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DEVELOPMENT CONTROL AGENDA

**THURSDAY 26 MAY 2016 AT 7.00 PM
COUNCIL CHAMBER**

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 D Collins (Chairman)	Councillor Matthews
Councillor Guest (Vice-Chairman)	Councillor Riddick
Councillor Birnie	Councillor Ritchie
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor C Wyatt-Lowe
Councillor Imarni	Councillor Fisher
Councillor Maddern	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

- 11. OBJECTING STATEMENT - 25 HALL PARK GATE (Pages 2 - 11)**

Agenda Item 11

PLANNING OBJECTION – 4/00524/16FUL - 25 Hall Park Gate New Planning Application & Amended drawings

I wish to object to the new application & amended drawings for the proposed construction of a new detached dwelling and new access to Fieldway in the rear garden of 25 Hall Park Gate.

Planning permission for the previous application 4/01841/15/FUL was refused on 16.07.2015. The applicant has re-applied for an almost identical dwelling, citing the permission given on appeal for the erection of two new dwellings at 27 Hall Park Gate (4/03613/14/FUL) as "a material consideration which has changed the context of the application site".

The applicant relies heavily on the permission granted for a second dwelling at 27 Hall Park Gate in seeking to overturn the previous refusal of planning permission. It is therefore important to look at the detail of the Inspector's report for No 27 when considering each specific area of refusal.

Addressing each of the areas identified by the applicant in turn:

1. Streetscene and character of area

It is important to note that permission given for House 2 at No 27 is for a new dwelling fronting [and with a new access] to Upper Hall Park - not Fieldway. Retention of the 4m high, dense hedges bordering Fieldway and extending round the corner into Upper Hall Park is an explicit condition in the granting of permission at No 27 and the Inspector specifically comments that only the roofscape of House 2 will be visible above it from Fieldway:

"The long side boundary flanking Upper Hall Park is also a dense hedgerow but much taller, being about 2.5m high. However its rear boundary which immediately abuts and slightly overhangs the highway at Fieldway is a very thick and tall hedgerow interspersed with trees, being up to 4m high. Recently, the trees on the adjoining site [No 25] have been reduced. The overgrown hedgerow flanking Fieldway is in contrast to the neatly trimmed front hedgerow. House 2, is still presented as a chalet-style house and has undergone a very slight change in its roofscape, including providing flat roofs for the dormers. Concerns have been raised regarding the impact this would have on the tall hedgerow screening along the rear of the site bordering on to Fieldway. This very dense hedgerow has been allowed to grow and flourish and added protection to the rearmost part of the garden of this site. It is acknowledged that this affords complete screening between the rear of houses in Hall Park Gate and Fieldway. It is noted that the plans, statement and Arboricultural report have all confirmed that this hedgerow will remain. Therefore, although the roofscape of House 2 will be visible above it, the verdant impact that this provides on the corner will remain as such. There is no footpath along the edge of this road and thus no requirement to control its outward growth."

Temporary fencing has already been erected at No 27 at 6' from the rear hedge onto Fieldway and along part of Upper Hall Park specifically to restrict any encroachment and protect the existing hedge during building work.

This application is for a house fronting Fieldway with a new access to Fieldway and will have an entirely different impact on the character of the area.

The existing dwellings on the same side of Fieldway are small 2 bed bungalows with shallow roofs, dug well into the hillside to minimise impact as you can see from the photo below. Planning permission granted to these properties at the time restricted them from extending upwards and adding a second storey.

11 Fieldway – next to the rear garden of No 21 Hall Park Gate:



In contrast, the proposed development is to be a 3 bed, 3 bath dwelling built on three floors. It is entirely out of scale in terms of height and mass with properties on the same side of Fieldway as can be seen below.

Proposed Dwelling at rear of 25 Hall Park Gate:

Amended drawing [PDF 44754558] shows the Velux window now removed and placed in the rear of the roof.

As only the roofscape of the new house at No27 will be visible above the Fieldway hedge, the officer's report for 4/01841/15/FUL has not been countered by the appeal decision as suggested by the applicant. A new house at No 25 would have high hedges to either side, followed by the extended gardens of Nos 23 and 21, then low level bungalows. It will therefore will still appear 'isolated' and will 'not form a coherent pattern of development' as identified in the reasons for refusal of the previous application.

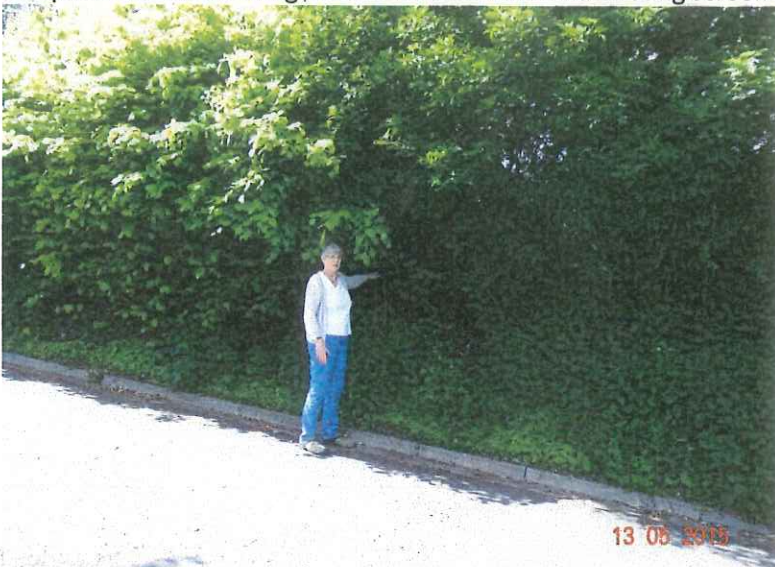
The photo below looking north down Fieldway from the junction shows the current streetscene at the top of Fieldway. The proposed dwelling would be sited at the lamppost.



Loss of vegetation was a key issue in the refusal of the previous application. In their Planning Statement (5.1.4) the applicant states that *"The current application shows the retention of more vegetation along the frontage with only the removal of the area needed for the access and stair. New planting in front of the stair would give additional screening. The dwelling would be visible through the vegetation but this would be similar to the approved house rear of No 27 Hall Park Gate where the vegetation would not completely obscure the building"*.

It can be seen from the front elevation to Fieldway [see above] that contrary their statement the existing high hedge at the rear of No 25 will not be retained. Instead there is low level screening for part of the frontage to the height of a car - below the height of the windows and front door. This is likely to be at the level of the current bank and provides minimal screening of the house.

See photo below showing level of current bank and existing screening:



The report from Highways in response to the last application recommended refusal [see Section 4 below] and made the following comment specifically relating to the hedging: *"It is also worth noting that to achieve the required vehicular visibility splays for this category of road most of the bounding*

hedging will need to be removed and that there may also be issues with the sites vehicular access gradient being too steep but that could be engineered to work."

As already stated, the Inspector confirmed that only the roofscape of No 27 will be visible behind the verdant hedging along Fieldway and the proposed house at No 25 would therefore **not** be similar to the approved house.

A further reason for refusal identified by the applicant related to the 'excessive scale and height of the proposal which will further draw the eye to this incongruous form of development and be visually overbearing to pedestrian users of Fieldway at street level' This will continue to be the case. A ridge height of 8m from ground level with perhaps 2m of screening will certainly appear excessive in scale and height and is not mitigated by the new house at No 27 which will be behind the tall hedge and fronting onto Upper Hall Park.

The proposed house will remain adjacent to the long gardens of Nos 23 and 25 Hall Park Gate and a new house on Upper Hall Park does not change that element of the streetscape. I submit that a house at No 25 would not continue the pattern of development and would not be an acceptable addition to the streetscene. The application proposal remains isolated, out of character and excessively tall.

2. Garden Area and amenity space

The applicant claims that the division of the garden at No 27 justifies the smaller gardens at No 25. However, in quoting from the Inspector's report on No 27 they fail to mention that the new gardens will meet planning requirements: *"This slight reduction in footprint has allowed for each plot to have usable rear garden areas of 12.4m for House 1 and 11.7m for House 2, which meets our minimum garden depths of 11.5m as given in Appendix 3."*

The site plan provided by the applicant [on which I have superimposed the proposed dwelling] shows that the garden of No 27 is wider at the rear than No 25. In addition, Hall Park Gate and Fieldway diverge from top to bottom, so the original plots at 25, 23 & 21 HPG are smaller than those further down as can clearly be seen. The remaining garden of 19 HPG is significantly larger than that proposed for the host garden at 25HPG and the 'host' gardens further down the hill increase steadily in size.

The applicant claims that the proposed and retained garden sizes would be in keeping with the approved garden sizes at No 27 Hall Park Gate. However both the proposed and the retained garden areas at No 25 are shown by the applicant to be 184m². These are markedly smaller than the adjacent gardens at No 27 where House 1 will have a garden area of 267.6m² and House 2 a garden area of 203.2m² [No 25 would be 10% smaller than House 2].

The applicant also gives two examples in Fieldway where rear extensions have been granted reducing garden depth - which they cite as justification to ignore the minimum standards set out in Appendix 3.6(ii) of the Dacorum Borough Local Plan. I submit that to overturn minimum standards in this way would undermine their validity and would be a critical change of policy for the Council. This should be carefully considered before any acceptance of the applicant's reasoning.

3. Impact on Neighbours' amenities

The applicant identifies that the case officer for the previous application (4/01841/15/FUL) raised concerns about the relationship between the proposed dwelling and both No 27 Hall Park Gate and No 14 Fieldway.

The Site and Block plan for No 25 below shows the relationship between neighbouring properties. The '23m line' [shown in light blue] shows that it is within 23m of both the existing house at 25HPG and only 20m from 14 Fieldway. (On amended drawing PDF 447554557, the applicant appears to have re-drawn the '23m line' at the furthest point from the neighbouring house rather than the nearest point – it is otherwise unchanged.)

Moving the window from the front of the roof overlooking 14 Fieldway to the back (Amended plans) now means that it overlooks [shown below in red]:

- House 1 at 27 Hall Park Gate,
- The existing house at 25 Hall Park Gate
- 23 Hall Park Gate

Blue = 23m line Red = overlooking neighbours Orange = overlooked by neighbours

In Addition:

No 27 Hall Park Gate:

The applicant states that "House 2 would have a first floor window serving a bedroom in the element furthest away and set back from the boundary but as this would face the flank wall of the proposed dwelling rather than the garden area, there would be no loss of privacy between House 2 and the proposal." However, this is inaccurate. As can be seen above [orange dotted line], the first floor window of House 2 looks directly onto the patio of No 25 towards the patio doors of the dining room. This amenity of both House 2 and No 25 are affected by their proximity.

The Inspector specifically considered loss of privacy to No 25 from House 2 when granting planning permission: *"In terms of House 2 the two storey element closest to the shared side boundary with No. 25 only has two small secondary windows to the lounge at ground floor level and none at first floor level. The only first floor habitable room window serves a bedroom in the element furthest away and set back from the boundary and thus would not afford any view to the rear windows or patio area to No. 25"* [This refers to the existing house]. *"It is acknowledged that it would have a view over the rearmost part of No. 25's garden, but no privacy protection can be required over rearmost garden areas. As a result there would be no undue loss of privacy to No. 25 from House 2."*

The current application changes this. The proposed development is in the rearmost part of No 25's garden and the Inspector may well have found that there would be loss of privacy as shown on the drawing.

No 14 Fieldway

The Site and Block plan above clearly acknowledges that the proposed dwelling is less than 23m from the front of No 14 Fieldway – see light blue line and arc drawn on the plan. The orange dotted line indicates the line of sight from the study and lounge windows of the proposed dwelling at No 25 into 14 Fieldway. The reasons given in the previous refusal remain valid.

25 Hall Park Gate

The applicant acknowledges that the ground floor rear projection is closer to No 25 than the 23m distance minimum relationship between properties. The applicant states that *"due to the slope of the ground the new dwelling would be at a lower ground level than No 25 thus ensuring that there would be no adverse impact"*. This is not accurate. Whilst the bottom floor of the proposed dwelling is at a lower level, the main living areas with patio doors onto the patio are on the next floor – at the current garden level. No 25 has a level garden as can be seen on the photo below [taken from No 23].

There would be a direct line of sight from upstairs windows of No 25 to the patio and patio windows which is unlikely to be prevented by the proposed fencing at the line of the apple tree.



No 23 Hall Park Gate

Once again the applicant fails to mention the relationship between the proposed dwelling and No 23 Hall Park Gate. As can be seen from the photo above, the three upstairs windows of No 23 overlook the ground floor patio doors of the proposed house. The apple tree - which would be at the boundary - gives some protection at present from a direct line of sight. However it has no protection long-term and its removal would result in a loss of privacy between the two houses.

Although the applicant addresses No 27 in detail, there is absolutely no mention of the impact on No 23 in the document – apart from acknowledging that it has a long garden. There is a real concern about the difference in heights at the point where the new house is to sited - the significant drop between No 25 and No 23 is not addressed in any way in the plans. Photo of garden at 23 HPG below (approx. 30m long) Whereas the garden of No 25 is almost flat, the garden of No 23 drops significantly between the shed and the back fence as can be seen. The proposed dwelling will occupy the end of the garden on the right.



The mass and bulk of the proposed development will be overbearing next to No 23. It will overshadow the garden, dominate the property and create a severe loss of amenity.

The photo below shows the existing boundary of 23 & 25 Hall Park Gate at the Fieldway end of 23 HPG and the tall hedges bordering Fieldway. The sudden drop in the garden at No 23 is clearly shown. It can also be seen that the garden of No 25 is at the level of the retaining wall [above black compost bin] and does not have the same drop.



Scale: Veg plot wall 4' 6" high Retaining boundary wall 3' high Fence panel 4' high x 6' long

The proposed house will extend 5 ½ fence panels long and around 6 times the height of the current panel – viz approx 24' above the raised part of the garden. The photo below shows the effect of the proposed development from 23HPG:

4. Safety Issues

It is noted that the Planning Application makes no reference to the owners of the Ransom Strip between the properties in Hall Park Gate and Fieldway. The high hedge and bank on this strip will have to be entirely removed.

It is important to be aware that Fieldway is not gritted in winter and residents cannot use their cars when it is icy or it snows. The area of Fieldway behind No.25 is often a problem. There is no footpath on that side of the road and parking outside No 25 could be hazardous to traffic coming from the Upper hall Park junction.

It is noted that Highways made the following response to the previous planning application:

"Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

1. There is contradicting information supplied within this application which in turn does not enable the Highway Authority to reach a recommendation. The applicant has submitted two plans of the applicant's site outlined in red. One shows the verge/embankment in front of the proposed new vehicular access as not being within their control and another which shows a small section of it being within their control. There is also an issue regarding pedestrian footway connectivity and the applicant has not shown how he will achieve the required vehicular visibility splays. Therefore, Hertfordshire County Council as the Highway Authority considers that this application should be refused until additional information has been provided and agreed in writing with the local planning authority addressing the issues mentioned above.

Highway Comment. The proposal is to construct a new family home at the rear of 25 Hall Park Gate. A new vehicular access from Fieldway will be sought over a section of embankment which has substantial hedging growing on it at present. There are doubts as to owns and maintains this verge and if it is not within the applicants control, consent will be required from the third party. Notwithstanding the above land ownership issues, there is also no footway on this side of the road for pedestrians to walk along. Creating a new access will mean that all pedestrians will need to cross Fieldway to use the footway opposite or worse walk in the carriageway up to Upper Hall Park. It is also worth noting that to achieve the required vehicular visibility splays for this category of road most of the bounding hedging will need to be removed and that there may also be issues with the sites vehicular access gradient being too steep but that could be engineered to work."

This has not been addressed in the current application.

Building work will require the removal of a substantial hedge and high bank and then digging into the hillside for the foundations and the bottom floor over $\frac{2}{3}$ of the site. This must be done from Fieldway and cannot be managed without blocking the road causing danger and disruption to the residents of Fieldway who use this road as their only access.

Conclusion

The proposed plan still fails to comply with guidance in the Local Plan, especially in terms of garden space and is out of character with existing development. It is an overdevelopment of the site and will have a negative effect on the residential amenity of neighbours due to excessive bulk, height and mass the overshadowing of neighbouring property and loss of privacy.

The applicants have relied upon the approval on appeal of application 4/03613/14/FUL [27 HPG] as a material consideration. However it has not changed the context of the application site sufficiently to address the previous reasons for refusal and in some measure has strengthened them.

1) The first reason for refusal relates to the streetscape of Fieldway and the visual intrusion in terms of scale, height and isolation contrary to CS policies CS11 and CS12

No 27 faces Upper Hall Park, not Fieldway and will be shielded from Fieldway by the 4m high verdant, very dense hedgerow described by the Inspector. In allowing the appeal at No 27 the Inspector specifically stated that this "*affords complete screening between the rear of houses in Hall Park Gate and Fieldway. It is noted that the plans, statement and Arboricultural report have all confirmed that this hedgerow will remain. Therefore, although the roofscape of House 2 will be visible above it, the verdant impact that this provides on the corner will remain as such.*"

In contrast, the proposed 3-floor dwelling at No 25 will face Fieldway, rising to a height of 8m. Screening between the house and Fieldway will be minimal – if any given the Highways report. It will be visually intrusive, isolated and at odds with the streetscape of Fieldway.

I submit that the first reason for refusal is in fact strengthened by the specific comments made by the Inspector relating to the Fieldway streetscape.

2) The second reason for refusal relates to the failure to respect adjoining properties with respect to garden layout and amenity space and failing to maintain average garden depth of 11.5m contrary to CS policy 12 and saved appendix 3.

The applicant argues that No 27 is material in addressing this refusal. However the plans for Houses 1 and 2 were adjusted to ensure that they each met the minimum 11.5m depth and this was specifically identified in allowing the appeal.

I submit that the second reason for refusal remains.

3) The third reason for refusal relates to loss of privacy of adjoining properties contrary to CS policy 12 and saved appendix 3.

The applicant acknowledges that the minimum 23m distance between properties is not respected. The loss of privacy identified by the previous Planning Officer remains as stated in the previous refusal.

It will overlook House 1 at 27 HPG, the existing house at 25 HPG and 23 HPG. In addition the proposed house at No 25 will itself suffer from loss of privacy from House 2 at No 27, from No 23 and from the existing house at No25.

I submit that the erection of House 2 at No 27 adds to the loss of privacy and strengthens this reason for refusal.

4) The Highways report in relation to the last application is not addressed in any way in the new application. Highways recommended refusal for safety reasons.

I submit that this is an additional, very important reason for refusal which should be added to the reasons this time.

5) Building work requires the removal of a substantial volume of soil over $\frac{2}{3}$ of the site. Construction traffic will block Fieldway causing danger and disruption to traffic accessing the properties in Fieldway.

I ask the Council to reject the proposed planning application.

Sarah Lightfoot
23 Hall Park Gate, Berkhamsted HP4 2NL