property Tremellion to the North East will not suffer any undue loss of light to habitable windows. The dwelling house will increase in scale and height and may reduce incidental light levels to a small window serving an entrance hall and an obscure glazed door serving a utility room as demonstrated on plan no. 11H. The roof slope of the rear gable will offset the impact of loss of light further and overall there would not be a significant loss of light.

There would be no additional harmful overlooking as a consequence of this proposal. There will be no eye level opaque windows in the upper storey of the building with direct views looking into neighbouring properties from the side elevations. Windows in the rear elevation in upper storeys are considered acceptable as views from the rear of a property are considered to be typical of a suburban environment and non-harmful. The window in the side dormer which could potentially have overlooking impact on Tremellion is fixed shut, obscure glazed and at 2m above floor level it is not considered that this window will cause overlooking.

There are no habitable windows which incur any significant loss of outlook. The proposal respects the 45 degree principle.

The proposal would therefore accord with Core Strategy policies CS11,CS12 and

saved DBLP appendix 3 & 7

### Parking/Highways

The Highways Officer does not wish to object to the scheme although a visibility splay should be retained. The work to create an additional vehicle crossover must also be done via Hertfordshire County Council so that they may designate an approved contractor to undertake the works. The additional driveway is to be built according to approved plans which stipulate permeable block paving is to be used.

The proposal would create a 4 bedroom dwelling where the maximum parking requirement would be for 3 onsite parking spaces. One garage space is offered as well as at least 2 informal on drive parking spaces allowing for circulation and manoeuvring.

The proposal would therefore accord with saved DBLP policy 58 and Core Strategy policies CS8 & CS12 and CS 31

### Other

The property must comply with current building regulations which will lead to general improvements in the sustainability of the property in accordance with Core Strategy policy CS29.

### **Conclusions**

Overall the development is considered acceptable when assessed against the relevant policies of the Local Development Framework. There would be no undue harm caused to neighbouring properties and the regeneration of this property is considered to benefit the local housing stock whilst respecting the general character of the area.

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:**

**1A**  
**2**  
**3**  
**6B**  
**7**  
**8**

9  
10  
11H  
12J  
13H  
14H  
15G  
16  
17  
18H

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

- 3 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety and to satisfy Core Strategy policy CS8

#### Article 31 Statement

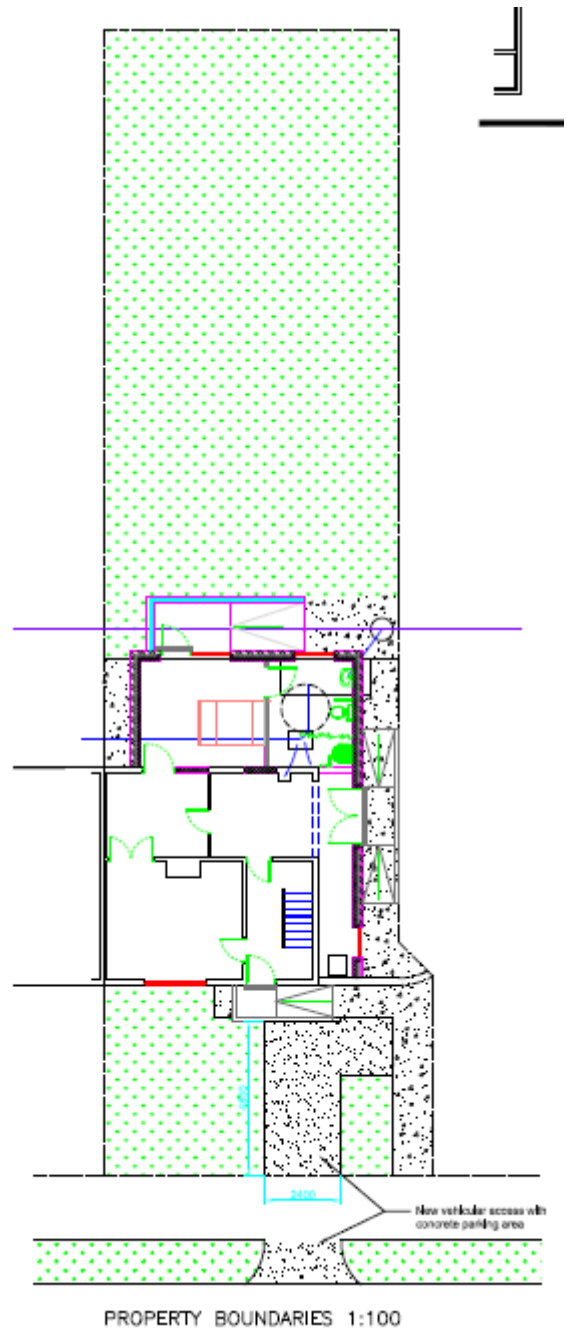
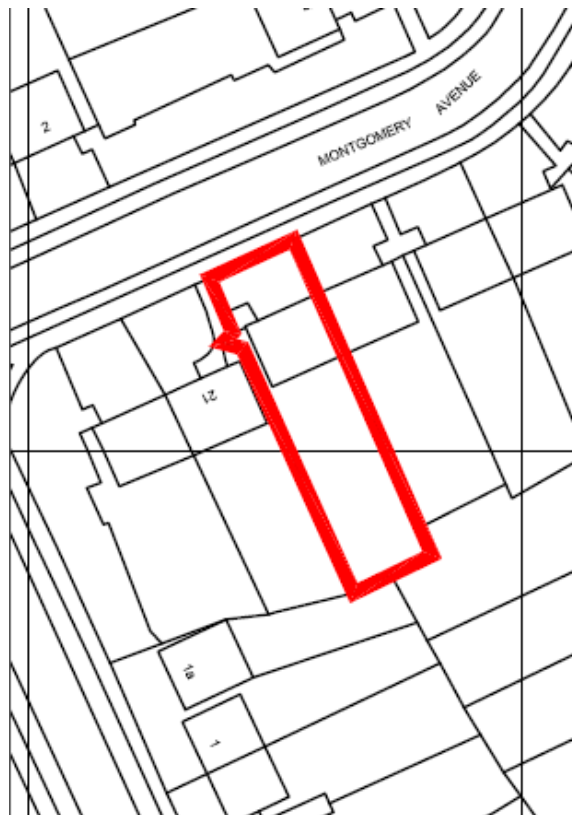
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

#### HIGHWAY INFORMATIVE:

The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

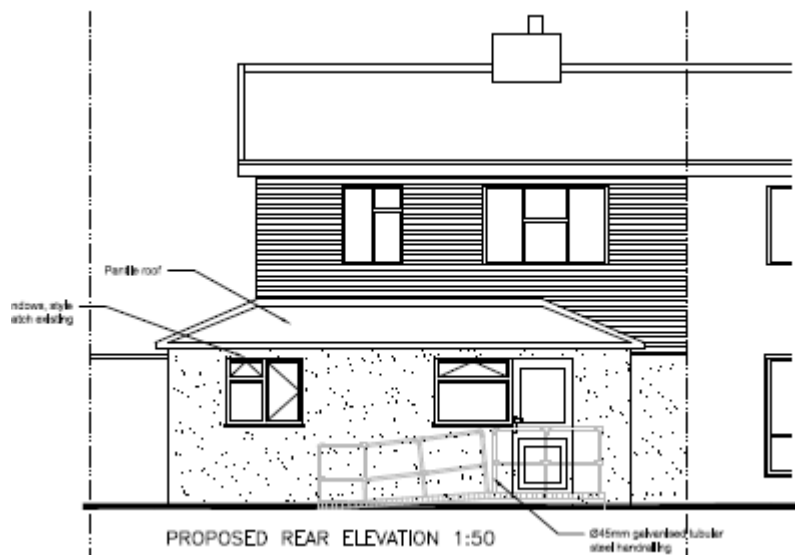
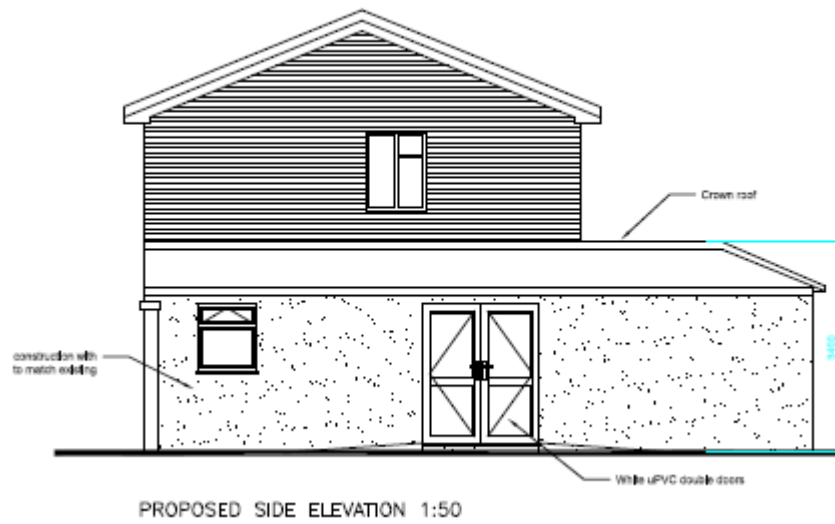
Item 5.10

**4/01438/13/FHA - SINGLE STOREY WRAP-AROUND EXTENSION INCORPORATING DEMOLITION AND CONSTRUCTION OF REPLACEMENT SIDE ANNEXE AND PROVISION OF VEHICLE CROSSOVER AND HARDSTANDING**  
**19 MONTGOMERY AVENUE, HEMEL HEMPSTEAD, HP2 4HD**



Item 5.10

**4/01438/13/FHA - SINGLE STOREY WRAP-AROUND EXTENSION INCORPORATING DEMOLITION AND CONSTRUCTION OF REPLACEMENT SIDE ANNEXE AND PROVISION OF VEHICLE CROSSOVER AND HARDSTANDING**  
**19 MONTGOMERY AVENUE, HEMEL HEMPSTEAD, HP2 4HD**



**5.10 4/01438/13/FHA - SINGLE STOREY WRAP-AROUND EXTENSION  
INCORPORATING DEMOLITION AND CONSTRUCTION OF REPLACEMENT SIDE  
ANNEXE AND PROVISION OF VEHICLE CROSSOVER AND HARDSTANDING  
19 MONTGOMERY AVENUE, HEMEL HEMPSTEAD, HP2 4HD  
APPLICANT: DACORUM BOROUGH COUNCIL - MR S SMITH**

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[Case Officer - Andrew Parrish]

[Grid Ref - TL 07330 07504]

### **Summary**

The application is recommended for approval. The proposal would have an acceptable appearance in design and size terms and there would be no significant adverse impact on adjoining residential and visual amenities.

### **Site Description**

No. 19 is a semi-detached, new town, Council House located on the southern side of Montgomery Avenue, within the Adeyfield area of Hemel Hempstead. The dwelling has concrete pantiles over white painted rendered walls with the first floor clad in painted horizontal board effect concrete. The dwelling has not previously been extended but, in common with other properties in the road, benefits from a narrow single storey flat roofed annex to its side which is concealed from the road by a 2 m high wall linking with the adjacent semi.

The dwelling has a front lawn enclosed by a low fence. Parking is on-street.

The site is within a primarily residential area and the surrounding area comprises similar semi-detached properties.

### **Proposal**

Permission is sought to demolish the existing side annex and to erect a replacement annex of similar dimensions with a mono-pitched lean-to roof over. A single storey rear extension measuring 7.2 m wide by 3.6 m deep with a crown roof over is also proposed. Wheelchair ramps would provide access to side and rear doors. The application also proposes the construction of a single parking pad and new crossover.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant and the owner of the property is Dacorum Borough Council.

### **Planning History**

None

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95



## Dacorum Core Strategy (September 2013)

Policies CS4, 10, 11, 12 and 13

## Dacorum Borough Local Plan Saved Policies

Policies 13 and 58  
Appendices 5 and 7

## Supplementary Planning Guidance

Environmental Guidelines  
Residential Character Area HCA22: Adeyfield South

## **Representations**

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

#### 17 Montgomery Avenue - Objects:

- Would block light to dining area and garden
- Not needed as the previous resident was wheelchair bound and had a stair lift. Also No. 65 Montgomery Avenue had a wet room extension in the outhouse attached to the house.

#### 21 Montgomery Avenue - Objects:

- Too big. The outhouse or shed is quite big enough for a wet room
- Not needed as the previous resident was wheelchair bound and had a stair lift. The man that has been offered No. 19 Montgomery Avenue only has one leg but can walk on crutches. No. 65 Montgomery Avenue had a wet room extension in the outhouse attached to the house. No. 25 St Pauls Road has an extension, downstairs bathroom and bedroom but has been given to a young family.

## **Considerations**

### Policy and Principle

In residential areas appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy.

The main issues in this case relate to the impact of the extensions on the appearance of the building and on residential amenities.

### Effects on appearance of building

Neighbours have raised objections to the size of the extensions as being inappropriate and not necessary. However, information has been submitted with the application from the Occupational Therapist that indicates the proposed ground floor wet room, bedroom and circulation areas for a wheelchair and specialist equipment (including

ceiling tracks) are required in this case to care for the daughter of the family who has a disability. Officers have no reason to doubt that the facilities and accommodation are necessary in this case. We cannot comment on the suitability or not of other Council House accommodation in the District. In any event the main planning consideration is not whether the extensions are necessary but whether they would have an acceptable impact in terms of the appearance of the dwelling and residential amenities.

In design terms, it is considered that the extensions, which are single storey, are modest in size and would not dominate or look out of keeping with the dwelling. Materials would match the existing. It should be recognised that a 3 metre deep rear extension could be erected without planning permission.

The proposal would comply with Policy CS12.

#### Impact on Street Scene

There would be no adverse effects on the street scene. The extensions would be to the side and rear and would largely be hidden behind the existing brick wall.

The proposal would comply with Policies CS11 and 12.

#### Impact on Neighbours

Revised plans have been submitted to address a discrepancy between the plans and elevations. The proposed rear extension would be sited 0.863 m from the common side boundary with No. 17 Montgomery Avenue from which an objection on loss of light grounds has been received. Given the single storey height, hipped form of roof, and distance from the boundary, it is not considered that there would be any material loss of light to No. 17. The extension would be sited even further from No. 21 which is also set back in relation to the application property and therefore will have even less effect. In visual terms the proposal would not be significantly overbearing to either property.

The proposal would accord with Policy CS12.

#### Other Material Planning Considerations

The property currently has no off-street parking and the provision of a space as part of the proposal to provide an additional bedroom is considered acceptable and an improvement over the current situation.

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 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 accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

**D/A&A/19MA/1**  
**D/A&A/19MA/2A**

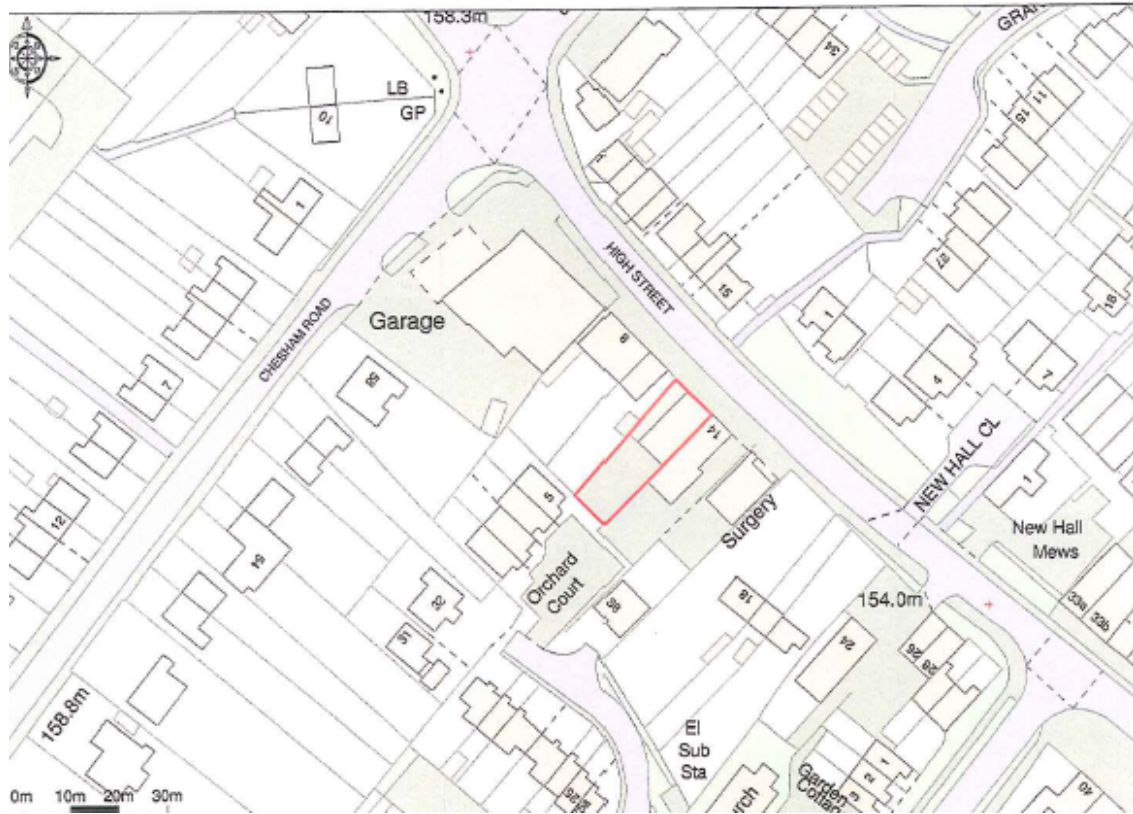
Reason: For the avoidance of doubt and in the interests of proper planning.

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.

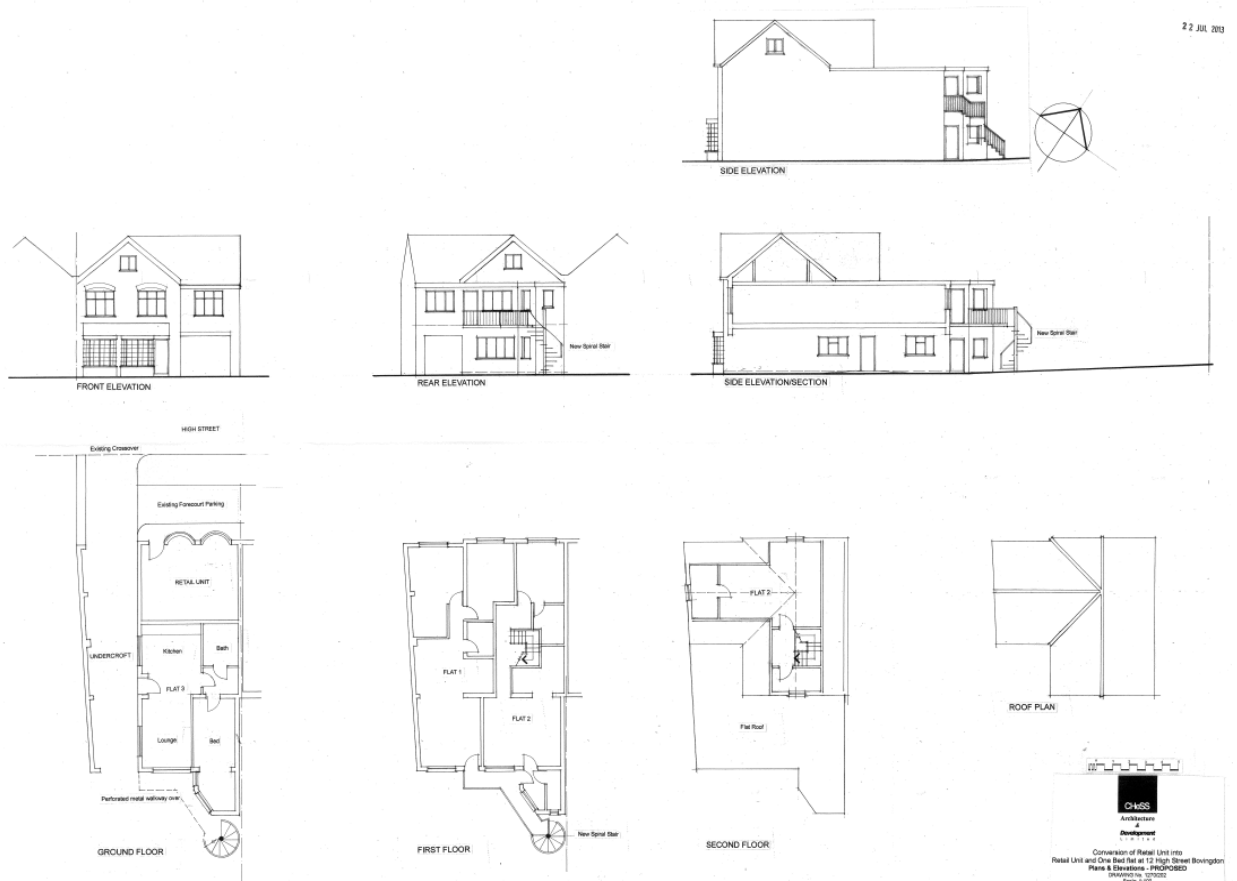
**Item 5.11**

**4/01369/13/FUL - CONVERSION OF GROUND FLOOR RETAIL UNIT INTO RETAIL UNIT  
AND ONE BEDROOM FLAT  
12 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD**



Item 5.11

4/01369/13/FUL - CONVERSION OF GROUND FLOOR RETAIL UNIT INTO RETAIL UNIT AND ONE BEDROOM FLAT  
12 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD



**5.11 4/01369/13/FUL - CONVERSION OF GROUND FLOOR RETAIL UNIT INTO  
RETAIL UNIT AND ONE BEDROOM FLAT  
12 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD  
APPLICANT: MR P SAMSON**

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[Case Officer - Patrick Doyle]

[Grid Ref - TL 01329 03821]

### **Summary**

The application is recommended for approval. The property has been historically expanded and had a transient past with regard to differing uses on the site. The proposal will retain the appearance of the shop and retain a small retail unit whilst creating an additional 1 bed flat. Bovingdon Parish Council object to the creation of an unviable retail unit.

There is nothing within the local development framework which would resist the conversion of this shop unit to the residential given its location outside a shopping area of a local centre. The retention forms a compromise to retain the retail element and character of this part of Bovingdon whilst allowing the creation of 1 bed flat. The flat is considered to satisfy all other considerations typically expected of new residential development in accordance with the Local Development Framework.

### **Site Description**

12 High Street, Bovingdon is the ground floor of a 2.5 storey building currently trading with A1 retail use as an exotic pet shop. The upper floors comprise of two residential flats. The property is brick built gable fronted and gable sided with an L shaped pitched roof formation with apart a part flat roof element to the rear. A double bay window provides a shop frontage with shop sign above, there is a parking space across the front of the shop. There is also an undercroft access way for pedestrians and vehicles leading to a rear yard area with informal parking and servicing area for the shop and residential units.

12 High Street, sits amongst a group of 4 shops with residential accommodation overhead, the character of this part of the High street is primarily residential.

### **Proposal**

It is proposed to convert the rearmost portion of the shop into a 1 bedroom flat, leaving a small retail unit to the front of the property of approx. 27 sq. m. The rear yard area would be formalised into 3 parking spaces, manoeuvring area, cycle storage and refuse storage area. To the rear of the property a new spiral staircase and gantry will replace the existing stairway and gantry providing access to the flats currently above the shop. A new door and windows will be inserted in the flank wall which faces into the undercroft access way.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council who wish to resist the loss of retail floor space as they consider it will make the shop unviable.

## **Planning History**

4/1793/76 - Single Storey Rear Extension - Granted 23/12/1976

4/0750/81 - Alterations to the Shop Front - Granted 29/5/1981

4/1012/81 - Two Storey Side Extension - Granted 31/7/1981

4/1663/88 - Change of Use from Shop & Residential to Offices (A2) - Refused  
20/10/1988

4/0438/89 - Change of Use from Shop & Residential to Offices (A2) - Granted 6/3/1989

4/1740/00 - Conversion of Offices to Flats - Granted 25/1/2001

## **Policies**

### National Policy Guidance

NPPF

Circular 11/95

### Core Strategy

NP1, CS1, CS4, CS8, CS11, CS12, CS16, CS17, CS18, CS29

### Dacorum Borough Local Plan Saved Policies

Policies 13, 19, 43, 58, 99

Appendices 1, 3, 5 & 7

### Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Planning Obligations

## **Representations**

### Bovingdon Parish Council

Object - We do not want to lose a retail unit in the High Street. We note that the proposal is to retain a smaller retail unit, which has no toilet or kitchen facilities, and, therefore, would be unviable.

### Hertfordshire Highways

The above application is for the conversion of the existing retail unit into one bedroom flat with retail. The application form states that there are two 2-bedroom flats at present spread over the first and second floors. The conversion of the existing retail unit into another one bedroom flat with still a retail unit means that the current off street parking will increase too. Currently there are three spaces two to the rear and one off the vx0 to the front of the retail unit. The applicant proposes to increase the rear parking to

three spaces making a total for three flats and the retail unit to four off street parking spaces. The local authority is the parking authority and they will ultimately determine the level of off street parking this site should afford including the proposed works.

### Strategic Planning

The site is located in the Bovingdon Local Centre (see Local Plan Policy 39: uses in town centres and local centres). Policy 39 identifies shopping and residential development as appropriate uses in town and local centres.

Local Plan Policy 43 provides further policy guidance on shopping areas in local centres. However, the application site is not in one of the defined shopping areas in Bovingdon.

In view of the above there is no policy objection to the proposed development in principle (although there must be some doubt over whether there will be any commercial interest in the proposed retail unit, given its small size and lack of storage space).

The application should also be assessed against Local Plan Policy 19 (conversions).

### **Considerations**

#### Policy and Principle

There is no policy within the current development framework which would restrict the partial conversion of this shop into residential accommodation. The property is located within the local centre of Bovingdon. Shopping and residential development are appropriate forms in development in Local Centres in line with saved DBLP policy 39. The property does not sit within one of the identified shopping areas highlighted in saved DBLP policy 43 so there is no principle objection to residential use in this location.

Saved DBLP policy 45 - Scattered Local Shops resists the loss of local shops outside of town and local centres. Local shops in the context of policy 45 are identified in the background to the policy as to usually mean a newsagent, sub-post office and grocer but can include other locally important services such as a baker, butcher or chemist. The partial loss of floor space of an exotic pet shop does not fall into that category. The property will retain the shop frontage and a small retail area. Although there will be the loss of some retail floor space the alternative proposed residential use is complementary to the function and character of the large village of Bovingdon as supposed by saved DBLP policy 39 and where a mix of uses is encouraged by policy CS4.

Saved DBLP policy 19 - Conversions stipulates conversion of buildings in local centres to flats will be appropriate providing an appropriate mix and balance of uses is retained. It is not considered the partial conversion is at odds with this policy.

Therefore there is no policy objection to the principle of the partial residential conversion of the retail unit and the application should be assessed against the other relevant policies.



### Effects on appearance of building

The proposals will introduce only minor alterations to the side and rear of the property, with the removal of the existing staircase and the introduction of a new external spiral staircase and balcony to the rear to provide access to the existing flats Flat 1 and Flat 2. It is not considered any undue harm would be caused to the appearance of this property. The scale, design and layout are appropriate and would accord with policy CS12 and saved DBLP appendix 3 & 7 whilst providing satisfactory internal space in accordance with saved DBLP policy 19.

### Impact on Trees and Landscaping

No trees or landscaping exist nor proffered with this application. Although landscaping would be encouraged the character of these flats are such only minimal planting can be achieved in pot plants and window planters to try achieve some form of greening of the built environment. It is not considered enforceable nor reasonable to enforce such small scale planting when it will only make a negligible difference to the rear elevation of this property. The proposal is considered to accord with saved DBLP policy 99 and policy CS12.

### Amenity space

No amenity space exists nor is proffered with this application. The character of these properties is that no amenity space is provided; the proposed 1 bed flat by not having any amenity space is respectful of its surroundings in terms of amenity space in accordance with policy CS12. Saved DBLP appendix 3 whilst requiring all residential development to provide private open space it also states the size should be compatible with that of neighbouring properties. It would be anomalous to require a garden of this 1 bed flat whilst several larger flats do not require any provision. Given the extant situation locally with regard to garden sizes and that any future occupant will be aware of the situation before occupation it is considered the development without the provision of amenity space will be acceptable.

### Impact on Street Scene

There will be no visual impact on the street scene as all alterations will occur to the rear of the property. The proposed door and windows to be inserted in the flank wall which faces into the undercroft access way will be partially visible from incidental views by those passing in the street however this is not held to be any more harmful than the blank wall currently in situ. The spiral staircase although of limited design value is in a location which will cause undue harm to the visual amenity of the street scene. The property would satisfactorily integrate with the street scape character and considered to be acceptable in line accordance with polices CS11 and CS12.

### Impact on Neighbours

There will be no impact upon neighbouring properties the introduction of further residential accommodation in lieu of retail space is not considered to have any more harmful impact upon neighbouring properties.

The alterations to the rear staircase and new door will not impact upon the outlook,

privacy or light of adjoining properties.

The proposal would respect neighbouring amenity in accordance with saved DBLP appendices 3 & 7 and policy CS 12.

### Sustainability

The applicant has submitted a sustainability checklist to ensure satisfactory consideration of sustainable issues in accordance with saved DBLP appendix 1 and policy CS29. The building would be made complicit with current building regulations.

### Parking/Highways

The development will create an additional one bedroom flat in addition to the existing two, 2 bedroom flats and a 27 sq. m retail unit. Saved DBLP Appendix 5 requires 1.25 spaces per a 1 bedroom unit, 1.5 spaces per a 2 bed unit and 1 parking space per 30 sq. m of A1 retail space. The cumulative demand of this amount of development would require 5.25 parking spaces.

The site location is an area with good local services available on Bovingdon High Street and transport links with a bus stop directly adjacent to the site with regular bus services connecting onwards to Hemel Hempstead, Watford, Chesham, Slough (Routes 352 & 353 source: transportdirect.info)

4 parking spaces would be provided with the development a shortfall of 1.25 spaces against the maximum standard. Given the sustainable location 4 parking spaces are considered to offer a suitable amount of off street parking without compromising highway safety. In addition there is lockable cycle racks providing secure bike storage space of 1 bicycle per a flat.

The highways officer had no objection to the scheme.

The proposal is therefore concordant with policy CS8 and saved DBLP policy 58.

### S106

At the time of writing the officer was in negotiations with the applicant regarding finalising an acceptable s106 agreement to make the application acceptable in accordance with Saved DBLP policy 13 and the Planning Obligations SPD.

### Other Considerations

The thrust of government intention is for the more flexible use of property there is currently a consultation on extending permitted development rights for more flexible change of uses including retail to commercial. This is a material consideration.

The applicant has indicated they will be using the retail area themselves upon completion of the development.

Building regulations will ensure that walls would have to be adequately insulated so as to limit the transmission of noise and protect the residential amenity of future occupiers of the flat and adjoining property and thus comply with saved DBLP policy 19.

## Conclusions

Overall the part conversion of this retail unit is held to be acceptable in accordance with the Local Development Framework. There is no policy in principle objection to the complete loss of shops in this location. This application seeks the partial loss of floor space of a retail unit which is not providing a "local shop" function i.e. green grocer, post office etc.

An assessment of the application has found that the proposal is an appropriate and complementary use in this location and the design alterations held to be non-harmful to the visual or neighbouring amenity, whilst providing satisfactory living and parking arrangements.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

Suggested 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 location plan  
1270/201  
1270/202  
1270/203

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

3 **The development hereby permitted shall not be occupied until the arrangements for vehicles shown on the approved plans shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities to comply with saved DBLP policy 58, saved DBLP appendix 5 and Core Strategy policy CS8.

4 **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 Core Strategy policy CS12.

Article 31 Statement

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.

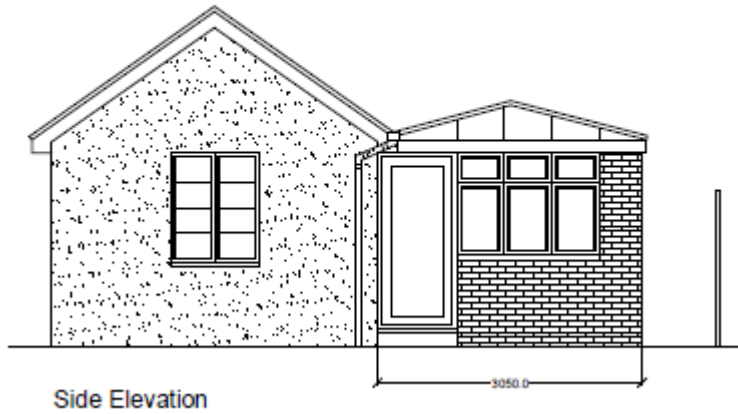
Item 5.12

**4/01331/13/FUL - SINGLE STOREY REAR EXTENSION TO THE EXISTING SURGERY (D1)  
TO FACILITATE BAKERY LESSONS (D1)  
THE SURGERY, HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ER**

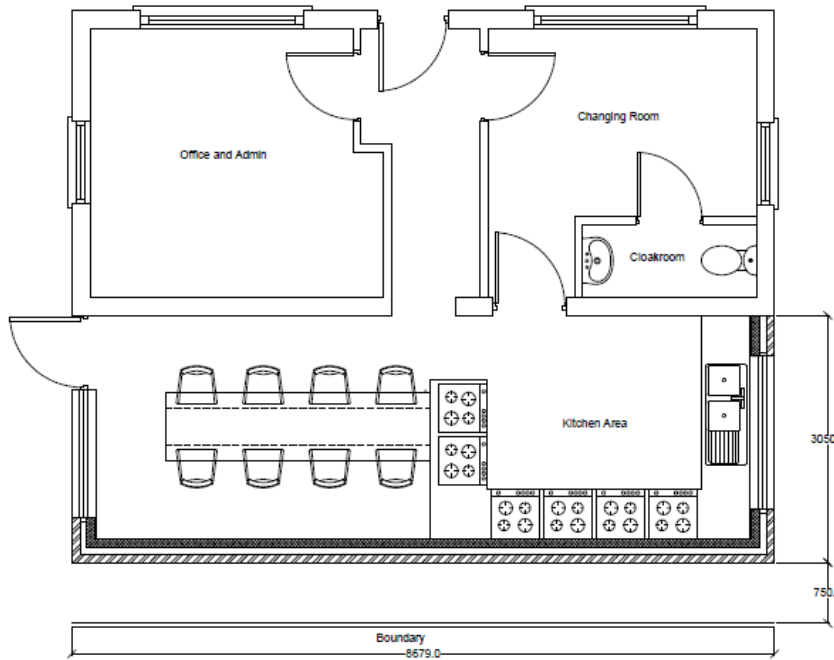


Item 5.12

4/01331/13/FUL - SINGLE STOREY REAR EXTENSION TO THE EXISTING SURGERY (D1)  
TO FACILITATE BAKERY LESSONS (D1)  
THE SURGERY, HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ER



Side Elevation



Proposed Ground Floor Plan 1:50

**5.12 4/01331/13/FUL - SINGLE STOREY REAR EXTENSION TO THE EXISTING SURGERY (D1) TO FACILITATE BAKERY LESSONS (D1)  
THE SURGERY, HYDE MEADOWS, BOVINGDON, HEMEL HEMPSTEAD, HP3 0ER  
APPLICANT: MR AND MRS K MOORE**

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[Case Officer - Richard Butler]

[Grid Ref - TL 01383 03681]

### **Summary**

The application is recommended for approval. The proposed development seeks permission for use of a building for the teaching of bakery lessons. The application also includes the extension of the building with a brick built glazed addition to the rear elevation. Bakery lessons are to take place within specific times of the week and involve a maximum of 8 students.

The use is considered to be compatible within the area and the additional building does not lead to the detriment of neighbouring residential amenity.

### **Site Description**

The application site comprises a corner plot, located at the junction of Hyde Meadows and Old Dean, within the large village of Bovington. The site is rectangular in shape and comprises a single storey pitched roof unit with small curtilage surrounding the building. The site is set back from the highway edge behind a large triangular green area with public footpath running through.

The plot is set within the apex of two residential units and shares the boundary with the gardens of these properties.

Currently vacant, the site was previously (and most recently) used as a dentist surgery, this use falls within class D(1) of the Use Class Order.

### **Proposal**

The application seeks planning permission for a single storey rear extension; this extension shall facilitate the use of the building for the holding of bakery lessons.

The extension is proposed to be situated on the south east elevation (rear) of the existing building and comprises a 3m (reduced from 3.7 as originally submitted) across the full width (8.7m) of the existing building. The structure would be of brick construction with a hipped style glazed roof, the roof is of very low profile design, with the ridge line measuring 0.44m above the existing eaves line of the building (the existing ridge line measuring 1.54m by comparison).

The development would facilitate the use of the building for cookery lessons. The application form notes the operational hours of these lessons to be:  
Monday to Friday 10am to 12.30 and 7pm to 9.30pm  
Maximum number of students within class would be 8.

The proposed use for a teaching facility would fall within Use Class D(1). Therefore the use of the building would fall within the same use class as the most recent use; therefore, planning permission is not necessarily required for this change.

## **Referral to Committee**

The application building is to be leased from the applicant by Dacorum Council and as the building is owned by DBC, the application must be referred to the Development Control Committee.

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

## **Planning History**

No planning history related to this site.

## **Policies**

### National Policy Guidance

NPPF  
Circular 11/95

### Dacorum Core Strategy (September 2013)

CS1, CS4, CS11, CS12 and CS14

### Dacorum Borough Local Plan

Saved Policies 1, 9, 11, 13, 58  
Appendix 1

### Supplementary Planning Guidance

Environmental Guidelines  
Accessibility Zones for the Application of Parking Standards

## **Representations**

### Bovingdon Parish Council

The proposed extension is too large and too close to the boundary of 1 Hyde Meadow. We also have concerns about the increased traffic by people accessing the building and the disturbance this will cause to the residents who live in the near vicinity of the surgery, particularly during the evening. As a surgery the building was only in use during the daytime.

### *Comments on Amended Scheme:*

The proposed extension is too large and too close to the boundary of 1 Hyde Meadow. We also have concerns about the increased traffic by people accessing the building and the disturbance this will cause to the residents who live in the near vicinity of the surgery, particularly during the evening. As a surgery the building was only in use during the daytime.



## Environmental Health

The Environmental Health department were consulted on the application, however a response has not been received. The applicant shall need to contact this department separately to obtain the relevant license details with regard to the preparation of food. This shall not affect the determination of this application.

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

### 1 Hyde Meadows

While I would like to see the premises being used, we consider the size of extension to be an issue it seems to be extending the premises by more than 30%, the layout also shows ovens along the side of our boundary and the smell from 5 ovens is a concern for us.

The opening times for the courses planned extend at times to be until 10 pm resulting in a disturbance from use.

We also have a concern that the premises once extended could easily be used as a take away.

Parking has also become an issue at this location with school uses quickly filling up any spaces at drop off and pick up times making the corner of the road dangerous at times, the drive ways to 1 and 6 Hyde Meadows are continues being uses as a turning circle already resulting in a disturbance.

We would also like you to take into consideration our loss of privacy and although not always taken into account our potential loss of property value.

## **Considerations**

### Policy and Principle

The building has been in use for business/community use previously, with the dentist surgery operating from the premises for some time. There is no change of use necessary for the cookery/bakery school lessons to be conducted at these premises as the proposed use is within the same use class as the existing use (D1, use class order). However, notwithstanding this policy CS4 would note the following stance:

*"In residential areas appropriate residential development is encouraged. Non-residential development for small scale social, community, leisure and business purposes is also encouraged, provided it is compatible with its surroundings."*

The business use (with elements of social, community and leisure, due to the nature of the activity) would be acceptable in principle provided the use does not prove to be incompatible with its surroundings. In this case the surrounding development comprises the residential properties of the adjacent sites. The impact on these properties shall be considered below.

Extending the existing building is acceptable in principle subject to the considerations

of design, impact on surrounding area and impact on surrounding residents.

### Effects on appearance of building and Street Scene

The existing building is small scale single storey appearance. The extension is to be located to the rear of the building and maintains a very low roof line, the depth of the rear projection has been reduced from the original submission resulting in the extension forming a proportionate addition to the building. Due to the low and non-intrusive roof form, location of the extension to the rear, within a screened area of the site, the extension would not be a prominent addition to the building and would not detract from the appearance of the building or the street scene.

The development is considered to be in accordance with Policy CS12 and CS13 of the Core Strategy.

### Impact on Neighbours

The extension brings the built development of the premises closer to the neighbouring residential property at No.1 Hyde Meadows. A gap of 0.75m shall be retained from the extension to the boundary.

The roof shall be glazed but does not include any openings within the roof structure.

The extension has a maximum height of 2.83m. The siting and bulk of the extension is not of such a scale that would result in any potential loss of light, overlooking or overbearing to the neighbouring property.

Neighbouring residents have raised concern with a number of matters:

- Extending the premises by more than 30%,
- Ovens are located along the side near neighbouring boundary -smell from 5 ovens causes concern is a concern.
- Opening times for the courses planned extend at times to be until 10 pm resulting in a disturbance from use.
- Premises could be used as a take away.
- Parking
- Loss of privacy
- Potential loss of property value.

There is not a figurative limit to the extension of properties within the village. Development shall be considered on the potential impact with regard to the specific constraints of the site.

The floor plans submitted indicate the extension shall include the area for cookers and other preparation area for food/baking. It is acknowledged this location is near to the boundary with the neighbouring residential property. The activity within the building is not considered to be one which would be likely to cause significant nuisance to neighbouring residential properties. The teaching of and carryout of baking is not likely to lead to significant noise disturbance outside of the building. There is the potential for the general activity of people surrounding the building and also for some level of noise from the building caused by people talking etc. This is not likely to be significantly greater than a residential / domestic use, especially with regard to the limited periods

this activity is going to take place.

The submitted plans note the installation of domestic scale cooker systems; the likely emissions from this are expected to be limited, infrequent; and if noticeable are likely to be smells of baked goods.

The proposed use of a bakery school would not permit the use of the building as a take away operation (A5 of the use class order); separate planning permission would be required for such a use. It is likely the students would take baked goods home with them after classes, although this would not amount to a take away use.

Parking and access matters are discussed in the section below.

The comments with regard to loss of property value are noted. There are no identified detrimental impacts to the residential property amenity that could be connected to a loss of value to the neighbouring property.

The requirements of CS12 of the Core Strategy are therefore met.

### Access and Parking

The existing premises contains no allocated parking, the former dentist surgery operating from the site had done so though utilising the unrestricted on-street parking within the immediate vicinity of the building.

Saved Policy 58 and the associated appendix 5 from the DBC Local Plan would provide the maximum parking standard for the uses involved:

	<b>Policy Requirement</b>	<b>Maximum provision with regard to Policy</b>
<b>Dentist Surgery (Existing)</b>	3 spaces per consulting room plus 1 space per employee other than consulting doctors/dentists/vets and 1 short term cycle store space per consulting room plus 1 long term cycle space per 10 staff on duty at any one time	4 car parking spaces  1 cycle space
<b>Bakery Lessons (Proposed)</b>	1 space per full-time member of staff plus 1 space per 5 full-time students	3 spaces (calculated as 1 space per full time member of staff and (1.5 spaces based on 8 students)  1 cycle space

The table above demonstrates the parking requirements for the existing use and the proposed use, with the dentist surgery generating a greater requirement for parking than the proposed bakery lesson use.

Parking on-street is available adjacent to the site, increased due to the length of kerb as a result of the amenity areas to the front of the site. There would not be reasonable

justification to require further parking provision since the existing site use has a greater parking requirement than the proposed, and is therefore in accordance with saved Policy 58 (appendix 5) of the Local Plan.

With regards to the time of use, which may differ from the previous use; the start time of lessons is noted to avoid clashes with the drop-off and pick-up times of the nearby primary school.

The access is provided within the existing highway therefore there is limited concern with regard to noise and disturbance caused by cars and people accessing the site.

With consideration to the likely levels of trips to the site and the capacity of parking near by the site, there is not considered to be issue with regard to highway safety, vehicles movements or parking as a result of this development. The application is considered to accord with Policy 11 and Policy 58 of the Local Plan and also CS12.

## **Conclusions**

The proposed bakery school does not require a change of use from the existing surgery use, notwithstanding this the proposal is appropriate with regard to Core Strategy Policy CS4.

The extension to the building is small scale and does not lead to a detriment to residential amenity to surrounding buildings, and accords with CS12 and CS13 of the Core Strategy.

Parking for the extended building is appropriate; whilst no allocated parking is provided for the use, the available on-street parking is appropriate with comparisons to the pre-existing use on the site.

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 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 Dacorum Core Strategy Policy CS12 and CS13.

- 3 The premises shall only be open to customers between 10am am and 12.30pm and 7pm to 9.30pm on Mondays to Fridays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Core Strategy CS12.

- 4 **The use hereby permitted extends to the facilitating of bakery classes for up to 8 students, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Core Strategy CS12.

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

**Site location plan**

**01A**

**02**

**03A**

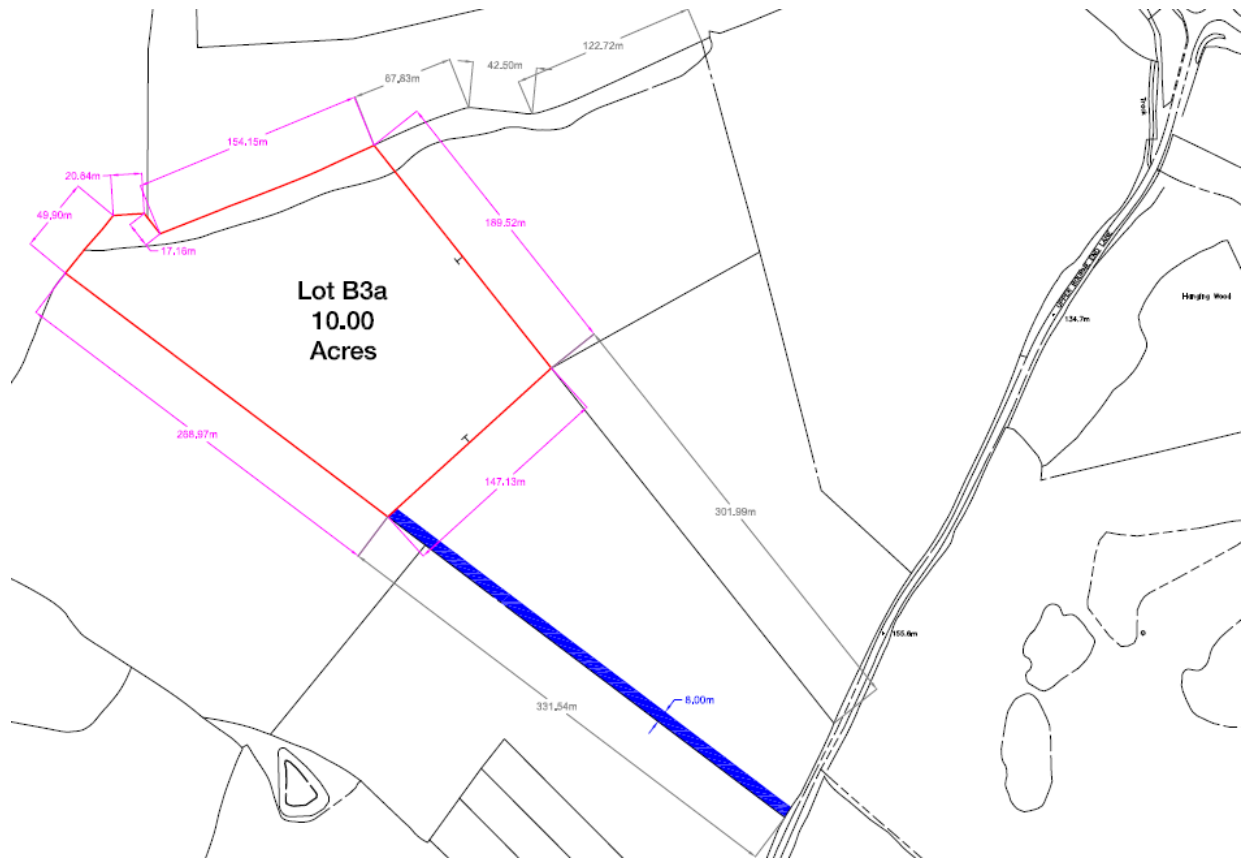
Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1: Article 31 Statement

Planning permission has been granted for this proposal. 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.

**Item 5.13**

**4/01379/13/FUL - USE OF TWO, 8FT X 20FT WOODEN CLAD SHEDS FOR AGRICULTURAL STORAGE (AMENDED SCHEME)  
LOT B3A UPPER BOURNE END LANE, BOVINGDON, HP1 2RR**

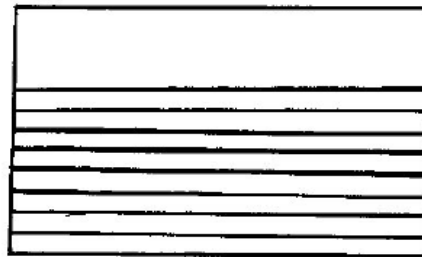


Item 5.13

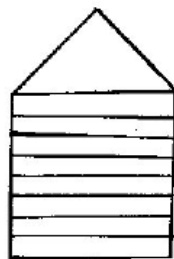
4/01379/13/FUL - USE OF TWO, 8FT X 20FT WOODEN CLAD SHEDS FOR AGRICULTURAL STORAGE (AMENDED SCHEME)  
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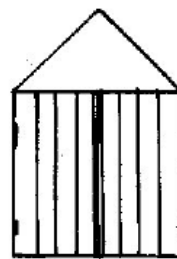
2 ft



Side Elevation



Rear Elevation



Front Elevation

**5.13 4/01379/13/FUL - USE OF TWO, 8FT X 20FT WOODEN CLAD SHEDS FOR AGRICULTURAL STORAGE (AMENDED SCHEME)  
LOT B3A UPPER BOURNE END LANE, BOVINGDON, HP1 2RR  
APPLICANT: MR L GROVES**

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[Case Officer - Philip Stanley]

[Grid Ref - TL 01248 05386]

### **Summary**

The application is recommended for approval. The proposed development is a horticultural / agricultural operation on an agricultural field and is therefore acceptable in principle. The two wooden clad storage sheds have been sited within the plot to minimise its visual impact on the Green Belt. The proposal therefore complies with Policies CS5 and CS24 of the Core Strategy and the guidance of the NPPF.

### **Site Description**

The application site comprises 10 acres of agricultural land off Upper Bourne End Lane, located between the villages of Bourne End and Bovington. The site comprises a plot within what was formerly a very large, single field within a prominent Green Belt location and rising up from the A41 bypass. The applicant's plot is set centrally within the former field, not being adjacent to Upper Bourne End Lane, but adjacent to the far side tree / hedge belt of this field boundary. The plot has various undulations and clearly slopes downhill towards this boundary and bypass beyond.

At present the majority of the site is lying fallow, though several lines of willow trees have been planted along the site's southern boundary, and there is a chicken enclosure and shed towards the bottom of the site.

Although the former single field has been subdivided in terms of ownership, visually it remains very open as only two runs of fencing were erected prior to the serving of an Article 4 Direction on the land requiring planning permission for such development.

### **Proposal**

It is proposed to erect two wooden clad sheds within the north-west corner of the applicant's plot, measuring 8 feet (2.44m) by 20 feet (6.1m). The storage sheds would have a dark stained wood clad pitched roof. Originally the ridge height of the building was proposed to be 3.65 metres, however this has been amended to show a new ridge height of 3.2 metres (the result of lowering the pitch of the roof).

The applicant states the sheds, "*are required for the storage of agricultural chattels relating to the growing, maintenance and harvesting of willow and the preservation of woodland. Planting and harvesting will take place between November and March each year, while maintenance will be ongoing year round*".

### **Referral to committee**

This application has been referred to the Development Control Committee due to the contrary views of Bovington Parish Council.



## Planning History

The original large field was bought by a private company and then marketed and sold as smaller plots. Permitted development rights for fencing and other means of enclosure have been removed through the serving of an Article 4 Direction on the overall field.

Within the applicant's plot (Lot B3A) the following applications have been submitted.

4/00093/12/FUL: A poultry farm consisting of a shed for housing poultry, surrounded by 30m by 30m by 2m of wire fencing - Granted 02/05/12.

4/00890/13/FUL: Installation of three 8ft x 20ft steel agricultural storage sheds and one polytunnel - Refused 10/07/13 for the following reasons:

**The proposed metal storage containers and polytunnel, by virtue of their size, design and appearance, as well as their isolated positioning in an open and prominent hillside, would appear as an unattractive incongruous industrial-like structure completely at odds with the rural character of the landscape. Furthermore, the proposed development would cause significant harm to the openness of the Green Belt.**

**In addition, insufficient information has been provided with respect of the overall forestry operation, in particular with the regards to the exact storage requirements and a timetable detailing when the need for the storage of coppiced wood will arise.**

**Consequently the proposed development fails to comply with the National Planning Policy Framework, Policies 4, 11 and 96 of the Dacorum Borough Local Plan 1991-2011, and Policy CS5 and CS25 of Dacorum's Core Strategy (Pre-Submission October 2011).**

The site is also subject to ongoing Enforcement investigations with regards to a second shed and a caravan being erected on the land without planning permission.

Other plots within this larger field have been subject to various pre-application enquiries and applications, of which the following is the most relevant:

4/01123/12/FUL: Single storey storage building (amended scheme) in Lot B1 - Granted 08/08/12. The applicant provided full details of the storage requirements for his tree growing operation and also now proposed to finish the building in timber.

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy (September 2013)

Polices CS5, CS12 and CS24

Dacorum Borough Local Plan Saved Policies  
Supplementary Planning Guidance

Environmental Guidelines  
Landscape Character Assessment

**Representations**

Bovingdon Parish Council

The councillors decision is to OBJECT - Inappropriate development of Green Belt land.

Local Residents

Three letters of objection have been received from No.7 Bourne End Lane and Wayside and Runways Farm, Upper Bourne End Lane, which raised the following concerns:

VISUAL AMENITY

- The site is a particularly attractive part of the Chilterns.
- Given the height of the buildings proposed I do not accept that they would be hidden from views.
- Any development would mar the views and general appearance of the land.
- The openness of the land would be damaged by the requirements for an access road.
- The trees would change the look of the landscape.
- The shed would be seen from a wide area and would create a blot on an area of natural beauty.

FUTURE USE OF SITE / BUILDINGS

- The sheds could be put to other business uses.
- We oppose the building of any structures on the land in general.
- How can we be sure that this will be the only buildings that the applicant will erect on the land, as he has already put up other sheds without planning permission and there is a caravan on the site.

INSUFFICIENT INFORMATION

- The plans are poor quality and do not show whether foundations are needed.
- The plans include a poultry shed and enclosure so is the applicant growing trees or keeping chickens.
- The plans do not show what the trees will be used for, or how they are to be watered.

COMPARISON WITH BOURNE END MILLS

- Bourne End Mills was originally a timber yard and has evolved into an industrial estate, virtually derelict and an eyesore. The building of a building on agricultural land which lays abandoned when requirements change is not sustainable.

- The applicant could use the existing buildings close to the site at Bourne End Mills industrial estate.

## SECURITY

- The storage sheds would increase the risk of break-ins in the area.

It is also noted that two of these letters supported the use of the land for the harvesting of trees.

## Considerations

### Policy and Principle

The site is located within the Green Belt wherein the guidance of the NPPF states that there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This position is supported by Policy CS5 of the Core Strategy. New buildings will only be acceptable where they are for a limited number of purposes. Agricultural uses are considered acceptable.

The proposed buildings would be used for the storage of machinery and equipment associated with the growing and harvesting willow trees. This is considered to be a horticultural operation. Section 336 of the Town & Country Planning Act 1990 include the use of land for horticulture within its definition of 'agriculture'. Therefore, the contention of Bovingdon Parish Council that the development is inappropriate development in the Green Belt is incorrect.

According to Policy CS5 horticultural / agricultural development will be permitted provided that it has no significant impact on the character and appearance of the countryside and that it supports the rural economy and the maintenance of the wider countryside. All development within the Green Belt should maintain the openness and visual amenity of the area.

Policy CS12 seek high quality development that does not have an adverse impact on the locality or the amenity of neighbours.

### Impact on Green Belt

It is considered that the proposal is acceptable in principle. It is appreciated that the scale of the operation is relatively small and may be considered insufficient for the creation of a profitable and viable agricultural operation. However, an agricultural operation does not have to be profitable in order for it to be an agricultural operation. Furthermore, even if this application is seen as 'hobby farming', then this type of small-scale leisure use is equally acceptable in the Green Belt.

In terms of the visual impact of the proposals it must first be noted that this application is an amended proposal to the development refused under 4/00890/13/FUL. At that time three metal storage containers and a large polytunnel were proposed. The Council considered that insufficient information had been provided to justify three storage sheds, while the use of metal shipping containers would have been an incongruous blot on this rural landscape. As a result of these objections the applicant

has amended the proposals by removing one of the sheds and the polytunnel from the scheme. Furthermore, the two buildings would now be clad in timber and would contain a timber pitched roof. Therefore, the scale of the proposals have been significantly reduced, while the buildings themselves would have a more rural appearance. In addition the use of dark staining would enable the buildings to blend in better with its surroundings.

The applicant has also provided additional information with regards to the willow operation and the machinery / storage requirements for this operation. Essentially one of the sheds would be used for the larger machines (tractor, cutter, loader) and the second would be used for smaller items (e.g. wheelbarrow, chainsaw, handtools, personal protection equipment), water tanks and the racking for willow storage. The applicant has confirmed that they have planted 700 willow trees and the intention is that by the end of March a further 2,000 trees will be planted. The willow trees will be coppiced in rotation to allow willow rods of all lengths and thicknesses to be harvested. This willow would, depending on its size, be then be used for weaving (baskets, screens, etc.), living objects (arches, etc.), or as firewood.

From the Case Officer's site visit it is clear that hundreds of willow trees have been planted. As such this is an ongoing, rather than a speculative, agricultural operation.

Overall it is considered that the concerns raised in the previous reason for refusal (relating to scale, and appearance of the buildings and the lack of supporting information) have been overcome.

It is now accepted that there is a need for storage to support this ongoing agricultural business. It is then important to assess the visual impact of the proposed buildings. Local residents have objected on the grounds of loss of visual amenity. Certainly in this sensitive location the protection of the openness and visual amenity of the Green Belt is the prime consideration and the reason why an Article 4 Direction was placed on the former single field preventing the erection of fencing without planning permission.

However, as stated above it is considered that the buildings would be suitably rural in appearance in terms of their shape and external materials used. Furthermore, while the overall single field is prominent from public views (from the bypass, from Upper Bourne End Lane, from the surrounding public footpath network) the applicant's plot, and in particular the site chosen for the two storage sheds, would not be seen from such views. The site is positioned on the far side of Upper Bourne End Lane, it is approximately 200m from the nearest public footpath, while the undulations in the land and the backdrop of trees prevents views into the proposed location. A local resident argues that views of the buildings would be possible. It is the Case Officer's views that the site position and characteristics would prevent public views. However, even if views would be possible these would be restricted to the very top of the buildings and / or at a considerable distance, and as such any harm to the visual amenity or openness of the Green Belt would be very small. Furthermore, in light of local objections the applicant has amended the proposal by reducing the height of the building from 3.65 metres to 3.2 metres.

Consequently it is not considered that this application would encourage other similar operations within other plots. Each of these would need to be assessed against their individual merits and it is considered that many of these would not benefit from the same favourable positioning as that proposed here. It is further noted that the Council

has supported a storage building for the tree growing operation at Plot B1 and that the building is visible from the nearby public footpath.

Local residents have also commented on the future use of these buildings and the site and raise concerns about their potential for business use. However, these are hypothetical arguments and it is not considered reasonable in this instance to impose personal and use conditions on any grant of permission, especially as such restrictions were not applied on the building granted planning permission on Plot B1.

Overall, it is considered that in terms of the siting, design and appearance of the proposed building, efforts have made to successfully reduce its impact and to ensure the openness and the visual amenity of the Green Belt is protected.

### Security

A local resident has objected to this application on the grounds that it would increase the likelihood of break-ins in the area. Notwithstanding the fact that these buildings would be hidden from public views, it is considered that this application would improve security on the site, compared to the open storage of machinery and tools.

### **Conclusions**

The proposed timber clad storage sheds would be acceptable in principle in this Green Belt location, while their specific siting and scale of the operation would not harm the openness or visual amenity of the Green Belt. The proposals therefore accord with Policies CS5 and CS12 of the Core Strategy and the guidance of the NPPF.

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 shall be carried out, and thereafter maintained, in accordance with the Schedule of Materials submitted on in section 9 of the application form submitted with this application, signed and dated 22/07/2013.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 and CS24 of the Core Strategy (September 2013).

- 3 The wooden sheds hereby permitted shall only be used for no other purpose than the storage of agricultural chattels relating to the growing, maintenance and harvesting of willow, the preservation of woodland,**

**and the storage of harvested wood.**

Reason: For the avoidance of doubt and to protect the visual amenity of the Green Belt in accordance with Policy CS5 of the Core Strategy (September 2013).

- 5 **No exterior lighting shall be installed on the land or buildings outlined in red on the approved Drawing 20111013 Lot B3a.**

Reason: To ensure a satisfactory appearance to the development in the interest of protecting the beauty of the Chilterns AONB in accordance with Policy CS24 of the Core Strategy (September 2013).

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

**Location Plan  
LOTB3A.001 Rev.A  
LOTB3A.002  
20111013 Lot B3a.**

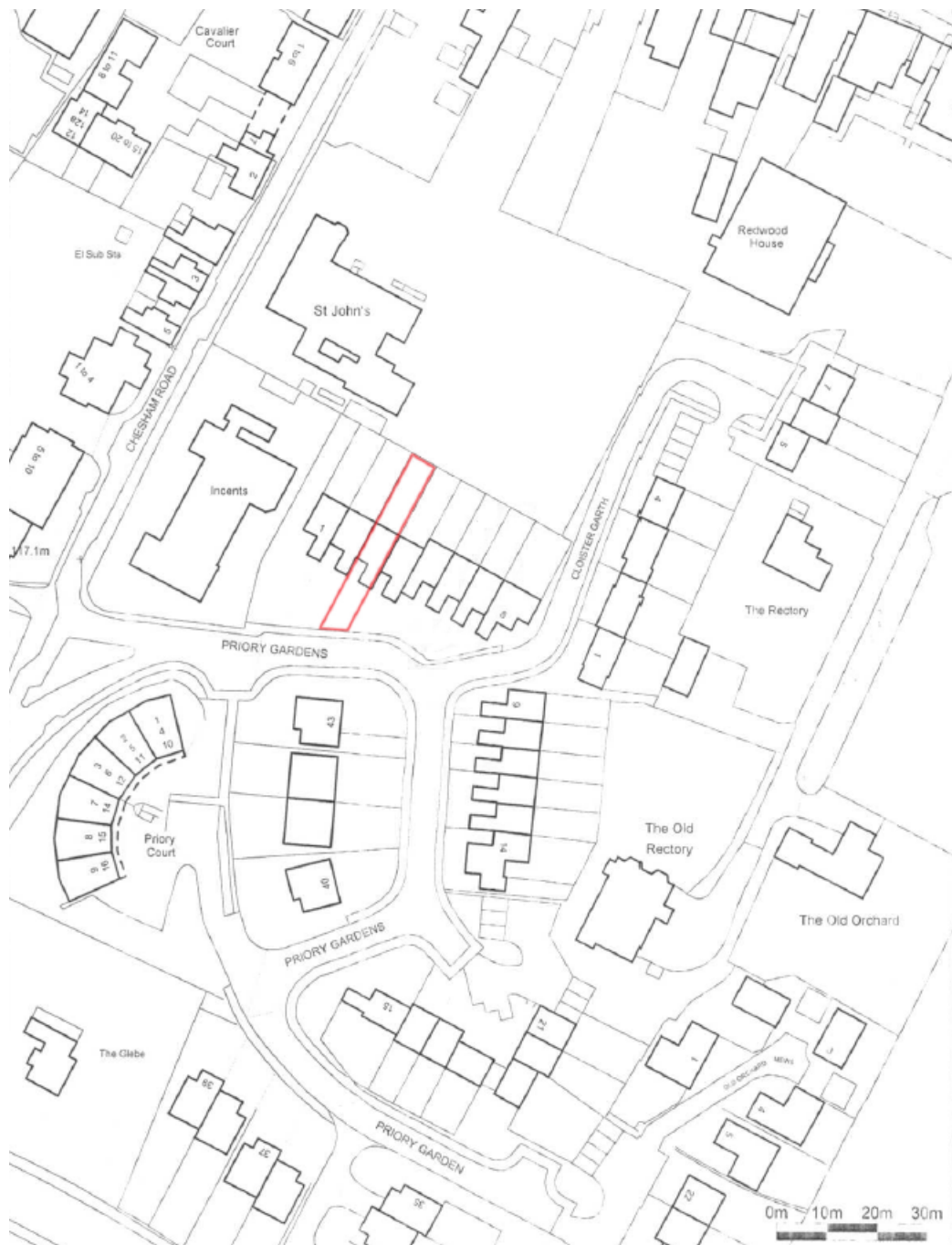
Reason: For the avoidance of doubt and in the interests of proper planning.

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.

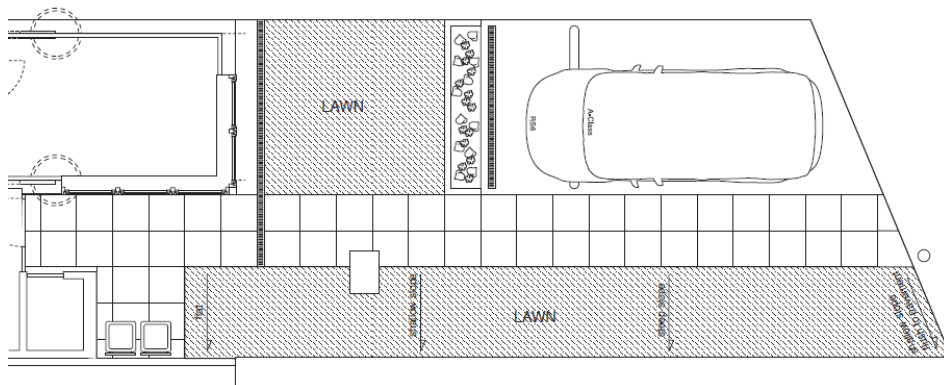
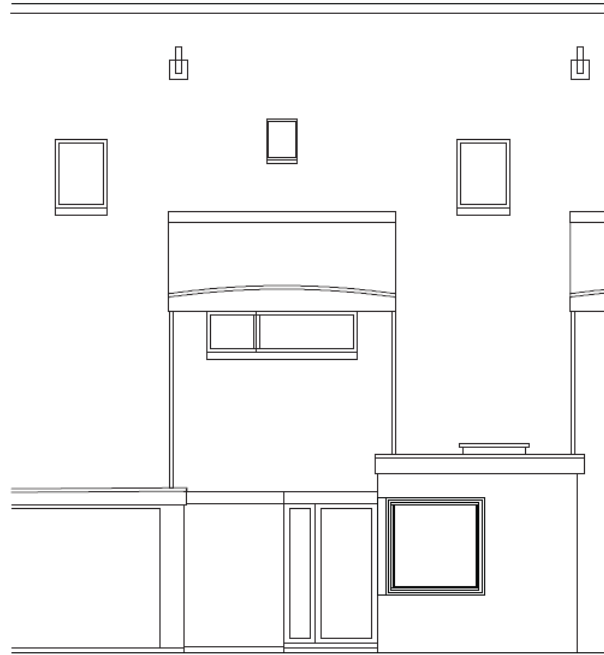
Item 5.14

**4/01492/13/FHA - GARAGE CONVERSION, NEW ROOF COVERING TO RAISED FLAT ROOF AND EXISTING DORMER. LANDSCAPING TO DRIVEWAY  
3 PRIORY GARDENS, BERKHAMSTED, HP4 2DR**



Item 5.14

4/01492/13/FHA - GARAGE CONVERSION, NEW ROOF COVERING TO RAISED FLAT ROOF AND EXISTING DORMER. LANDSCAPING TO DRIVEWAY  
3 PRIORY GARDENS, BERKHAMSTED, HP4 2DR





**5.14 4/01492/13/FHA - GARAGE CONVERSION, NEW ROOF COVERING TO RAISED FLAT ROOF AND EXISTING DORMER. LANDSCAPING TO DRIVEWAY 3 PRIORY GARDENS, BERKHAMSTED, HP4 2DR  
APPLICANT: MR R FARQUHAR**

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[Case Officer - Luke Robertson]

[Grid Ref - **SP 99277 07610**]

### **Summary**

The application is recommended for approval.

The proposal is consistent with Policy CS4 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58, Appendix 5 and area-based policy BCA9 of the Dacorum Borough Local Plan 1991-2011. A number of aspects of the proposal could be considered permitted development under Class A and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). There will not be any significant adverse effects on the appearance of the building, the street scene or the amenity of neighbours and parking will be sufficient.

### **Site Description**

The application site is located within the residential area of Berkhamsted close to the Conservation Area boundary but not within this designated area. The dwelling is the third in a line of 8 similar designed 'A' frame appearance dwellings constructed in the 1970s with eaves lines that finish at ground level, giving a unique appearance. The prominent design feature of each of these dwellings are the sloping roofs and projecting dormer windows at first storey level. The original properties all had single storey flat roof projecting garages and small pitched roof external stores attached to the front, but many of these have been converted to habitable accommodation over the years. Changes have also been made to the external cladding of at least one of the dwellings. These two issues have detracted from the group value of the terraces.

The subject dwelling has not had any obvious improvements since its construction. There is a long and narrow rear garden and small front garden, mainly occupied by a sloping driveway which provides access to the garage and allows parking space for one vehicle.

### **Proposal**

The applicant is proposing:

- a.) The conversion of the garage into a habitable room. The roof of the garage will be raised by approximately 500mm and a flat, raised, openable skylight inserted to allow additional light. Windows will also be added to the front and side elevations of the garage and the existing brickwork will be rendered in white.
- b.) A new roof covering is proposed for the existing dormer and raised garage roof;
- c.) The enclosure of the porch area in line with the overhanging dormer window; and
- d.) The landscaping of the driveway to improve vehicular access. A car parking pad would be provided on the driveway at a 1 in 10 slope, with a separate footpath to the front door from the road.

## **Referral to Committee**

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

## **Planning History**

There is a history of similar garage conversions and alterations to the front of dwellings within this part of Priory Gardens. Dwellings at 1, 4, 5, 6 and 8 Priory Gardens have converted garages into habitable rooms and a number of these dwellings have also raised the roof height of the garage. Changes have also been made to the cladding of the dormer at 8 Priory Gardens and the dormer window finishes at 5 and 8 Priory Gardens. Details of relevant planning permissions are as follows:

4/00842/04/FHA – First floor extension over garage and conservatory to rear (8 Priory Gardens) – Grant

4/01835/09/FHA – Conversion of existing bin store to utility room, extension of existing porch and construction of external store (8 Priory Gardens) – Grant

4/01959/10/FHA – Single storey front infill extension with covered walk, roof light, and cladding of front dormer and existing extension (5 Priory Gardens) – Grant

4/00468/11/FHA – Conversion of garage to habitable accommodation, single storey front infill extension and alterations (7 Priory Gardens) – Grant

## **Policies**

### National Policy Guidance

National Planning Policy Framework 2012

Dacorum Core Strategy (September 2013)

Policies CS1, CS4 and CS12

Saved Dacorum Borough Local Plan 1991-2011

Policy 58  
Appendix 5

### Saved Supplementary Planning Guidance

Residential Character Area [ BCA 9 : Priory Gardens ]

Water Conservation & Sustainable Drainage

Accessibility Zones for the Application of Parking Standards

## **Representations**

### Berkhamsted Town Council

Berkhamsted Town Council objected to the application. They stated that the proposed design and use of a rendered finish was out of character in the row of 8 terraced houses, was not keeping with the street scene and was contrary to the Dacorum Borough Local Plan 1991-2011.

### Trees and Woodlands

Trees & Woodlands have identified the loss of approximately 3 front garden trees. Whilst pleasant in the street scene, these trees are only of cosmetic value and not sufficient to prevent this proposal. Whilst the planted landscape area appears small, most residents have a vested interest in making their front gardens look good. No objection.

### Archaeology

The County Archaeologist has advised that works of this nature are unlikely to have an effect on items of archaeological significance and as such offered no objection.

### 4 Priory Gardens - Supports:

- The proposal is in keeping with the rest of the street;
- The proposal will enhance the view of the property.

## **Considerations**

### Policy and Principle

Policy CS4 of the Dacorum Core Strategy (September 2013) states that appropriate residential development should be encouraged in towns and large villages such as Berkhamsted. Policy CS12 helps define what development is appropriate, stating that development should provide safe access, sufficient parking, avoid visual intrusion, loss of privacy and loss of light to surrounding properties, retain important trees and integrate with the streetscape character. In this final respect, the development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials, landscaping and amenity space. With regards to parking, saved Policy 58 of and Appendix 5 to the Dacorum Borough Local Plan 1991-2011 continue to be relevant.

The relevant area based policy, BCA9 - Priory Gardens, states that any development shall maintain the defined character and that extensions should be subordinate in scale and height to the parent building, as well as using architectural features, themes, styles, colours and materials from the parent building within the extensions.

It is worth noting that a number of aspects of the development could be completed under existing permitted development provisions. The garage could be converted to a habitable room and painted with a white render, however the roof height could not be raised. New roof coverings could also be applied to the dormer and garage. These works would fall under Class A and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the materials used in the exterior work will be of a similar appearance to those used in the construction of the exterior of the dwelling. It should also be noted that the painting of an existing building is permitted development.

### Effects on appearance of building

The primary impacts on the appearance of the property will be associated with the increase in garage roof height, white render proposed for the garage and the enclosure of the porch area. The porch enclosure will not be immediately obvious from the street and will not look out of place in relation to the existing building. A small increase in the height of the garage will not affect the appearance of the building and the addition of a

rooflight, as demonstrated by a number of other dwellings in the street where this has occurred. The white render will have the most visual impact, as only a small aspect of the existing building, the side dormer walls, are painted white. It should be noted that a number of other properties in the terrace have raised the height of the garage roof.

The applicant has however expressed concerns about the poor quality of existing materials and resultant difficulties in finding matching bricks to match. Given the existing white colour of the dormer side walls, it is felt that the white render will link in with the existing dwelling and will not result in significant adverse effects on the appearance of the building or the terrace as a whole.

#### Effects on the Street Scene

When considering the impact of the development on the street scene, it is worth considering changes that have occurred to front elevations in this group of terraces. BCA9 states that any development shall maintain the defined character and Policy CS12 states that development should integrate with the streetscape character. In this case, the defined character has been eroded by changes made to the front elevation of properties, including timber cladding and an extension at 8 Priory Gardens, and white render on the front wall of the former garage at 1 Priory Gardens. The height of a number of garages have also been raised to create more headroom for their use as habitable rooms and a number of different coloured garage doors have been installed along the street.

Given the changes already made to front elevations, it can be argued that the white render proposed on the garage, the increase in garage height and the enclosure of the porch area in line with the existing dormer window will not result in significant adverse effects on the streetscape character. The white render will be consistent with the white highlights within the dormers of the terraced dwellings. The existing character will be maintained after the work is complete consistent with both BCA9 and Policy CS12.

#### Effects on Trees and Landscaping

Trees & Woodlands have identified the loss of approximately 3 small trees in the front garden, however, they consider that these are only of cosmetic value and do not warrant protection. A small front garden will remain with turfed areas alongside the footpath and in front of the car parking pad. There will be no significant adverse effects on trees and landscaping as a result of the proposal.

#### Effects on the amenity of neighbours

The development will not result in any significant adverse effects on the amenity of neighbours. Development is proposed to the front of the property only and the only potential impact is likely to result from the increase in the height of the garage. This height increase of 500mm will not however result in any loss of light to the property at 4 Priory Gardens, as the front door is set back approximately 1.5 metres from the edge of the garage.

#### Sustainability

The applicant has included drains at the bottom of the car parking pad and between the house, lawn and footpath. A strip of lawn is proposed alongside the footpath to

provide a natural drainage area, and varying slopes will allow runoff from the car parking pad and footpath to reach this area.

### Parking

The conversion of the garage and shortening of the driveway will result in the loss of approximately 1.5 car parking spaces. The useability of these car parking spaces has been challenged by the applicant, who has had access problems during winter conditions. This would improve with the gradient changes proposed. One car parking space will remain however, and this is consistent with the maximum car parking standards for Residential Zone 2 in Appendix 5 of the Dacorum Borough Local Plan which identifies a maximum of 1.5 car parking spaces as being suitable for 3 bedroom dwellings. Off-street parking is available to provide for any overflow parking when necessary.

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 carried out in accordance with the following approved plans:**

Design and Access Statement  
PRI1 - Site Location Plan  
PRI2 - Site Plan  
PRI3 - Ground Floor Existing  
PRI4 - Ground Floor Proposed  
PRI5 - Ground Floor Existing  
PRI6 - Ground Floor Proposed  
PRI7 - Ground Floor Existing (Photographic representation)  
PRI8 - Ground Floor Proposed (Photographic representation)  
PRI9 - Exterior Elevation Existing  
PRI10 - Exterior Elevation Proposed

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

**2 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.

**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.**

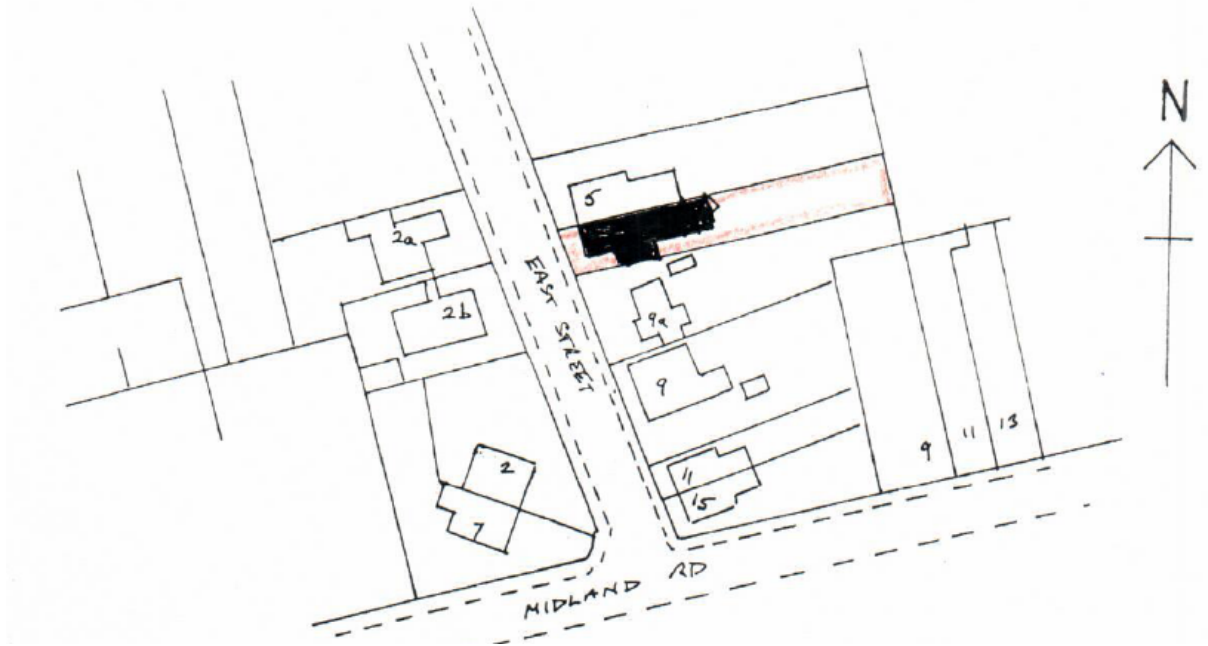
Reason: To ensure a satisfactory appearance to the development and in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and area based policy BCA9 of the Dacorum Borough Local Plan 1991-2011.

Note:

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

Item 5.15

4/01441/13/RET - RETENTION OF 2 x 3 PHOTOVOLTAIC PANELS TO REAR DORMER  
7 EAST STREET, HEMEL HEMPSTEAD, HP2 5BN



**Item 5.15**

**4/01441/13/RET - RETENTION OF 2 x 3 PHOTOVOLTAIC PANELS TO REAR DORMER  
7 EAST STREET, HEMEL HEMPSTEAD, HP2 5BN**





**5.15 4/01441/13/RET - RETENTION OF 2 x 3 PHOTOVOLTAIC PANELS TO REAR DORMER  
7 EAST STREET, HEMEL HEMPSTEAD, HP2 5BN  
APPLICANT: MR W WYATT-LOWE**

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[Case Officer - Michael Davey]

[Grid Ref - TL 05831 07495]

### **Summary**

The application considers the retention of PV panels on the rear roof of No. 7 East Street. Permission is required as the panels protrude above the ridge of the parent dwelling. Current local and national policy is generally geared to support the provision of renewable energy sources on private residential dwellings and there is no visual harm associated with the size and location of the panels which have been installed. No objections have been received. The application to retain the PV Panels on the rear roof of the property is recommended for approval.

### **Site and Surroundings**

The application site is located on East Street, a residential area in Hemel Hempstead. No. 7 East Street forms one half of a semi-detached dwelling pair of dwellings located on the Eastern side of the road, close to the junction with Midland Road.

### **Proposals**

The application proposes the retention of 2 x 3 photovoltaic panels on the rear dormer of the property.

### **Referral to Committee**

The applicant is an elected member.

### Relevant History

4/00819/96/FHA - Single Storey Side Extension - GRA

4/01267/96/FHA - Single Storey Rear Extension - GRA

### **Policies**

#### National Policy Guidance

NPPF

#### Dacorum Core Strategy (September 2013)

Policies CS1, CS4, CS10, CS11, CS12

#### Dacorum Borough Local Plan Saved Policies

Policies 10  
Appendix7

## **Constraints**

Residential Area

## **Considerations**

### Policy and Principle

Current national policy is generally geared to support the transition to a low carbon future partly by encouraging the provision of renewable energy sources on private residential dwellings, whilst ensuring that potential adverse visual impacts are addressed satisfactorily. The recently adopted Core Strategy promotes the use of renewable technology and expects new development to comply with the highest standards of sustainable design and construction possible.

### Impact on Appearance of Building

It is not considered that there is any significant adverse impact on the appearance of the building as a result of the proposals.

The PV panels in question are located on a flat-roof dormer to the rear of the property, fixed on an angle and protruding marginally above the ridge of the main dwelling. In the context of the overall appearance of the building, the panels at the rear are considered to have very limited impact - particularly when compared to the impact of the PV installed on the front elevation of the dwelling. (The PV panels of the front elevation of the dwelling are permitted development as they do not significantly protrude from the roof slope).

### Impact on Street Scene

As the proposed application considers the retention of the existing photovoltaic panels, there is the benefit of being able to view and assess the impact of the panels on the street scene.

The panels are primarily visible from East Street, in the space between the junction of East Street and Midland Road and the application site. They are practically obscured at the front of the property due to the location of the properties sizeable chimney stack. The panels cannot be seen from the other side of the dwelling.

The views of the existing PV are therefore limited to a relatively small area of East Street and, due to the limited scale of prominence of the panels themselves, are not considered to have any adverse impact on the character and appearance of the street scene.

### Other Issues

There are no other issues associated with the proposals other than the potential visual impact of the proposals discussed above.

No objections have been received from neighbouring properties.

It is considered that the application to retain the PV panels should be approved.

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 carried out in accordance with the following approved plans:**

Site Location Plan  
Photos x 3

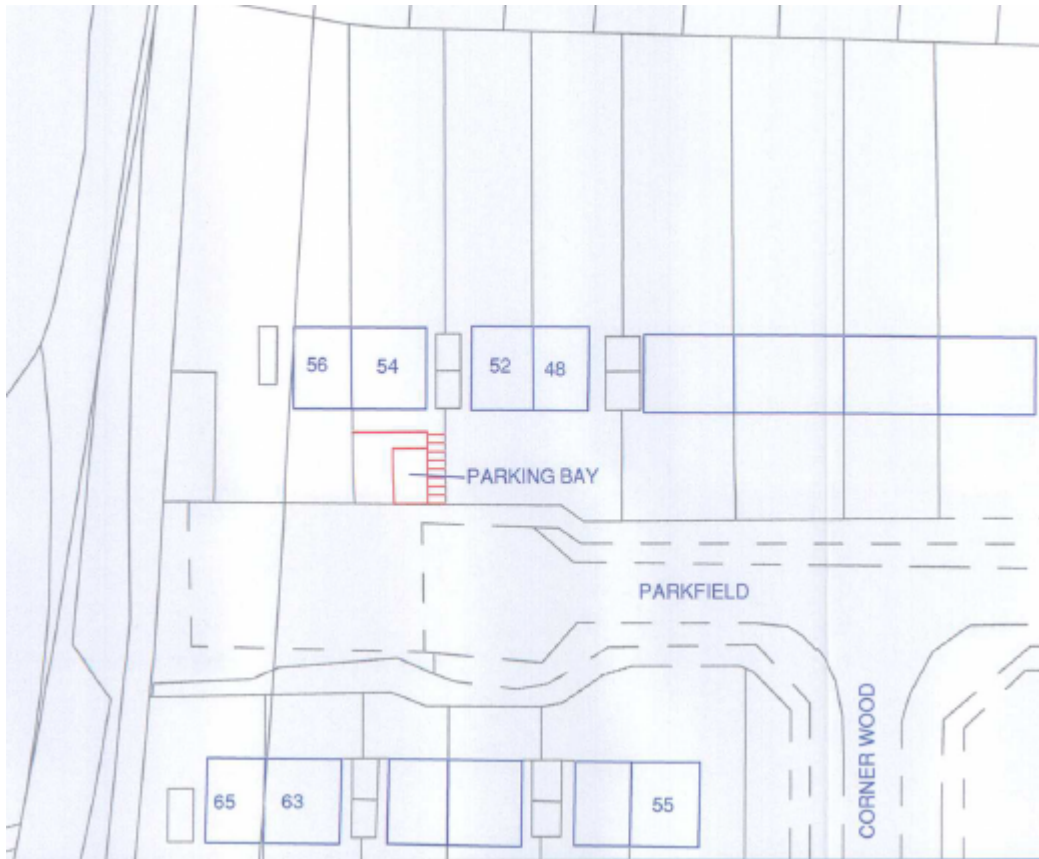
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

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.

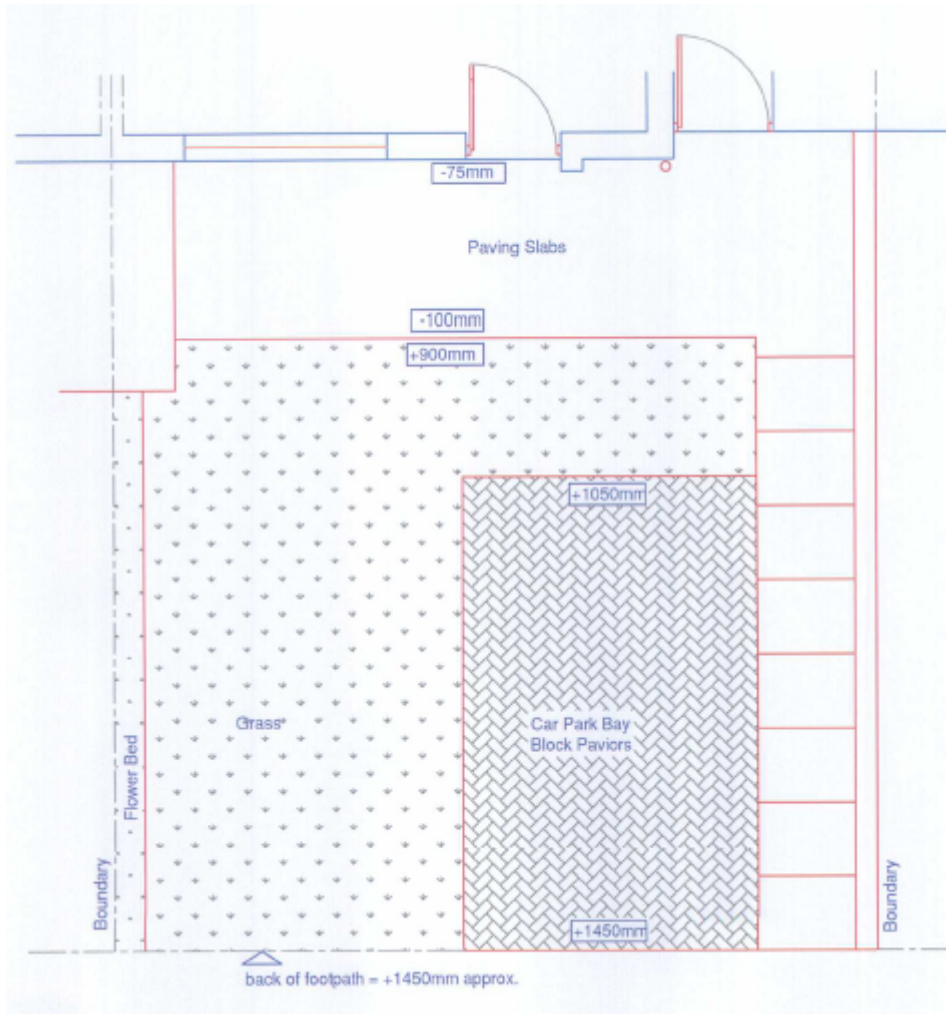
Item 5.16

**4/01602/13/FHA - ALTERATIONS TO EXISTING PARKING SPACE AND STEPS TO FRONT GARDEN TO ACCOMMODATE NEW RETAINING WALL  
54 PARKFIELD, MARKYATE, ST. ALBANS, AL3 8RD**



Item 5.16

**4/01602/13/FHA - ALTERATIONS TO EXISTING PARKING SPACE AND STEPS TO FRONT GARDEN TO ACCOMMODATE NEW RETAINING WALL  
54 PARKFIELD, MARKYATE, ST. ALBANS, AL3 8RD**



**5.16 4/01602/13/FHA - ALTERATIONS TO EXISTING PARKING SPACE AND STEPS TO FRONT GARDEN TO ACCOMMODATE NEW RETAINING WALL  
54 PARKFIELD, MARKYATE, ST. ALBANS, AL3 8RD  
APPLICANT: PROPERTY AND PLACE DEPARTMENT**

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 05701 16286]

### **Summary**

The application is recommended for approval.

### **Site Description**

No.54 is a semi-detached Council property located in a cul-de-sac. The front garden slopes in a series of paved terraces down to the front elevation. An unsympathetic parking bay has been built up occupying over half of the original garden and which is substandard in depth, being 4.2m long. An uneven series of steps has been built to allow access to the front door.

### **Proposal**

It is proposed to reconfigure the parking bay to increase its length to 4.8m and to reduce the width to 3m. The terraced area would be restored to lawn and a new set of ambulant steps would be created on the boundary adjacent to the new bay. A retaining wall is proposed to the new bay and an element of the restored lawn.

### **Referral to Committee**

The application is referred to the Development Control Committee as this is a Council property.

### **Planning History**

None.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (March 2012) (NPPF)  
Circular 11/95

#### Adopted Core Strategy

Policies CS4, CS12 and CS31

#### Saved Local Plan Policies and Appendices

Policy 58

Appendices 5 and 7

#### Supplementary Planning Guidance and Documents

Water Conservation & Sustainable Drainage

### **Representations**

## Markyate Parish Council

No objection.

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

None.

## **Considerations**

### Policy and Principle

The proposed works are acceptable in principle as they would improve the appearance of the dwelling in the street scene and would allow safer access to the front door.

### Effects on appearance of building

The reduction of the width of the parking bay is welcomed although it is acknowledged that the proposals would continue to detract from the appearance of the dwelling, both on the site and in the street scene. However, the new retaining wall, parking bay and steps will be conditioned to match the existing in materials and this and the restoration of the lawn would all improve the appearance over the existing situation.

### Impact on Neighbours

The proposals would reduce the over-bearing nature of the existing parking platform somewhat for the neighbour at No.52.

### Sustainability

The parking bay would drain sustainably.

### Other Material Planning Considerations

The steps would be much safer for the residents and would allow easier wheeling of bins to the pavement for collection.

**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 location plan**

**13111/01**

**13111/02**

**13111/03**

**13111/04**

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

- 3 **The materials to be used in the construction of the external surfaces of the works 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 the aims of the NPPF.

Article 31 Statement

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.

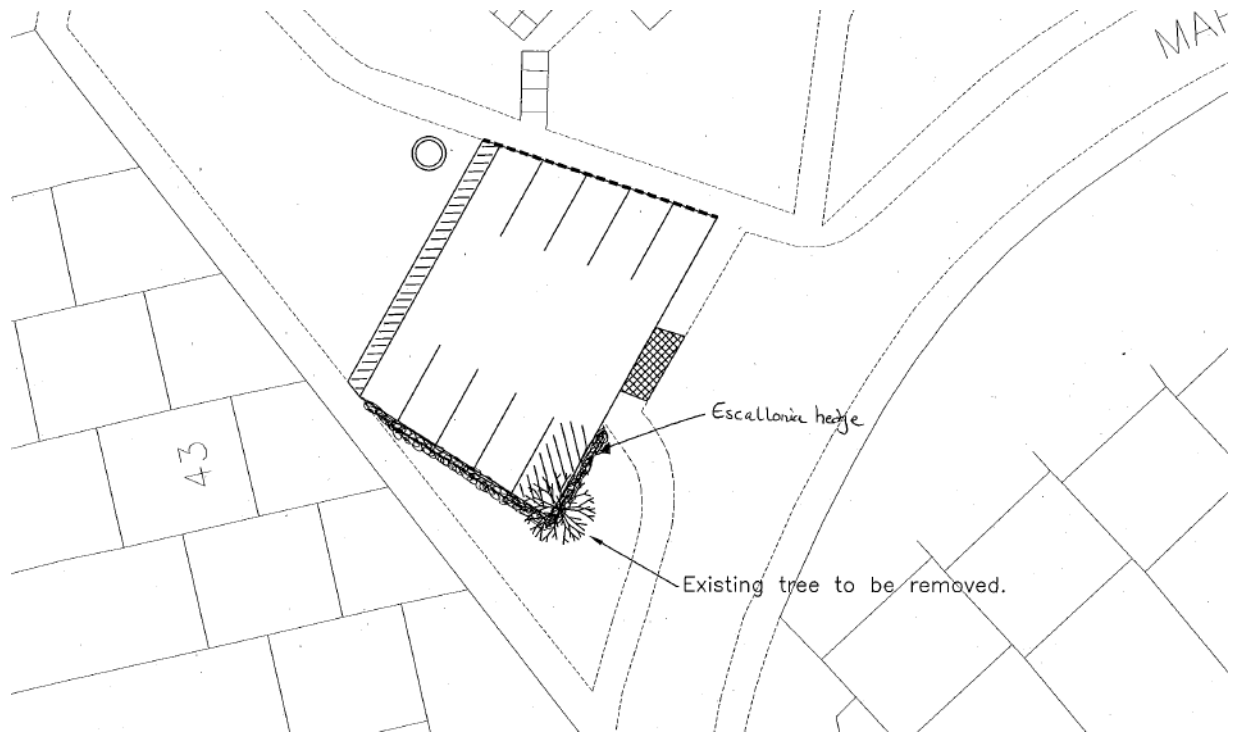


Item 5.17

4/01347/13/FUL - NINE PARKING BAYS  
AMENITY GREEN, OPPOSITE 43, MARLINS TURN, HEMEL HEMPSTEAD, HP1



**Item 5.17**  
**4/01347/13/FUL - NINE PARKING BAYS**  
**AMENITY GREEN, OPPOSITE 43, MARLINS TURN, HEMEL HEMPSTEAD, HP1**



**5.17 4/01347/13/FUL - NINE PARKING BAYS  
AMENITY GREEN, OPPOSITE 43, MARLINS TURN, HEMEL HEMPSTEAD, HP1  
APPLICANT: DACORUM BOROUGH COUNCIL - MRS G BARBER**

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[Case Officer - Philip Stanley]

[Grid Ref - TL 04526 08696]

### **Summary**

The application is recommended for approval.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The application site is considered the number one priority in this Project. There is a clear need for additional off-street parking in the area. This application provides 9 additional parking bays and this would be achieved in a way that maintains the most important green amenity strips in the locality. It is considered that an appropriate balance has been struck between meeting the parking requirements of the area and protecting the visual amenity of the neighbourhood. The application therefore complies with Policies CS11 and CS12 of the Dacorum Core Strategy (September 2013).

### **Site Description**

The application site comprises an area of green space at the eastern end of the head of Marlins Turn, located within the residential area of Gadebridge, part of the urban area of Hemel Hempstead.

The head of Marlins Turn is framed by two amenity greens. The first, which is subject to this application, is a rectangular space with its narrow side facing Marlins Turn. There is one medium-sized tree located towards the front of this green space and then a group of trees set further to the rear. This green space wraps around the last house (No.49 Marlins Turn) to continue westwards. The second amenity green has its long side immediately adjacent to the head of the road and is a more prominent green space.

The surrounding area is characterised by runs of terraced housing with little or no provision (or possibility) of providing on-site parking. The properties closest to the site are Nos.41-45 Marlins Turn to the west and Nos.55-61 to the north.

### **Proposal**

It is proposed to construct 9 new parking bays at the front (south-eastern) edge of the green open space referred to in the previous section. The new parking bays would be placed in two lines inside the public footpaths that frame this amenity green, and they would be laid in dense bituminous macadam.

The proposals have been amended from that originally submitted in several ways:

- The proposal now consists of 9 parking spaces. Originally it was proposed to create

10 bays, however the space closest to Marlins Turn on the southern side had to be removed to allow greater manoeuvrability within the site.

- An additional area of tarmac would be created to the rear of the site, again to allow for vehicle turning movements.
- The proposals originally showed the parking spaces abutting both the northern and the southern footpaths with a sizeable area between the two rows of parking. This has been amended so that the southern parking spaces are up to 3 metres away from the southern footpath.
- A hedge and tree have been introduced to soften the development.
- An aco drain leading to a soakaway has been added to the proposals.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is the Borough Council.

### **Planning History**

None.

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Core Strategy (September 2013)

CS1, CS4, CS10, CS11, CS12, CS26, CS29 and CS31

#### Dacorum Borough Local Plan Saved Policies

Policies 13, 57, 59 and 116  
Appendices 1 and 5

#### Supplementary Planning Guidance

Environmental Guidelines  
Residential Character Area HCA 6: Gadebridge  
Water Conservation & Sustainable Drainage  
Accessibility Zones for the Application of Parking Standards

### **Representations**

#### Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The planning application is by DBC to create 9 parking bays on the amenity green

opposite 43 marlins Turn, Hemel Hempstead. The parking provision will formalise off-street parking by removing any on-street parking. No doubt this arrangement will help the free and safe flow of traffic.

The highway authority does not wish to restrict the grant of consent. However, the proposals include drop kerbs which may require the applicant entering in to a S278 agreement with the highway authority to carry out the works.

### Trees & Woodlands

*1st October 2013*

I have inspected the site today, have considered the proposal and make the following comments:

- The parking area has been designed poorly leaving a small grass margin that is unviable as a public amenity green because of its small size and poor shape.
- The proposal results in the loss of only 1 tree. This is an over mature Whitebeam (*Sorbus aria*). The loss of this tree is acceptable provided a replacement tree of at least 14-16 cm circumference can be planted on the same green. No other trees are affected.
- The Escallonia hedge is a good choice and is suitable for screening. However, the position of the hedge on the edge of parking bays and along a narrow strip of grass is not satisfactory. The hedge will need very regular trimming to cut it back from parked vehicles and will not have a chance to establish because the residents may take a short cut through the hedge after parking their cars. In my opinion, the hedge is positioned poorly and will not survive. I recommend a revised plan of the parking bays and landscape scheme to address these concerns.

*3rd October 2013*

- The hedge is best planted 0.5 m away from the edge of the kerb separating the end of the parking bays and grass. The size of the pots should be either 2 or 3 litre. Density of planting is best 3 plants per linear metre.
- The small area of grass that has been retained can, in my opinion, accommodate a small tree. I recommend a type of silver birch *Betula utilis* 'Jacquemontii'. Size 14-16 cm circumference and container grown.

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

Two e-mails of objection have been received from Nos.59 and 61 Marlins Turn, which raised the following objections:

- The plan to replace our amenity green with parking bays would be very damaging to our community.
- The green in question is used all the time by the children who live here. They all play out there all the time and replacing it with a tarmac car park would have a detrimental impact on the entire nature of our living environment and sense of community.
- It is proposed to remove a beautiful tree, which would have a negative impact on the whole look of the area and seems completely unnecessary in order to provide a

few parking spaces.

- The parking they are planning would be very intrusive for the houses on the green. It appears that the spaces will be very close to the houses, and I am very concerned at the impact this would have - in particular the disturbance and unpleasant living environment which would be caused by the headlights, noise and pollution from cars driving in and out and parking right outside.
- I am also very concerned about safety if this scheme goes ahead as there will be cars driving in and out across the area where children are used to being able to play.
- I cannot see that there is enough room for ten spaces including cars driving in and out in the space they have marked for this scheme. I imagine that accidents – and further road congestion - are bound to happen if the plans go ahead as they are.
- If you add extra spaces on the green, all that will happen is some of the cars which currently park further along the road in the garages will use those spaces – it will not solve the problem at all.
- Better solutions would be to make Marlins Turn a one-way road or utilise the other amenity green.
- There is no protection from any vehicle accidentally coming over the boundary of the car park area immediately crossing the footpaths. There is immediate risk of injury to anyone using the footpaths.

Local residents were also asked for their views by the Council at the pre-application stage. Firstly, they were asked in a general sense whether they were supportive of using the amenity greens for parking and 23 replied they were, with four against. A second consultation then asked whether they supported using the large green (25%) or the small green (54%), while 21% supported neither.

## **Considerations**

### Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy CS4 of the Dacorum Core Strategy (September 2013).

Core Strategy Policy CS10 (f) emphasising the need to preserve and enhance green gateways, Policy CS11 (f) stating that new development should avoid large areas dominated by car parking, and Policy CS12 seeking to ensure that all development is in keeping with the area and stating the importance of planting of trees and shrubs to help assimilate development.

Policy 116 of the DBLP seeks the protection of open land in Towns from inappropriate development. In particular the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting, while the integrity and future of the wider area of open land in which the new development is set must not be compromised. Appendix 5 of the DBLP states that, *"Achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking..are undesirable. All parking must be adequately screened and landscaped"*.

Finally, the application site is located within the residential area of Gadebridge (HCA 6). In this area there may be opportunities for the conversion of parts of amenity areas

to communal car parking where the character and appearance of the area is not unduly harmed through its visual impact and effect on established landscaping.

### Use of the Amenity Green

A local resident has complained that this development would erode the local sense of community and also would result in the loss of a space that local children enjoy and use. It is appreciated that any change to a green space is not going to be accepted by all parties. However, a balance has to be struck between providing the car parking spaces the area desperately needs (this street was number one in the list of priority areas) and protecting the most important green spaces. In this case the majority of local residents preferred the use of the proposed amenity green, rather than the larger green at the head of the road. Furthermore, even within the green affected there would remain a large area of green space to the rear of the proposed parking spaces, which the community could use. Finally, it is considered that two letters of objection do not constitute a groundswell of opinion against the present proposals.

Therefore, on balance it is considered that the change of use of part of this amenity green would be acceptable.

### Impact on Street Scene

The creation of 9 new parking spaces at the edge of an amenity green would result in a change to the appearance of the area. In particular the use of tarmac would create a slightly harsher feel to the locality.

However, there are several factors in support of this application:

- The proposed application has been amended to take it away from the southern boundary. This has created an important area of green space to the south of the development, which would help to soften the proposals.
- The softening of the proposals would be further achieved through the introduction of a new hedge and a replacement tree.
- Cars already park in the area of the application site within the turning area to the front right-hand side of the site, which diminish the visual amenity of the area.
- It is considered there are larger, more prominent green spaces in the area (such as the amenity green to the north of the site and the wooded area between Marlins Turn and Hetchleys). In particular the amenity green at the head of the road is far more prominent than the amenity green subject to this application.

Therefore, on balance, it is considered that the proposed application represents the most appropriate way of achieving the parking spaces that are in very short supply in this locality. In addition it is considered that the provision of these spaces would not unduly harm the character and appearance of the area and as such the proposals comply with Dacorum Core Strategy Policies CS10, CS11 and CS12, as well as saved Policies 116 and HCA22 of the DBLP.

### Impact on Trees and Landscaping

The Trees & Woodlands Officer has raised no objection to the proposed loss of the front tree and has also confirmed that the trees to the rear would not be affected by the

development. He has suggested that a replacement tree be included in the scheme and this has been added to the proposals.

It is noted that the Trees & Woodlands Officer has raised some concerns regarding the size of the green space to be left to the south of the parking bays and the longevity of the proposed hedge. In terms of the first point he feels that this area would appear as an isolated, small section of grass serving no purpose. However, it is considered that this is a sizeable area of green space, certainly large enough to soften the development and that it would enhance the overall appearance of the area compared to simply tarmac this section of the amenity green. In terms of the second point revised plans have been received taking the hedge 0.5 metres away from the parking spaces. This would allow room for the hedge to grow. Furthermore it is not considered that the desire lines are such that would encourage residents to cut through the hedge compared to walking around as firstly the distance saved would be small and secondly only a few properties would benefit from this slightly reduced distance.

It is further noted that a replacement tree in this southern retained section of amenity green would provide a focal point for this area of land.

Overall, it is considered that the planting of a new tree and a lengthy section of hedgerow would compensate for the loss of grass required to provide the parking bays. These landscaping features would also add greater variety and interest to the area. The details of this landscaping should be secured by way of condition.

#### Impact on Neighbours

Careful consideration has been given to the impact of headlight glare arising from use of the proposed parking spaces. It was noted in particular that Nos.41 and 43 were particularly close to the original proposals as they have completed front extensions. As a result the scheme has been amended to take the parking spaces up to 3 metres away from the southern footpath. This has allowed the planting of a dense hedge that would reduce headlight glare considerably. It is noted that no hedge would be possible in front of No.43, however this property benefits from a 0.8 metre high brick wall along its front boundary which would serve the same purpose.

It is noted that the northern neighbours (Nos.59 and 61 Marlins Turn) have objected to the application on the grounds of headlight glare reducing their residential amenity. However, these properties have a more oblique relationship with the parking spaces (i.e. they are more side on), while there is a separation distance of 10 metres between the proposed spaces and these neighbours.

As such it is not considered that any harm caused to neighbouring residential amenities would be so significant to warrant refusing this application.

#### Highway Safety

It is considered that these proposals would improve highway safety in the street. At the moment cars are parked straddling the pavement, thereby reducing the width of both the road and the pavement. The proposed scheme would help reduce such nuisance parking and as such will help the free and safe flow of traffic.

It is noted that a local resident has objected on the grounds that the parking bays and



immediately adjacent to the footpaths and that thus raises safety concerns. However, the amended plans show (which was always intended to be the case) that a kerb would be installed between the end of the parking space and the footpath, thereby creating a clear distinction between these two spaces.

Finally, it is noted that one parking space has been removed from the original proposals and a rear strip added, to aid car manoeuvrability within the site. This would overcome the safety issues that local residents have raised in this respect.

### Sustainability

It is proposed to finish the parking bays in tarmac, an impermeable material. A previous application (at Bathurst Road) used grasscrete to create a permeable surface, however this has created significant grounds maintenance problems for the Council, while its appearance has suffered as a result of the constant use of the parking spaces. Therefore, the use of tarmac as an alternative is proposed at this site.

In order to avoid surface water run-off onto the Highway (or indeed down into adjacent properties) it is proposed to use the natural ground levels, which slope downhill from south to north, to create a drain linked to an underground soakaway. This would ensure that water is allowed to drain away naturally on site. These details are shown on the submitted drawings.

### **Conclusions**

The proposed parking spaces would provide much needed local parking, but would be achieved in a way that does not compromise the visual amenity of the area. In particular the amendments made to the proposed development would ensure that soft landscaping would be introduced to break up the runs of parking spaces.

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 shall be carried out in accordance with the Schedule of Materials in section 9 of the application form submitted with this application signed and dated 10/07/13.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013)

- 3 The development shall take place fully in accordance with the details of**

**tree planting as shown on drawing DBC/001 Rev.F. The approved tree and hedge planting shall be provided in the next planting season after the date of the granting of this planning permission.**

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

- 4 **The development shall take place fully in accordance with the details of on site drainage as shown on drawing DBC/001 Rev.F. These 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 and CS31 of the Dacorum Core Strategy (September 2013).

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

**Site Location Plan 1:1250  
DBC/001 Rev.F**

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

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.

HERTFORDSHIRE HIGHWAYS INFORMATIVE

The proposals include drop kerbs which may require the applicant entering in to a S278 agreement with the highway authority to carry out the works. Please contact Hertfordshire Highways on 01992 555555 for further information on this matter.

## 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) 4/01555/12/FUL Mr and Mrs Ingman  
Dwellinghouse  
328 High Street, Berkhamsted  
  
Committee
- (iv) 4/00211/13/ENA Mrs Louise Atkins  
Appeal against Enforcement Notice - Material change of use of land from grazing land to residential  
Lodge Farm Cottage, Rossway, Berkhamsted  
  
Delegated
- (v) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden  
  
Delegated
- (vi) 4/00014/13/FHA Mr William Jenkins  
Replacement front door  
10 Shrublands Avenue, Berkhamsted  
  
Delegated
- (vii) 4/00146/13/FUL Mr S Wright-Browne  
Replacement dwelling  
Site at Ivycote, St Albans Hill, Hemel Hempstead  
  
Committee

- |        |                 |   |
|--------|-----------------|---|
| (viii) | 4/000171/13/FUL | Mr & Mrs Gill<br>Detached dwelling and garage<br>R/o 21 Pancake Lane, Hemel Hempstead<br><br>Delegated  |
| (ix)   | 4/00256/13/ROC  | Chipperfield Land Co.<br>Variation to conditions 15 and 16<br>The Pines, North Road, Berkhamsted<br><br>Committee   |
| (x)    | 4/01749/12/FHA  | Clare Lawrence<br>Parking bay<br>14 Kingsland Road, Hemel Hempstead<br><br>Delegated  |
| (xi)   | 4/00224/12/FUL  | Chipperfield Land Co<br>Demolition of garage, swimming pool and extension.<br>Refurbishment of existing dwelling to form two dwellings<br>and construction of 4 new dwellings.<br>The Pines, North Road, Berkhamsted<br><br>Committee |
| (xii)  | 4/00147/13/ENA  | Mr S Rasa & Mr S Rasa<br>Two storey rear extension<br>54 Aycliffe Drive, Hemel Hempstead<br><br>Delegated   |
| (xiii) | 4/02246/12/FUL  | Chipperfield Land Company<br>Demolition of existing dwelling and construction of 3 4-bed<br>detached dwellings<br>37 Ashlyns Road, Berkhamsted<br><br>Committee   |
| (xiv)  | 4/00896/13/LBC  | Mr Tim Crossley-Smith<br>Conservation roof light<br>1&2 The Red House, Little Gaddesden<br><br>Delegated  |

- (xv) 4/00928/13/TPO Mr E Fry  
Remove two trees  
59 Watford Road, Kings Langley  
  
Delegated
- (xvi) 4/01034/13/FHA Paul Haezewindt  
New parking space, conversion of carport to  
accommodation and fenestration alterations.  
16 Sheldon Way, Berkhamsted  
  
Delegated
- (xvii) 4/01054/13/FUL Mr P Cowman  
Two 3-bed dwellings  
11 Bank Mill, Berkhamsted, HP4 2ER  
  
Committee
- (xviii) 4/01923/12/RET Mr AJ Goldthorpe  
Loft conversion with rear dormer  
342A High Street, Berkhamsted, HP4 1HT  
  
Delegated

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

- (i) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of  
extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden  
  
Delegated  
  
19<sup>th</sup> November 2013 in the Bulbourne Room

**D FORTHCOMING HEARINGS**

None

**E DISMISSED**

- (i) 4/00538/12/FUL Mr Mark Tully  
Change of Use from garage/workshop to dwelling  
Land at 59 Cowper Road, Hemel Hempstead  
  
Delegated

The Inspector dismissed this appeal for the conversion of an outbuilding to an independent dwelling due to concerns over the suitability of the internal living accommodation. The Inspector felt that the unit had a cramped layout and a bedroom with poor accessibility, very restricted head height and a lack of natural light and ventilation. The following points did not overcome the Inspector's objections: the appellant proposed some changes, the current occupiers were happy with the accommodation, the existence of similarly sized dwellings in the area, and the visual acceptability of the building.

The Inspector concluded that, due to the ample kerbside space available and the restricted size of the building, the lack of parking in the scheme would not materially add to the parking problems in the area. The Inspector had no objections to the minor modifications required to facilitate the building's conversion to an independent residential unit (lowering part of front fence, installing side entrance door, providing the building with a formal curtilage) or their visual impact on the street scene. The Inspector also considered that the outdoor space to be provided would be sufficient bearing in mind the size of the dwelling. However, these aspects were insufficient to change the Inspector's decision to dismiss the appeal.

- (ii)            4/00371/13/LDP            Mr Anastasiou  
Certificate of Lawful development for single storey rear extension  
High Clere, Tower Hill, Chipperfield  
  
Delegated

The Inspector stated that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and so the Council's refusal to grant a certificate of lawful use was well-founded and the appeal should fail.

- (iii)           4/00415/13/FHA            Khalid Ahmed  
Two storey side extension  
162, High St, Northchurch  
  
Delegated

The Inspector considered that this part of the High Street is characterised by a consistency of design, size and space between buildings and this provides a distinctive rhythm to the street scene. The Inspector concluded that he proposed two storey side extension would create a bulky and disproportionate addition that would not be subordinate to the host dwelling, and which would undermine the original integrity of the design. As such the large extension would unbalance the front elevation to the detriment of the immediate pair of semi-detached dwellings, as well as others in the row. The Inspector gave considerable weight to the appellant's personal circumstances but concluded that the visual harm arising from the extension would continue to exist long after the appellant's situation had ceased to be a material consideration.

**F            ALLOWED**

- (i)            4/02223/12/FHA            Mr G Hosking  
Single storey rear extension and other works  
Oak Bank, Bell Lane, Berkhamsted  
  
Committee

The Inspector stated that there was no substantiated evidence before her to show that the

available daylight and sunlight to the nearest ground floor room in the adjoining house would be reduced to an unacceptable level. She considered that, although the proposal would not strictly accord with saved policy 22 of the Local Plan and Pre-Submission Core Strategy policy CS5 in terms of the overall level of extension to a house in the Green Belt, it would not have a significant detrimental effect on the living conditions of the adjoining neighbours and would accord with Core Strategy policy CS12.

She opined that views from any of the proposed dormers towards the adjoining garden would be at an oblique angle and would not result in any greater loss of privacy than is currently the case.

The Inspector imposed conditions, inter alia, withdrawing permitted development rights for further extensions and prohibiting the construction of the 2-storey extension shown in LDC application 4/01368/12/LDP if any part of the proposed single storey extension were to be built.

(ii)           4/00522/13/FHA           L Stedman  
Two storey rear extension and front bay window  
Stockley, Love Lane, Kings Langley

Delegated

The Inspector opined the proposed extensions and the cumulative impact of extensions, including existing additions, was not harmful to the character and appearance of the original building.

## **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: