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DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 5 JULY 2018 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 (Chairman)	Councillor Riddick
Councillor Bateman	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	

For further information, please contact Katie Mogan or Member Support

AGENDA

9. ADDENDUM (Pages 2 - 24)

Agenda Item 9



DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 5th July 2018 at 7.00 PM

ADDENDUM SHEET

Item 5a

4/00589/18/FUL

CHANGE OF USE OF LAND AND BUILDINGS FOR THE STORAGE, SALE AND REPAIR OF CARS.

CHEQUERS, LONDON ROAD, FLAMSTEAD, ST ALBANS, AL3 8HD

No updates.

Recommendation

As per published report.

Item 5b

4/01011/18/FHA

SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF SECOND STOREY REAR BALCONY.

1 MIDCOT WAY, BERKHAMSTED, HP4 3QB

No updates.

Recommendation

As per published report.

Item 5c

4/00028/18/FHA

GLAZED STRUCTURE TO END OF PATIO AND FENCING. ADDITION OF THREE FLUES. INSTALATION OF EIGHT CCTV CAMERAS. CHANGES TO DESIGN OF REAR CONSERVATORY. BASEMENT EXTENSION TO FORM GYMNASIUM, UTILITY ROOM, CINEMA AND WINE CELLAR WITH ADDITIONAL WINDOWS. ADDITION OF EXTERNAL COVERED BBQ STRUCTURE AND ALTERATIONS TO FENCING.

28 SILVERTHORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU

No updates.

Recommendation

As per published report.

Item 5d

4/00872/18/FUL

DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DETACHED 5-BED DWELLINGS

SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT

Amended proposal description to state one five-bedroom dwelling and one four-bedroom dwelling

Recommendation

As per published report.

Item 5e

4/00415/18/FHA

ROOF EXTENSION AND WINDOW ALTERATIONS.

7 CHESTNUT CLOSE, POTTER END, BERKHAMSTED, HP4 2QL

Additional comments from 6 Chestnut Close;

Response to Case Officer Rachel Marber's Report Ref: 4/00415/18/FHA

I am writing on behalf of my husband and myself to confirm that we have read your report ref 4/00415/18/FHA (7, Chestnut Close, Potten End).

We are concerned to note that there is no record of our principal concerns and that, apparently, certain relevant policies set out in the Council's own adopted Core Strategy 2013 have not been properly considered.

This is contrary to section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that: "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

We therefore question whether this report and the recommendation to grant planning permission is robust and we request that a copy of this letter, together with the appendix, is brought to the immediate attention of committee members. Please confirm to me in writing that this has been done before close of business on Monday 2nd July.

To summarise, we have had to raise concerns about this development proposal given the very close proximity of the development site to our property. The design should be sensitive to this. Instead, the applicant has proposed a raised ridge height and a very bulky dormer on the east elevation of the development proposal, which would result in an unacceptable level of visual intrusion into our property. This is contrary to the Council's Core Strategy policy CS12(c).

Aspects of this development proposal, in particular the bulky dormer window, show a complete lack of regard or respect for our adjoining property in terms of "layout" "scale" "bulk" and "amenity space". This is contrary to policy CS12(g) of the Council's Core Strategy.

We have discussed these concerns with our neighbours and yourself on several occasions and while you verbally seemed to acknowledge the adverse impact of the dormer, this response is missing from your report with no justification as to why.

As you are aware, it is our opinion that because of the significantly adverse effect this proposal would have on our residential amenity, contrary to the Council's policy CS12, it should be refused as currently proposed.

There are also factual inaccuracies in your report that must be addressed ahead of the committee meeting on Thursday 5th July.

These points are explained in more detail below.

Visual Intrusion & Sense of Enclosure

Point 4.2 of your report states that 'the proposed plans have been amended in order to overcome concerns by neighbouring residents'. This is not true because our principal concern, repeated throughout all conversations and correspondence to the Council, has not been overcome.

Your report says that the amended design (frosted windows and change of materials) ameliorates the loss of the sense of privacy. While this may be true, the dormer window will still have an unacceptable impact, by way of visual intrusion, on our residential amenity.

Under policy CS12(c) visual intrusion is listed as a separate policy consideration, distinct from loss of privacy. Policy CS12(g) requires development proposals to respect adjoining properties in terms of "scale", "height" and "bulk" which are of course linked to visual intrusion. The visual intrusion of the proposed dormer has simply not been addressed in the relevant section of your report, "Impact on Residential Amenity". Members of the committee therefore do not have all the information available to them in order to make an informed decision in accordance with the policy requirements of the Council's development plan.

To clarify, we are talking about visual intrusion from the perspective of our property, 6 Chestnut Close. The dormer will be an overbearing and disproportionate structure on the east elevation and will sit over the porch and extend towards the chimney, protruding directly towards our living room and garden towards the edge of the base of the roof (as shown on Proposed Roof Plan 227 pa.2.04).

The plan of our property on Plan 227 pa.2.03 does not show the windows on our property. We have large living room patio doors (2.5metres wide) towards which the proposed dormer would protrude. Based on Plan 227 pa.2.03 revision c, we estimate that the living room is only approximately 8.5 metres from the existing porch canopy at No. 7. To this end, please find reattached an annotated plan of 6, Chesnut Close (appendix item 1).

The location and large proportions of the dormer in relation to the application site and our property will significantly compound the sense of enclosure created by the proposed increase in ridge height and cause visual intrusion which is materially detrimental to our amenity.

During a phone conversation with you w/c 4th June '18 (summarised in my email to you on Friday, 8th June '18) you said you had previously asked the applicant/agent to replace the dormer with a skylight. You explained that they had reverted with a zinc-cladded dormer (not a skylight) and that they had commented that the frosted window meant that our privacy was no longer impacted. While we acknowledge that this change does indeed protect our privacy (as per your Point 9.10), it does not address our other fundamental concerns relating to visual intrusion from the bulk and scale of the dormer and sense of enclosure. Presumably you understand this distinction which is why you asked for the dormer to change to a skylight. Why, then, has the negative impact on our amenity that this visual intrusion would cause not received proper treatment in your considerations and report?

I had understood from our two conversations relating to the dormer that you acknowledged our concerns and you mention in your point 9.8 that 'the proposed

should be designed to reduce any impact on neighbouring properties by way visual intrusion....'. Furthermore, when you visited our property in March '18 and I was describing our key concerns to you in relation to the dormer you said several times, 'I can see that'. However, there seems to be a discrepancy between our discussions over the course of the past few months and what has been included in the report.

I would add that 2 Parish Councillors who have been on a site visit to 6, Chestnut Close, and a professional adviser who we have consulted on the application, agree with us. The Parish Council's objection is referred to in your report but seems to have carried little weight.

Furthermore, it does not make sense to us that the originally proposed two smaller rear dormers on the East Elevation have been amended to skylights, and yet the considerably larger bathroom dormer – which is much closer to our property and will have a significantly more harmful detrimental impact on our amenity – has not also been changed to a skylight? We cannot see the logic to this. Looking at the Proposed Roof Plan 227 pa.2.04, we do not understand the explanation you gave me on the phone that the maintained pitch will ameliorate the impact of the protrusion of the dormer. We presume that the rear dormers must have been changed in response to both the 5 Kiln Close objection and our own, so while the privacy concerns both properties raised have now been addressed, the visual intrusion and sense of enclosure pointed out in our objection letters simply have not.

Therefore we entirely refute your summary 9.11 that the proposed extension work would 'not detrimentally impact the residential amenity of neighbouring properties, beyond existing site circumstance'. This is patently inaccurate. At the moment we can see the top of one window at 7 Chestnut Close. There is to be the addition of x5 windows with a bulky and overbearing dormer window that dominates the proposed elevations – this is a very significant change. How can it reasonably be said that there is no detrimental impact "beyond site circumstance"?

Materials / 'Perception of Bulk'

Regarding Point 9.5 of your report, we need clarification please around the materials proposed to the dormer window. On 20 April 2018 two photographs labelled 'additional plans' on the website were provided by the applicant/agent. One of these shows a very shiny metallic material which would be completely out of keeping with the street scene and, because of its shiny and reflective quality would emphasise rather than ameliorate the impact of the dormer. The amended drawing 227 pa2.05 simply refers to zinc cladding and roof. Can it be clarified please that the purpose and treatment of this dormer, if permitted, will be to blend with the roof and that a shiny treatment would be completely inappropriate.

Overdevelopment of Site

Regarding your Point 10.1 where you say that the proposed development ‘would not adversely impact upon the visual amenity of the existing dwelling house... or the residential amenity of neighbouring residents’, we refute this. You yourself acknowledge in your point 9.9 that the site is in a ‘relatively constrained location’. In our view, due to the extreme (and not relative) constraints of this site, all of the design elements face our property and this overdevelopment has not been properly acknowledged in the treatment of this application and your report. By dint of the application site’s extreme proximity to No 7 Kiln Close, there are no design elements at all on the West Elevation, forcing the bulk of the design to be crammed into the East Elevation which faces us. Again, the proposed dormer only compounds the sense of overdevelopment and we do not understand why this broad and bulky structure has not been changed to a skylight.

Misleading plan

The site location map entitled “Site Location Plan” dated 14 February 2018 is out of date and inaccurate in relation to our own and neighbouring properties since the 2008 extension is not shown. There is no note in your report to explain this to committee members and this is misleading for decision makers. I was also concerned that you stated in a phone call with me on or around 13th June that the site location map was accurate in relation to No 6 – this is not the case, and I believe this is why you agreed at that point that our property should be shown in relation to the applicant site, but it was a source of concern that you were not in possession of the true facts so far down the line in the application.

Daylight/Sunlight

My husband and I respect your decision not to request that the applicant prepare a daylight/sunlight report in relation to our property. However, both a ‘Daylight/Sunlight’ consultant (who reviewed both BRE compliance in terms of our daylight/sunlight, and our private rights to light) and yourself (during a phone call) acknowledged that parts of our property (namely living room, dining room and garden) would be in partial shadow in the late afternoons and evenings due to the proposed increased in ridge height. For our family, late afternoons and evenings are the prime hours of living room / dining room and garden usage – we do not understand how the council defines ‘prime daylight hours’ mentioned in your report?

Also, you talk in point 9.9 about the ‘northern orientation of the application site’ in relation to our property. While this is true of the rear of application site, please note that the front of the East Elevation of No 7 Chestnut Close (the location of our principal concern, namely the proposed dormer) is located westwards of our property. The sun moves behind the application site as it goes down in the afternoons and evenings so the increase in ridge height will have an impact and cause loss of some sunlight, as you acknowledged on the phone.

Photographs

You invited us to submit photographs to you of the application site in relation to our property, but these have not been included in your report. Please can you confirm that these have been forwarded to committee members prior to the meeting, along with my accompanying explanatory 1-page document? I reiterate that we do not feel that the plans or photographs give a true sense of the relationship of the two properties particularly given that the 2 properties are on different levels of ground, but in the absence of a site visit from committee member(s) then we would be grateful of reassurance that these have been passed on to decision makers.

Conditions

Regarding our request for regulated construction hours, did you speak to Paul O'Day in EH prior to submitting your report? At the very least we would request no work on Saturdays because the application site is right next door to us at very close quarters – why have you not responded to this concern in any prior correspondence or in the report?

Conclusion

I would emphasise that we are not objecting to the proposed development simply on the grounds that we don't like change – our concerns are genuine, and supported by others in a professional capacity.

We do not feel that our concerns, in particular our principal objection to the dormer, have been recorded or addressed in your report and committee members cannot therefore weigh these material considerations in the balance. While we appreciate that Case Officers work on many applications at once and may be under a lot of time pressure, it is quite unacceptable if objectors' concerns are not adequately or accurately reported to committee members.

To this end, we would like to request that committee members come to No 6 Chestnut Close for a site visit. We understand that this is not the norm, however given the concerns we have relating to the report and the inaccuracies in the Site Location Plan, we believe this is particularly important now.

In the meantime, please bring this letter to the immediate attention of committee members.

We look forward to hearing from you before close of business Monday 2nd July confirming that this letter has been circulated to all members of the Council's planning committee that will be determining the application on Thursday and responding please, to our questions above.

Photos of application site, taken from No. 6 Chestnut Close

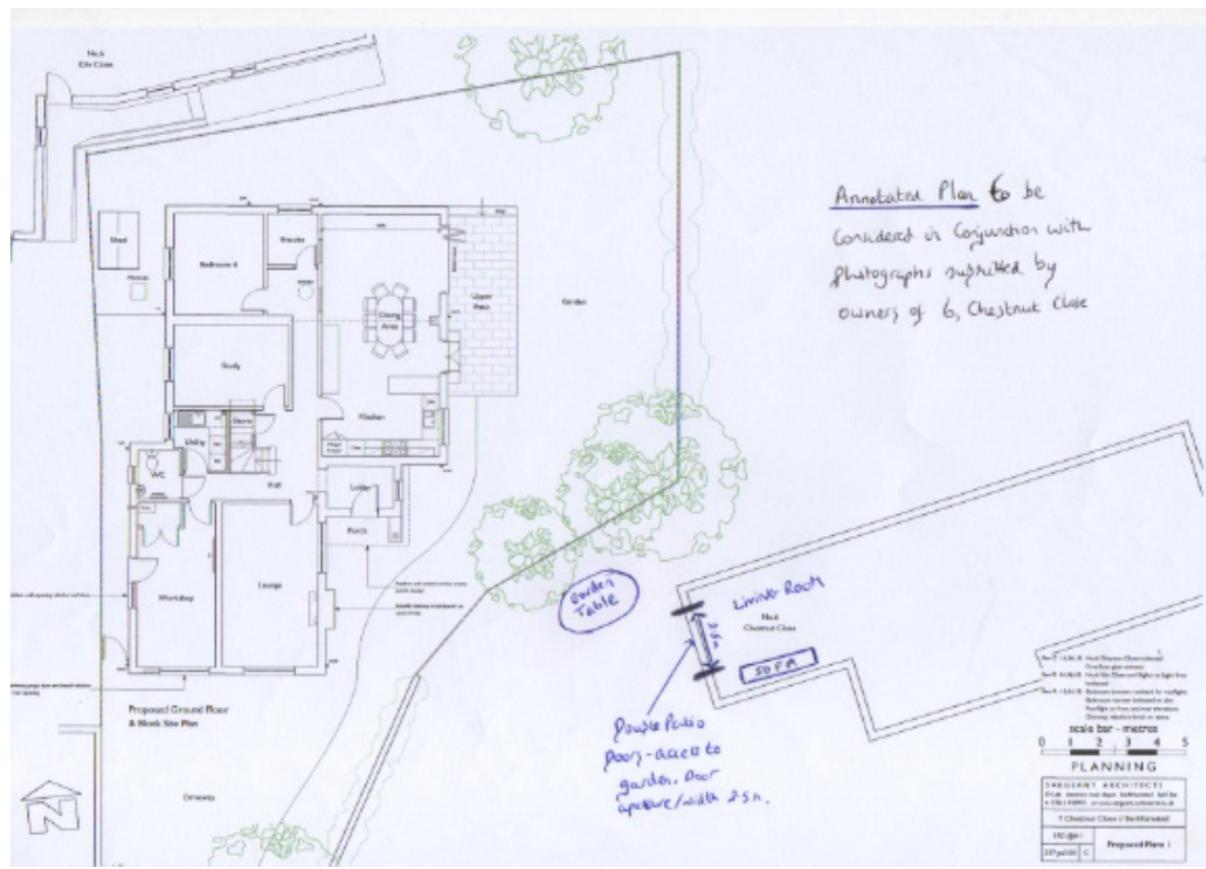
Shows location of No. 7 Chestnut Close in relation to neighbouring property.





View of No. 6 Chestnut Close which faces the application site.





Photos of application site, taken from No. 6 Kiln Close



OUTSIDE MY BATHROOM



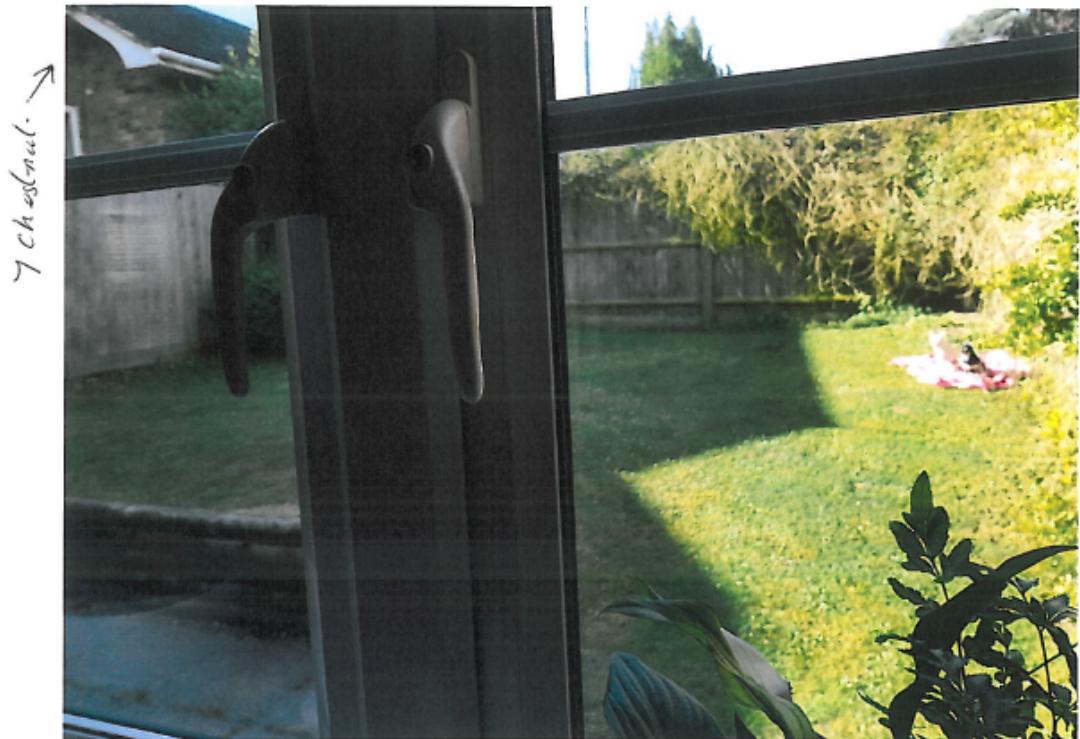
My Bathroom window



My Bathroom window



~~My~~ My Bedroom Window



My Kitchen Window



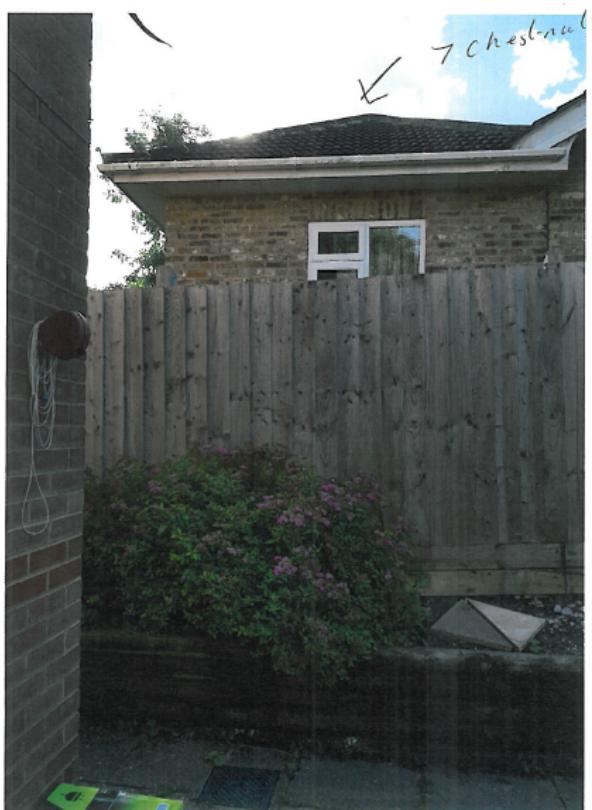
↙ 7 chestnut



My Kitchen Window



Out side my kitchen
on patio



Outside my kitchen



Highways Comments

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 does not wish to restrict the grant of permission.

Advisory Note.

Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

Obstruction of the highway

AN1) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by

telephoning 0300 1234047.

Planning Application.

The application is for roof extension and window alterations.

The work proposal has no direct impact on free and safe flow of traffic and the highway authority has no objection on highway matters.

Environmental Health

We advise that we have no objection to the proposed application but the applicant is advised of the planning informative below.

Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays

Recommendation

As per published report.

Item 5f

4/00478/18/FUL

DEMOLITION OF EXISTING BUILDINGS / STRUCTURES AND THE DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS

APPLEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP

Berkhamsted Town Council Further comments received (03 July 2018):

I see from the agenda for Thursday's Development Management committee that Appledore, Kingshill Way is being discussed. The Town Council did not object to this application but expressed a concern in the hope that some of the points raised might be taken into account by the planning officer when making their determination or in discussions with the applicant.

Hillcrest Letter received from owner of adjoining site, raising no objections to the proposal.

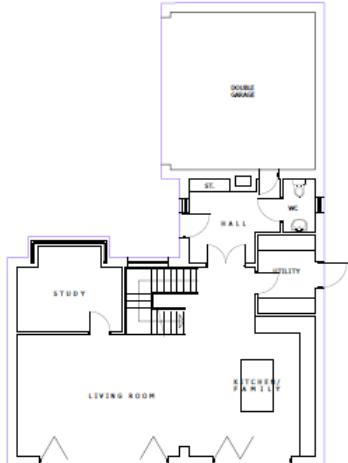
Amended proposed site plan showing the differentiation between the principal building and the garage buildings – helps to see the massing and arrangement of the proposal.



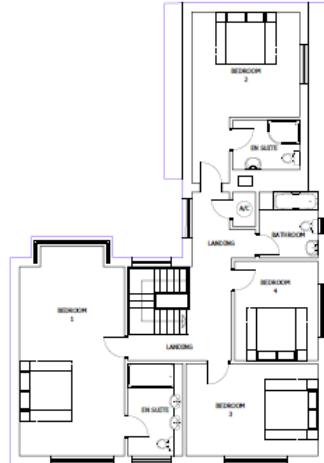
Amended Plans

Only change is to move dormer window in Plot 3 from facing west to facing east.





GROUND FLOOR PLAN



FIRST FLOOR PLAN

NOTES:
 • This drawing is copyright.
 • All dimensions must be checked on site before works proceed.
 • All dimensions are to be reported to the DA
 • Only signed dimensions are to be used.

CFH Residential Drawings
 In addition to the hazards and/or risks typically associated with the type of work depicted on this drawing.

Plot 3 - Ground & First Floor Plans

Synergy
 Goldbergs - Hemel Hempstead - Bath
 Unit 1, University Business Park, Avenue Way,
 Hemel Hempstead, HP2 2TP
 Tel: 01442 231000
www.synergypc.com

Plot 3 - Residential Development
 Plot 3 - Hemel Hempstead - Bath
 Unit 1, University Business Park, Avenue Way,
 Hemel Hempstead, HP2 2TP
 Tel: 01442 231000
 Fax: 01442 231001
 Email: info@synergypc.com

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0 1 2 3 4 5m

Drawing No: 11026-L-00-26 Date: A



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

NOTES:
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 Email: info@synergypc.com

0 1 2 3 4 5m

Drawing No: 11026-L-00-27 Date: A

Additional comments re: landscaping

The trees and shrubs to the main road boundary are retained and managed removing the self seeded secondary plants and bolstering the key planting that is there as existing, to the eastern boundary off the secondary road to this site, the main tree that was there was lost last year so there is little in terms of trees that is substantial, the proposal for this boundary is to reinstate the hedge boundary and the planting of 4no Prunus Amanogawa trees in T7-10 and a feature tree to replace the one that was lost T11 Quercus Robur.

The green trees / planting on the landscape plan is existing with the black indicating new planting – the annotation in the side gives the tree species.

Change to Condition 8 'Approved Plans':

The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

11026-L-00-LP site location plan
11026-L-00-20 existing block plan
11026-L-00-28A site plan- landscaping
11026-L-00-21 proposed block plan
11026-L-00-23 proposed plot 1 elevations
11026-L-00-25 proposed plot 2 elevations
11026-L-00-27A proposed plot 3 elevations
11026-L-00-22 plot 1 floor plans
11026-L-00-24 plot 2 floor plans
11026-L-00-26A plot 3 floor plans
design and access statement
Bat Survey - Preliminary Roost Assessment
Bat Survey - Emergence and Re-Entry
CIL

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

Recommendation

As per published report.

Item 5g

4/00784/18/FUL

PARTIAL DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND CONSTRUCTION OF THREE BEDROOM END OF TERRACE DWELLING.

22 WICK ROAD, WIGGINTON, TRING, HP23 6EL

Comments on amended plans:

Highways

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 does not wish to restrict the grant of permission.

6 Grimsdyke Road – objects

You have sent another letter saying the above plans or there has been additional information. On your website there doesn't seem to be any changes to their original proposal.

I e-mailed you on 4th April objecting to the three bedroom detached dwelling, mainly on loss of privacy in my upstairs bedrooms and downstairs living room, which this new house will be looking directly in to. Also in addition to this, if they stand in their upstairs bedroom they can look directly and clearly into my downstairs living room which is an intrusion of our privacy.

The area is of natural beauty and re-development of such a large house should be considered very carefully, infilling would ruin the character of the village. When I brought my house, it looked at the green fields and this will be lost for ever.

I would also like it to be noted that the first application for this development went in 2004 for a 4-bedroom dwelling, and this variation is not much different but for 3 bedroom house instead. The application was declined back then, and should be now.

This development of the property represents extreme over development, lack of open space and eyesore to the landscape and is not required.

20 Osborne Way - Objects

With regards to the new build at 22 Wick Rd we object to losing some light and privacy.

Recommendation

As per published report.

Item 5h

4/01026/18/FHA

**PROPOSED SINGLE STOREY OUTBUILDING WITH HABITABLE
ACCOMMODATION WITHIN REAR GARDEN. ALTERATION TO LANDSCAPING
INCLUDING NEW RETAINING WALLS AND STEPS**

33 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PP

Further comments and photographs received (04.07.18) from **Markyate Parish Council**:

At our Parish Council Meeting last night, the consensus was that the Councillors are still opposed to this application. Reasons are:

Infilling: A granny annexe should be part of the main building, this is not. The steps leading to the proposed building are not appropriate, it should be ramps to accommodate old people.

2 photos of the parking situation in Cowper Road at 7 p.m. (03.07.18)





Recommendation

As per published report.
