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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 25 MAY 2023 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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.

Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Link
Councillor Durrant	Councillor Mottershead
Councillor Hobson (Vice-Chairman)	Councillor Patterson
Councillor Maddern	Councillor Riddick
Councillor Stevens (Chairman)	Councillor Silwal
Councillor Bristow	Councillor Mitchell

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

7. **ADDENDUM** (Pages 2 - 9)

Agenda Item 7

ADDENDUM SHEET

Item 5a

21/04038/FUL Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping.

10 Church End Markyate St Albans Hertfordshire AL3 8PY

Recommendation

As per the published report.

Edit to the DMC report

There is a typo on Paragraph 9.7 of the DMC report. It should read that there is 20cm difference between the proposed and the existing and not 20sq.m as stated.

Photographs received from the Homestead, 11 Church End Road.



Photo 1 of existing flank of 10 Church Road



Photo 2 from front garden of Homestead to the 'Factory Building'



Photo 3 – the factory buiding

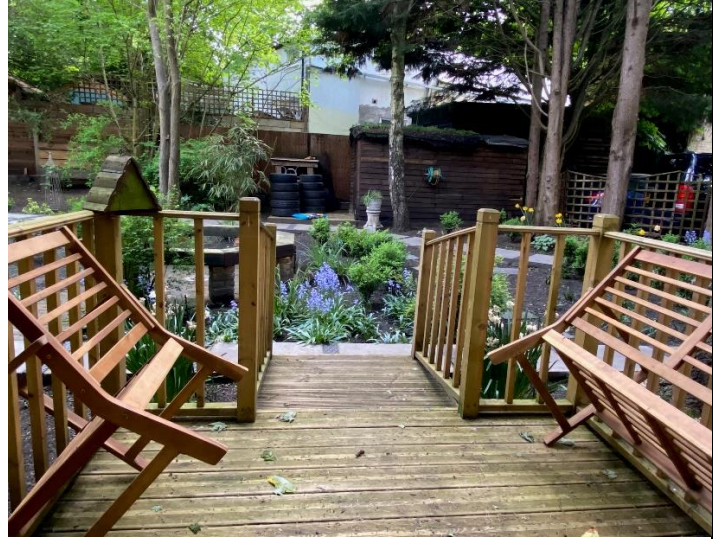


Photo 4 Raised platform at the Homestead



Photo 5 Garden of the Homestead



Photo 6 Clad single storey element of 10 Church End taking from parking area of the Homestead



Photo 7 View from garden of Homestead to the Factory building and read of no 11 Church End



Photo 8 View from garden of the Homestead.



Photo 9



Photo 10



Photo 11



Photo 12

Additional comments received

The Parish Council have submitted the following extract whereby they have made comments in response to the applicants statements in the planning statement and other comments from interested parties to the application.

Extract from the Parish Council

The current owner of the Homestead bought it in December 2020. There had been several listings since the previous sale, but it is not clear when the property became vacant.

His comment on the application to change the former Gawleys business site to a residence said:

The windows in units 3 & 4 of the new development are both from an elevated view of 25 ft, are situated at the side of the front gardens/communal area and are close to the boundary fence. Despite being from an elevated level, there were no objections when this application was submitted as The Homestead was not occupied at the time. An awfully convenient occurrence, as if The Homestead was occupied at the time, I am sure an objection would have been made on grounds of overlooking.

The Parish Council did not object to the plans in December 2021, nor they did support. Further plans and information were filed for the application in January 2023. The current owner of the Homestead submitted comments on 9th January 2022, and the Parish Council picked up his comments and checked them. From this check, the Parish Council decided that his opposition was justified and so changed their 'no objection' to opposition.

The following summarises the justification for the objection.

The public comments on the planning site include a series of comments between the owner of the Homestead and AB Sports /The Promotional Centre. But the owner of the Homestead correctly commented that this business was dissolved, and no one should be making comments on their behalf. I have verified this with Companies House. The sole director had been Alan Garner, but I cannot verify that he has subsequently died.

All comments purporting to come from AB Sports/The Promotion Centre supporting the application should be discarded. However, it appears that this name is now being used by Church View Property Ltd. (See below) The dialogue is not pleasant, and seeks to discount and deride the comments from The Homestead. It suggests that the listed property fronting onto Church End – the Cell Gatehouse 104ft from the gates of the Homestead, overlooks the garden – it does not. As for the windows in the factory being overlooked – they have been installed contrary to the application, which did not permit such windows to overlook 10 Church End, however this is not relevant to the opposition.

The applicant is K Bailey of 10 Church End with MSC Planning Associates as his agent. K Bailey is clearly not living in the property, but this is given as his address in the application.

The Factory reference for approved planning 4/01042/FUL on the planning application has the name 'The Promotional Centre A & B Sports. The applicant is Mr Alistair Cooper of Church View Property Ltd, Chiswell Green Lane, St Albans. A check with Properties House gives Church View Property Ltd as incorporated in 20/8/2018, with three active directors including Mr Cooper.

The planning officer had requested a Sunlight and daylight assessment.

The Building Research Establishment – BRE was commissioned by the developer and produced the Report Daylight and sunlight assessment for proposed development at 10 Church End, Markyate for their client MSC Planning

This report assesses loss of daylight to the nearest existing residential properties at the neighbouring converted "The Factory".

The calculations are based on survey drawings by KND Surveys Ltd (this is the only reference to these drawings) and proposed plans 21-058-1A and 21-058-2A by MSC Planning Ltd.

These were used in conjunction with a BRE site visit to inspect the existing site and surrounding area on 4 November 2022 and details of the neighbouring "The Factory" as part of approved planning

Conclusions Loss of daylight to the worst-case closest existing windows and rooms to a proposed development at 10 Church End, Markyate has been analysed. The results have been compared to the guidelines in the BRE Report "Site layout planning for daylight and sunlight: a guide to good practice". All windows assessed to the ground floor of the neighbouring "The Factory" would comfortably meet the BRE vertical sky component guidelines.

The windows at "The Factory" are built on the boundary between the two sites and could take more than their fair share of light. In these situations, the BRE Report suggests that alternative targets could be based on a "mirror-image" of the existing building the same distance from the boundary on the proposal site. In this case since the façade of "The Factory" building is on the boundary, the windows and rooms would receive no daylight in a mirror-image scenario. Even with the proposed development in place the windows would receive enough daylight to meet the main vertical sky component guidelines with the values actually increasing for three windows. Loss of sunlight would not be an issue since the windows analysed face northerly. Windows and rooms on the first floor of the existing neighbouring building of "The Factory", and other buildings in the area, would be expected to meet the BRE guidelines

The study has been done, and BRE are happy with the plans.

Heritage statement

Liz Mayle Heritage has been commissioned to prepare a heritage statement in relation to proposed development of 10 Church End Markyate, which is located in close proximity to several designated heritage assets.

The National Planning Policy Framework (“NPPF”), requires applications concerning proposals affecting a designated heritage asset must be accompanied by a statement that describes the significance of any heritage assets affected

This report is based on a site inspection undertaken on the 20th of August 2021 by Liz Mayle. She noted the following limitations

1. The gates to Markyatecell Park were locked so it was not possible to gain entry to the site.

2. There was no access to the private gardens of neighbouring property. This property is The Homestead.

The Homestead is located to the south-east of the site and its large mature garden is heavily treed forms its setting. *The Homestead cannot be viewed from site.*

This will be seen to be incorrect.

The proposed development consists of a change of use, alterations, extension, and conversion to a residential dwelling.

Plans supplied by MSC Planning (the developer) for this assessment include:

Proposed Development at 10 Church End Markyate - Drawing Reference No: 21.058.1 (undated)

Proposed Development at 10 Church End Markyate - Drawing Reference No: 21.058.2 (undated)

No plans as existing have been provided.

Proposals include:

1. The addition of a new extension to house an entrance porch (west elevation) for a staircase and hall;

2. The addition of a small extension to the rear of the building to create a living area;

3. Adding a second floor to the single storey parts of the building to create bedroom space.

4. Minor changes to existing fenestration with new windows.

Note no existing plans are provided

Referring to the first drawing supplied, the South East elevation is as would be seen from the Homestead. There are 4 upstairs windows, 2 downstairs plus 6 full length glass windows or doors. The existing building has no downstairs windows on this elevation and just 1, currently bricked up upstairs. **This is hardly a minor change.**

Fig 3, N and E elevations of 10 Church End as in the Heritage Statement shows that the gate to the Homestead abuts the wall of 10 Church End, and the side of the building defines the boundary between the two properties.

(Any exterior access to this wall would require permission to work from the Homestead grounds)

Assessment of Significance / Heritage Impact Assessment

The following heritage assets have been carefully assessed in accordance with best practice guidance published by Historic England (The Setting of Heritage Assets Good Practice Advice in Planning: 3 (GPA3), with regard to any potential impact that may arise from the proposed development.

The significance of each asset was considered and the report commented that the heritage asset most likely to be impacted by the proposed development as the Lodge, Gates and Gatepiers to Cell Park. **Note earlier comment – no access to the**

Homestead grounds

The Homestead is listed as last of the assessments:

Building/Asset The Homestead

Description House. C17 or earlier, W part altered in C18/C19. Timber frame exposed in W gable infilled with painted brick, roughcast front and rear but ground floor at rear of painted brick

Significance Grade II listed building. As a grade II listed building, this will be of high significance

Impact of Proposed Development (on assigned level of significance) .

The principal architectural elevation of the Homestead faces away from the site. A large back garden, well treed, ensures **there is no intervisibility between the two sites.**

The changes to the rear elevation of 10 Church End are in any case, well designed and with matching materials would have a negligible impact.

This comment is challenged and disproved by the owner of the Homestead.

Summary: Although the proposed development site is surrounded by designated heritage assets, the proposed alterations are to an existing building, which itself has formed a part of that setting since around 1900. The proposed development results in minor changes which will not be harmful to the setting of any of the heritage assets noted in the vicinity provided sympathetic materials are used.

References to listings are given for most of the listed properties around, not for the Homestead.

[THE HOMESTEAD, Markyate - 1348026 | Historic England](#)

This links to a map, showing the properties in the area – **also it clearly shows the footway which has been built over!**

The following summarises the listing for The Homestead:

Entry Name: The Homestead

Listing Date: 26 January 1967

Last Amended: 19 March 1987

Grade: II

Source: Historic England

Source ID: 1348026

English Heritage Legacy ID: 157925

The Homestead is on the Southside of Church End (formerly listed under Luton Road)

House. C17 or earlier, W part altered in C18/C19. Timber frame exposed in W gable infilled with painted brick, roughcast front and rear but ground floor at rear of painted brick. Brick shows in N gable of higher W part which has tie rod plates placed as if for 2½ storeys accommodation. Steep old red tile roofs. E end corrugated iron roof to lean-to. A 3-units, internal chimney, former lobby-entry plan house with stair to rear of stack. 2-storeys and attics house facing North with W part raised to 2½ storeys. Higher roof to W of large cruciform stack when viewed from front but also extends behind stack over staircase. 2 upper windows in W part, one in E part. Gabled porch at beginning of W part and 2 ground floor windows to W. 3 windows to ground floor to E

part. Casement flush windows of 2-lights generally, 3-lights to 1st floor of E part.

Listing NGR: TL0599216775

An original comment from The Homestead read:

"I would ask that the application be looked at for overlooking and loss of privacy to the neighbouring property The Homestead which is a GRADE 2 Listed property."

The large front garden area of The Homestead contains a fire pit, BBQ area, patio area and decking section and were all in situ when it was purchased in December 2020, and can be seen in many photos from previous sales of the property going back many years. Local knowledge confirms that all the previous occupants used these areas regularly for social activities and family gatherings. We wish to continue this precedent alongside the history of the property.

From the previous occupants of 10 Church End, LR Gawley Ltd, there are no downstairs windows to the rear of the property. The one upstairs window was fitted with a security bar and later bricked up to provide space for shelving.

The objections against this development are: from a loss of privacy from the overlooking windows, missing and misleading information in the application, the close proximity to the property boundaries of a residential Grade II listed dwelling.

Response from the Agent to the Parish Council.

Item 5b

23/00367/FHA Removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom.

14 Trooper Road Aldbury Tring Hertfordshire HP23 5RW

Recommendation

As per the published report.
