



Public Document Pack  
**DEVELOPMENT MANAGEMENT  
AGENDA**

**THURSDAY 15 FEBRUARY 2018 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 Guest (Chairman)  
Councillor Birnie  
Councillor Clark  
Councillor Conway  
Councillor Maddern  
Councillor Matthews  
Councillor Riddick

Councillor Ritchie  
Councillor Whitman  
Councillor C Wyatt-Lowe (Vice-Chairman)  
Councillor Fisher  
Councillor Tindall  
Councillor P Hearn  
Councillor Bateman

For further information, please contact Katie Mogan or [member.support@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk)

**AGENDA**

**1. MINUTES**

To confirm the minutes of the previous meeting (these are 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 declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

#### **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 Member Support on Tel: 01442 228221 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@dacorum.gov.uk)

Please note the Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

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 Management 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.

## 5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01779/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS. CONSTRUCTION OF 7 NEW TERRACED DWELLINGS ON LAND TO THE REAR OF 50-53 CHESHAM ROAD. NEW ACCESS TO TERRACES - 50-53 CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EA (Pages 5 - 33)
- (b) 4/03167/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 31 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE (AMENDED SCHEME) - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 5HA (Pages 34 - 57)
- (c) 4/03153/17/FUL - CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM DWELLINGS AND ASSOCIATED ACCESS - LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA (Pages 58 - 79)
- (d) 4/02372/17/ROC - REMOVAL OF CONDITION 7 (RESIDENTIAL FLAT TO BE OCCUPIED BY MEMBER OF NURSERY STAFF) ATTACHED TO PLANNING PERMISSION 4/01719/13/FUL (GROUND FLOOR NURSERY WITH SINGLE STOREY SIDE AND REAR EXTENSION AND RESIDENTIAL USE OF FIRST FLOOR AS ONE BEDROOM FLAT) - STEPHENSONS COTTAGE, 306 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE (Pages 80 - 85)
- (e) 4/02115/17/FUL - CONSTRUCTION OF AGRICULTURAL BUILDING AND GREENHOUSE - LAND TO THE EAST OF DELMEREND LANE, FLAMSTEAD, ST. ALBANS (Pages 86 - 97)
- (f) 4/03264/17/FUL - NEW THREE BED DWELLING - 105 CHERRY ORCHARD, HEMEL HEMPSTEAD, HP1 3NJ (Pages 98 - 104)
- (g) 4/02928/17/FHA - PROPOSED TWO-STOREY AND SINGLE STOREY SIDE EXTENSION, FIRST FLOOR REAR EXTENSION, ONE REAR AND TWO SIDE ROOF WINDOWS - 8 LITTLE GADDESSEN, BERKHAMSTED, HP4 1PA (Pages 105 - 113)
- (h) 4/02996/17/FHA - CONSTRUCTION OF DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, FENCE AND ASSOCIATED LANDSCAPING - THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA (Pages 114 - 120)
- (i) 4/02997/17/LBC - DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, LAPBOARD FENCE AND LANDSCAPING - THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA (Pages 121 - 127)
- (j) 4/03269/17/FUL - TWO STOREY AND SINGLE STOREY EXTENSIONS AND REAR DORMER TO FORM NEW DWELLING (AMENDED SCHEME) - 17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL (Pages 128 - 136)
- (k) 4/02491/17/FHA - FRONT, SIDE AND REAR EXTENSION. LOFT CONVERSION WITH CROWN ROOF AND FRONT GABLE EXTENSION - 74 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EX (Pages 137 - 143)

**6. APPEALS** (Pages 144 - 155)

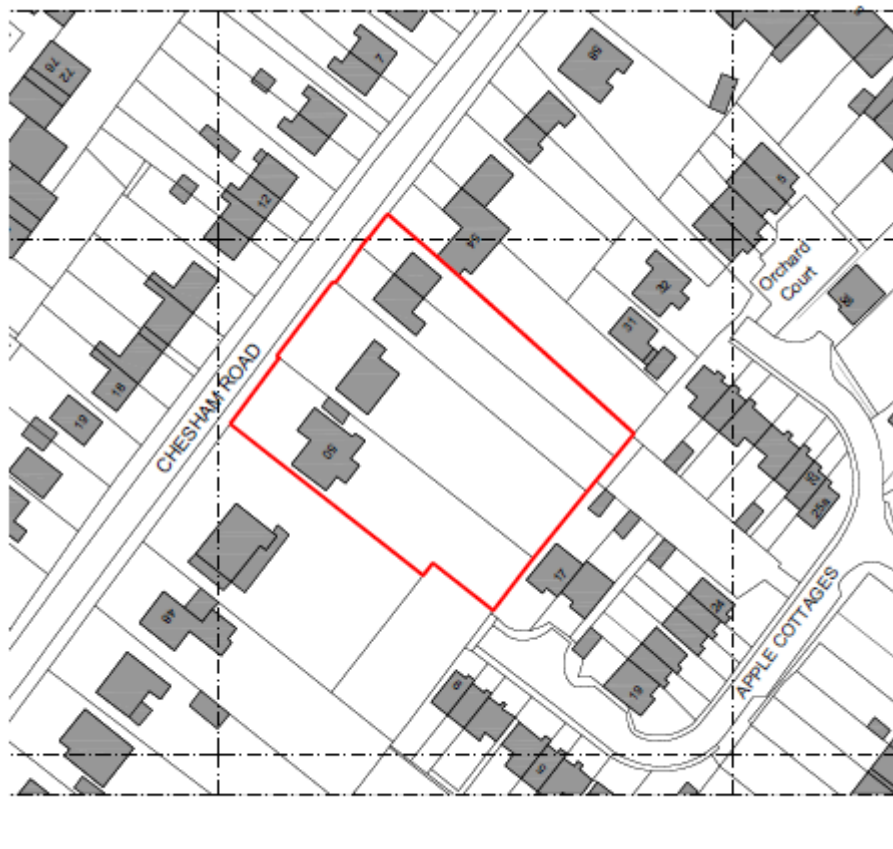


# Agenda Item 5a

## Item 5a

**4/01779/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS. CONSTRUCTION OF 7 NEW TERRACED DWELLINGS ON LAND TO THE REAR OF 50-53 CHESHAM ROAD. NEW ACCESS ROAD TO TERRACES.**

**50 - 53 CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EA**



**Terrace Unit Elevations**

Front Elevation



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**Terrace Unit Elevations**

Rear Elevation









**Elevation**  
Front (East) 1:100



**Side Elevation**  
(South West) 1:100



**4/01779/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS. CONSTRUCTION OF 7 NEW TERRACED DWELLINGS ON LAND TO THE REAR OF 50-53 CHESHAM ROAD. NEW ACCESS ROAD TO TERRACES.**

**50 - 53 CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EA.**

**APPLICANT: Margro Properties Limited.**

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[Case Officer - Nigel Gibbs]

### **Summary**

The site is located within a designated residential area of Bovingdon under Policy CS4 of Dacorum Core Strategy wherein the principle of appropriate residential development is encouraged.

This two fold proposal involves frontage and backland development. There are no objections to the replacement of the bungalow at no. 50 with a pair of semi-detached dwellinghouses at the site frontage. The principle of a backland form residential development within the other part of the site contained within the very long established built core up part of Bovingdon village is also acceptable.

Backland development is whereby the parts of gardens associated with existing dwellings are combined to form a cohesive area of land behind existing housing road frontages. The proposed backland scheme would be served by a new access and associated roadway off Chesham Road, establishing a new/second tier of housing behind existing longstanding Chesham Road. This tier would 'round off/ consolidate and reinforce the character and appearance of the adjoining more modern, albeit visually different higher density housing to the immediate west of the site at the adjoining Apple Cottages/Orchard Court estate, so representing a seamless logical visual/physical transition, albeit not linked to this estate by footpaths or road.

The Revised Scheme incorporates a wide range of detailed layout/ design changes in association with requested arboricultural and bat reports. On the basis that backland development is acceptable in this location there are also no overriding layout, design, landscaping/arboricultural, other environmental/ amenity and highway safety/ access/parking objections. A range of conditions are necessary.

### **Site Description**

The application site is located on the south eastern side of Chesham Road. It comprises the combination of parts of the rear gardens of nos. 50 to 53 inclusively. No. 50 is a 1930's hipped roof bungalow, no. 51 being a circa 1950's two storey detached dwelling house with 52/ 53 comprising a pair of two semi-detached 1930's units. These dwellings are all set back from the Chesham Road by varying distances.

The site's maturity is reinforced by the presence of strong planting with elongated rear gardens, the ends of which form a common boundary with the north western edge of the more modern aforementioned Apple Cottages/ Orchard Court estate. This estate comprises of terraced and semi-detached dwellinghouses served by an angled U shaped 45 degree cul de sac.

### **Proposal**

This involves the demolition of no. 50, its replacement with a pair of semi-detached half hipped dwellinghouses fronting Chesham Road and the construction of a gabled terrace of 7 units through the amalgamation of the rear garden of no. 50 with substantial parts of the rear gardens of nos 51 to 53.

The 2 new dwellings on the site of no. 50 will be served by frontage parking linked to Chesham Road by separate accesses. These units will feature rear gardens of similar size to the truncated but still substantial retained rear gardens to serve nos 52 and 53. All the dwellings would appear two storey from the front and three storey from the rear.

The retained no. 51's rear garden would be of reduced length due to the dwelling's set back position and the proposed location of the inverted 'T' shaped roadway linked to Chesham Road. This access road would serve a gabled roof terrace of 7 dwellings in the form of a second tier of housing parallel with but substantially behind the existing Chesham Road frontage. All the dwellings would be served by individual frontage curtilage parking and rear gardens with the central terrace of 5 terminated at the respective north east and south western ends by stepped' book end' units.

The scheme requires the removal of 18 trees and six groups of trees.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council and the request by Councillor Stewart Riddick for the Committee's consideration.

Revised Scheme. Councillor Riddick attended the Bovingdon Parish Council Planning Meeting when this application was discussed and clarifies they would object to this application and he would just like to re-confirm his earlier request for this to be called-in for deliberation by the Committee.

However, if Officers are minded to refuse the application, it would then not be necessary for the Committee to decide upon the application.

### **Site Planning History**

None directly relevant.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

#### Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS25 - Landscape Character

CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Various

Appendices 3, 5, and 8

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Bovingdon Parish Council

Original

The Parish Council's Planning Committee met on 4 September 2017 and considered this application. The comments are :

Object for the following reasons:

- Over development of site – development appears cramped within the site and would be incompatible with the established and underlying building pattern. The proposals would represent backland development.
- The development, due to the overhaul bulk, massing and scale would introduce significant structures behind the established Chesham Road Properties, which would be uncharacteristic.
- The front to rear relationship between the proposed block of terraced houses and established properties in Apple Cottages and Orchard Court to the rear and side, appears to be less than Dacorum Borough Council guidelines.
- There appears to be no provision for visitor parking and the access for emergency vehicles could be compromised
- Access to Chesham Road – concern that another vehicular access onto the Chesham Road would create further problems. This is the busiest B road in the County.
- Design - by reason of the density, height, form and layout, the proposed development would result in harm to the amenities of the neighbouring properties particularly to No. 54 Chesham Road.
- The proposals would be to the detriment of the character and appearance of the area.

Revised

The Parish Council's Planning Committee met on 22 January 2018 and considered this application and object. The comments the PC made at its Planning Committee on 4 September 2017 still stand. On this basis the PC bring them again for the Borough Council's information.

In addition, BPC is concerned that a number of mature trees at the rear of the site would be lost, and these currently provide screening from Apple Cottages. The other point is that vehicles accessing the two houses on Chesham Road would not be able to turn round and therefore, would either have to reverse out onto the Chesham Road, or be reversed in from Chesham Road, either option would be hazardous.

Councillor Stewart Riddick

Original

Having examined the above recent Application for a proposed extensive backland development scheme, I have a number of major concerns regarding its viability and would request that it is brought before the Development Management Committee for consideration.

The following are just a few of my concerns:

- 1) The proposed backland development would cause significant harm to the character of the area by introducing an alien and uncharacteristic form of development and it would result in a cramped and dense development at odds with the prevailing grain/typography and layout of surrounding development. The scheme would therefore be contrary to Policies CS10, CS11 and CS12 of the adopted Core Strategy.
- 2) By reason of the density, height, form and layout, the proposed development would result in significant harm to the amenities of the neighbouring properties (to front and rear of the site) by appearing visually overbearing and intrusive which reduces privacy from an otherwise quiet and private setting. Also, as a consequence, the introduction of new dwellings and the associated level of cars-parking, plus associated vehicular activity, this would significantly detract from the quiet environment presently enjoyed by the neighbouring houses to such an extent that it would be significantly harmful. As such, it is considered that the scheme fails adopted Core Strategy Policy CS12 and Appendix 3 of the Local Plan.
- 3) The development, due to the overall bulk, massing and scale would introduce significant structures behind the established Chesham Road Properties, which would be alien and uncharacteristic.
- 4) The front to rear relationship between the proposed block of terraced houses and established properties in Apple Cottages and Orchard Court to the rear and side, is less than Dacorum Borough Council guidelines.
- 5) Additional vehicular access onto the busy Chesham Road would not be acceptable.
- 6) Although Chesham Road is in a '30MPH' zone, speeds along this road are permanently monitored with 'SIDS' (Speed indicator Devices) which consistently record vehicles travelling at well in excess of the '30MPH' restrictions. Indeed, speeds in excess of 55 - 60MPH are regularly recorded.
- 7) The 'collection position', indicated facing onto Chesham Road, for our Refuse Vehicles,

would not be acceptable. There is also no indication of the individual locations for the 27+ 'wheelie bins' which would be needed for the number of properties proposed. N.B. Our Refuse Officers would not be prepared to drag the 'wheelie bins', from the individual properties!

8) There is no provision for Visitor Parking.

9) Access for Emergency Services would be severally restricted.

Finally, for direct comparison, I would refer you to an earlier (almost IDENTICAL) backland development scheme that was submitted for 33 - 35 Green Lane, Bovington, HP3. 0JZ (Application No: 4/00415/16/FUL) which came before the Development Management Committee and was subsequently REFUSED on 13th October 2016.

This REFUSAL decision was Appealed by the Applicant - and the APPEAL was DISMISSED on 17th July 2017 under Appeal Reference: APP/A1910/W/17/3170787.

N.B. The Appeal Inspectors Report should be read in full, since it contains many relevant reasons for REFUSAL, which will equally apply to the 50 - 53 Chesham Road proposal.

The Appellants Claim for Costs was also DISMISSED..

Revised

Please see Referral to Committee.

#### Strategic Planning

The SP would request that the Development Management Team assess the application.

#### Design & Conservation

Original

Recommended changes to the design.

Revised

It is noted there are some revised proposals for this development. It is believed that they are now more in keeping with the character of the area and that the design, materials and detailing reflect the local character.

As discussed previously Design would not object to the redevelopment of this site for housing. Therefore Design believe that the proposals are of an appropriate design, reflect the character of the area and therefore are acceptable. It is recommended that the bricks, brick bond, tiles (both roof and hanging), render, rainwater goods, joinery details and finish and landscaping materials and finish are conditioned to ensure a high standard of development.

#### Building Control

Revised

No further comment.

#### Trees & Woodlands

Original

There are no significant trees or landscape features worthy of protection and retention on this site. There is a collection of small ornamental trees including conifers and some fruit trees scattered throughout the front and rear gardens but none merit retention. There are 3 mature Larch trees in the front garden of number 50 but these trees would be lost because of the proposed parking areas in front of the new property. To compensate for the loss of all existing trees, it is recommended that the applicant submits a tree planting plan to include number of proposed new trees, species, size and planting methods and maintenance. Trees should be container grown standards and at least 10-12 cm girth at the height of 1.5 m above ground level at planting time.

Revised

Response awaited.

#### Noise and Pollution

Original

This has been considered primarily from the standpoint of potential nuisance. There is no reason to object on environmental grounds. However a standard condition relating to building times is recommended . All building work and all associated deliveries and collections to take place between 7-30 am and 6-30 pm on Monday to Saturdays and no construction or related work to take place on Sundays or on Bank Holidays.

#### Refuse Controller

Responses awaited.

#### Hertfordshire County Council: Highways: Original

Please note: The response to the Revised Scheme is an updated version of the response to Original Scheme.

#### Hertfordshire County Council: Highways:Revised

Decision

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 subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below.

#### CONDITIONS

1. The applicant is required to submit a revised Design and Access Statement giving details of the new and revised vehicle accesses required both for the remaining and the proposed new properties. The level of parking proposed for the existing properties should also be provided.

Reason: In the interests of maintaining highway efficiency and safety.

2. No part of the development shall begin until the means of access has been constructed in accordance with the approved drawing and constructed in accordance with " Roads in Hertfordshire A Guide for New developments".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

3. Before first occupation or use of the development the access roads and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

4. Prior to commencement of the development, the applicant shall submit a Construction Management Plan to the Local Planning Authority for approval in writing. The Construction Management Plan shall include details of: • Construction vehicle numbers, type, routing; • Traffic management requirements; • Construction and storage compounds (including areas designated for car parking); • Siting and details of wheel washing facilities; • Cleaning of site entrances, site tracks and the adjacent public highway; • Timing of construction activities to avoid school pick up/drop off times .

Reason: In the interests of maintaining highway efficiency and safety.

5. The development shall not be brought into use until the new vehicle crossovers have been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

6. Upon completion of the development, any unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

7. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Construction work shall not commence the applicant has demonstrated that the required visibility splays can be achieved by means of detailed scaled drawings showing the new access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

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

8. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on each side of both accesses, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.

Reason: In the interest of highway safety.

9. The development shall not be occupied until the access and car parking areas have been constructed and surfaced. The car parking areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.

10. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and 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.

11. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles



outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

12. 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.

13. 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.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

#### INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the Applicant will be required to bear the cost of such removal or alteration. Before works commence the Applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### HIGHWAY COMMENT

This proposal is for:

Demolition of existing bungalow at 50 Chesham Road. Construction of 2No new semi-detached properties at 50 Chesham Road. Construction of 7No new terraced properties in the land to the rear of 50-53 Chesham Road. New access road to terraces.

This amendment includes moving the bin storage area from in front of the properties to the side of the access road itself.

#### ACCESS

The existing vehicular accesses for 51 and 52 will require alteration, since the proposed new

access road for the development will be constructed between these houses. The proposed new access road will require the applicant to enter into a S278 agreement and will require to be constructed with radial corners in line with standard set out in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Chapter 1 – Road Design Criteria.

Drawing 276 03 does not show any detail of the new/revised vehicle accesses required and the application will be subject to further design checks as and when more detailed plans are submitted as part of a revised Design and Access Statement. This would include checking the requirements for new Vehicle Crossovers and the proposed vehicle access road.

This amendment reduces the width of the access road furthest from the highway from 5 metres to 3 metres.

#### PARKING

20 off street parking spaces are proposed in total: three for each of the properties to be built on the site of no 50, and two each for the 7 properties to be constructed in the new development. No details have been provided on the amended parking arrangements for house nos 51 and 52. This must be shown in a revised Design and Access Statement.

Although in section 6 of the application form the applicant has stated that a new public road will form part of the development, as Highways Authority, HCC will not be adopting the proposed new access road.

Chesham Road is a busy “B” classified road, the B4505, with a 30 mph speed limit. There have been no recorded accidents in the vicinity of the site in the last 5 years.

A site visit was conducted on 11 /09/17

#### CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.

#### Hertfordshire Fire & Rescue Service

The provision of Fire Hydrants does not appear to be adequate with the need to comply with BS 9999:2008.

#### Hertfordshire Constabulary: Crime Prevention

##### Original

The comments are made from a crime prevention perspective only, there have been a relatively high number of crimes, including burglary reported in the proposed development area.

There are no concerns regarding the layout of the development, however due to the reported crime in the area HC would encourage the Applicant to build the development to the physical security standards of Secured by Design which is the Police approved minimum security standard.

In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ).

##### Revised

No further comments.

### Hertfordshire Property

HP do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, HP reserves the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

### Hertfordshire Ecology

#### Initial Advice

Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site or the immediate vicinity. Viewed on aerial photos, the location for the development includes gardens with trees.

No ecology report or Preliminary Roost Assessment for bats has been submitted in support of this application although it includes demolition of the bungalow at 50 Chesham Road and trees present are likely to be lost to the development. The biodiversity question on the application form has been answered 'No' to the reasonable likelihood of protected species being present and affected by the proposal. The form also indicates that trees are present on the site but there is no tree survey to support the application.

The submitted sustainability report indicates that, post development, there will be two half standard native oaks trees planted at the end of each of the private rear gardens. The use of native species will all be included in the planting at the end of the turning head of the estate road. The use of native tree and shrub species will create long-term opportunities for wildlife on site. HE welcome the biodiversity enhancements to add four swift bricks to the north facing gable ends of the terrace block (one on each gable end rear of the apex) to provide secure nest sites for Swifts or possibly Tree Sparrows both species in decline identified by the RSPB.

#### Bats

Bats are protected under European and domestic legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings and trees and both are present on the site and nearby vegetation could also be used by bats for foraging and commuting.

As this application includes demolition of a building and loss of trees, there is potential for bats to be present and affected by the proposal. HE advise that a **professional Preliminary Bat Roost Assessment** is carried out by a suitably qualified ecologist to evaluate whether bats, or evidence of them, are present and will be affected by these proposals. This will consider the need for further bat surveys and mitigation.

Such surveys can be undertaken at any time of year but should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016.

A. If no bats or evidence of bats is found, the application can be determined accordingly.

B. In the event that evidence, or potential for bats, is found, further surveys (dusk emergence / dawn re-entry activity surveys) are likely to be required. These can typically only be carried out when bats are active in the summer months between May and August, or September if the weather remains warm. As this is now within the unfavourable time of year to undertake these bat activity surveys, an **Outline Mitigation Strategy with appropriate recommendations should**

**be included within the bat report** if the Local Planning Authority (LPA) is to fully consider the impact of the proposals on bats. This strategy should be based on the presence of a bat roost proportionate to the location and can be modified if necessary once the results of any recommended follow-up activity surveys are known. In this situation only, i.e. once an outline mitigation strategy has been submitted and approved, HE would advise any outstanding surveys are secured as a Condition of Approval.

It is recommended the following *Condition* wording (where [x] is the number of recommended surveys):

*“Prior to the commencement of the development, hereby approved, [x] dusk emergence / dawn re-entry survey(s) should be undertaken during May – August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, the outline bat mitigation strategy should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority and implemented in full. Thereafter the development shall be carried out in accordance with these approved details. Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”*

It should be noted that if bats are found to be roosting within the development site, appropriate mitigation measures may need to be carried out under the legal constraints of a European Protected Species (EPS) development licence. Natural England will require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

To conclude, HE cannot recommend this application is determined until further information on bats is provided – a preliminary bat roost assessment report with an Outline Mitigation Strategy (and only then can the recommended survey be Conditioned).

As trees and shrubs in the gardens are likely to be lost to the development, I also advise that the following **Directive** is added to any consent granted: Funded by the following LPAs: *March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found in trees or on the building, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should*

#### Response to the Bat Report

HE previously provided comments on this proposal and now offer the following additional comments:

#### Bats

Bats are protected under European and domestic legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings and trees and both are present on the site and nearby vegetation could also be used by bats for foraging and commuting.

The submitted Preliminary Ecological Appraisal (PEA), (Arbtech, November 2017) now provides sufficient ecological information to assess the likely impact of development on bats. A preliminary roost assessment has been carried out for the bungalow at 50 Chesham Road (proposed for demolition) and no potential roost features or bat access points were identified. The report also confirms that no trees on site has any bat roosting value, so no further bat surveys are required. As the site has negligible potential to support roosting bats, in this instance HE do not consider that any ecological surveys are necessary.

On this basis, bats should not be considered a constraint to the development proposals and the application can be determined accordingly. As nearby vegetation could also be

used by bats for foraging and commuting, any external lighting should avoid spillage on features likely to be used by bats.

HE welcome the additional biodiversity enhancements contained in the PEA report to add bat tubes and bird nest boxes for Tree Sparrow and Robin as well as the previously offered swift bricks. HE support the welcome the additional biodiversity enhancements contained in the PEA report to add bat tubes and bird nest boxes for Tree Sparrow and Robin as well as the previously offered swift bricks.

*If, however, the proposals change to directly affect 52-53 Chesham Road, bat emergence surveys will be required prior to determination as potential bat access points are present and a bat roost may be affected. If, as a result, bats are found to be roosting within the development site, appropriate mitigation measures may need to be carried out under the legal constraints of a European Protected Species (EPS) development licence. Natural England will require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.*

Consequently HE advise that the following

**Informatives** are also added to any consent granted.

*"If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900."*

*"Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential bat roost/foraging habitat."*

#### Thames Water

No response.

#### Affinity Water

No response.

#### NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains the Council's responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

#### Civil Aviation Authority

No response.

Ministry of Defence

No response.

Responses to Neighbour Notification/ Site Notice

Original: Objections

12, 13, 49, 51, 54 and 58 Chesham Road

Green Lodge, Vicarage Lane

21 Church Street

Silver Birches, Highcroft Farm and Hill Cottage , Hempstead Road

Long Meadow, Flaunden Lane

94 Green Lane

Hollycroft Green Lane

3 Unspecified Addressees (Bovingdon Resident of 30 years, two with no identification clarification)

Hazels, Bushfield Road

Whiteacre Development

Reference to E mail from Bovingdon Action Group Say No to Back Garden Development in Chesham Road (2)

Reasons:

- Gross/ Excessive overdevelopment.
- Backland development.
- Cramped and dense, excessively high , bulky , completely out of character with Chesham Road, Apple Cottages and Orchard Court /adverse visual implications due to being 3 storey .
- Contrary to CS10, cs11 CS12 and DBLP Appendix 3.
- No infrastructure provision.
- Fundamental access/ highway safety / parking etc issues.
- Adverse effect upon residential amenity. The proposed development would dramatically intrude on neighbouring homes with new associated vehicle movements, driveways, headlights, exhaust fumes, service vehicle access and increased noise into what are now quiet gardens.

- No affordable housing.
- Existence of more suitable sites.
- No refuse collection facilities.
- Loss of view
- Close to Green Belt with resultant implications.
- Legal implications.

Original : Support

51, 52 and 53 Chesham Road

Relative of no. 51 Chesham Road

4, The Hawthorns

1 Hempstead Road

2, The Bourne

20a Cambridge Park, Twickenham

Revised Scheme : Objections

13 Chesham Road

Note: Any responses to the site notice will be reported to the meeting.

**Considerations**

The key issues are:

1. The principle.
2. The compatibility of the development with the character and appearance of the area.
3. Whether the development can be accommodated at the site, with particular regard to the design, layout, the impact upon the residential amenity of the surrounding housing and parking/highway issues.

Policy and Principle

The principle of new housing is acceptable as the site is located within the designated residential area under Policy CS4 of Dacorum Core Strategy wherein the principle of appropriate residential development is encouraged.

The key policy Dacorum Core Strategy CS11 specifies :

Within settlements and neighbourhoods, development should:

- (a) respect the typical density intended in an area and enhance spaces between buildings and general character;

- (b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- (c) co-ordinate streetscape design between character areas;
- (d) protect or enhance significant views within character areas;
- (e) incorporate natural surveillance to deter crime and the fear of crime; and
- (f) avoid large areas dominated by car parking.

These should also be considered in association with Dacorum Core Strategy Policy CS12 (Quality of Development) and saved Dacorum Borough Plan Appendix 3 (Layout). The latter explains that in addressing the layout and design of residential areas, proposals should be guided by the existing topographical features of the site and its immediate surroundings, respecting the character of the area and ensuring proper space for the proposed development without creating a cramped appearance, whilst introducing variety and imagination in layout and design. This is set against the National Planning Policy Framework's expectation that planning should take account of the different roles and characters of different areas, and always seek to secure high quality design.

#### Design, Effect upon the Character and Appearance of the Area, Layout

The replacement of the bungalow, its garage and mature wooded setting at no. 50 with a pair of semi-detached dwellinghouses would result in a far more assertive feature within the street scene reinforced by the opening of the frontage and the introduction of parking. This would be reinforced by the loss of frontage trees which are locally important within the street scene. However, the Trees & Woodlands Officer raises no objections to their removal. These dwellings should echo the long established character of this part of Chesham Road, with reference to the more strident nos 51, 52, 53 and others nearby.

The principle of the backland form of residential development at the site is acceptable. Significantly the approach reflects PINS recent support for this form of change elsewhere in the Borough.

As confirmed backland development is where the parts of gardens associated with existing dwellings are combined to form a cohesive area of land behind an existing housing road frontage development with a new access and associated roadway formed to establish a new tier of development behind existing frontage development.

The introduction of a second tier of housing at the site would represent a logical physical/layout transition between the much higher density housing at Apple Cottages/ Orchard Court and the Chesham Road frontage within an established built up/ residential part of the settlement's core area. It therefore is not isolated sporadic uncoordinated development. To the contrary, albeit visually different (due to the form of the rear elevation) it would effectively reinforce / consolidate the character/ appearance of the higher density and now well established modern development at the Apple Cottages/ Orchard Court estate, albeit it is acknowledged that it is not linked by its access. This estate has set a strong indicator of how new housing can be successfully accommodated within this part of the core area, now very much an integral part of the character of this part of Bovingdon.

In layout and visual terms alone most importantly the introduction of a terrace clearly makes reference to the undoubted change established by the adjoining estate. Whilst not physically connected the proposed terrace's consolidating visual effect is significant by echoing / representing a logical addition to this modern estate creating a terminal feature to this cul de sac and a visual break and transition with the older Chesham Road. The Revised Scheme's changes to materials are very important in softening the proposed terrace's physical impact of the Original Scheme. This has taken into account the approach to the terrace from Chesham Road and in relation to the adjoining Apple Cottages and Orchard Close, with due regard to the '



three storey' appearance to the rear which gives it its own identity.

In the latter respect it is fully acknowledged that the unbroken rear elevation is very significant and for this reason the Design Team recommended changes to the materials to subdue the effect. Importantly it also has to be taken into account that under 'permitted development' if permission was granted for an alternative terrace design with clear rear roof slopes change could then occur in an ad hoc way creating an uncoordinated visual impact, contrary to the 'visual cohesion' shown by the scheme. The harmful cumulative effect of such sporadic change on older two storey terraces is very common place through the incremental effect of such permitted development rights. Therefore the scheme has an in-built design robustness in this respect from the outset. Moreover, from the front the minimisation of the number of rooflights in Revised Scheme and the withdrawal of permitted development rights for changes to the front roofs again creates a much improved appearance from the outset with necessary controls in the future to ensure the 'visual cohesion' of the front from the outset.

Therefore, although the effect of the new tier of development would without doubt markedly change its character of the land from the prevailing historically more spacious and sylvan development associated with the Chesham Road gardens there is a very structured basis to this change, rather than a random approach. New structural planting is an essential ingredient of the layout with the additional planting shown by the Revised Scheme and subject to recommended conditions, including planting along both sides of the new access, with soft landscaping important visually and ecologically, compensating for the loss of mature tree cover, softening and complementing the urbanising effect.

Importantly for clarification the proposal's backland form is fundamentally materially different to the LPA's refusal of 'second tier housing' to the rear of dwellings at 33 to 35 Green Lane, Bovington which was subject to a dismissed appeal. This is because Green Lane proposals directly adjoined the open countryside / Green Belt. In contrast the current proposals at Chesham Road physically reinforces the pattern of housing change within the village's built up envelope/ core, representing the next stage in the settlement's physical evolution.

The layout provides adequate useable gardens for the new and existing dwellings. This fully takes into account the retained garden for no. 51. The layout has inbuilt natural surveillance with the Crime Prevention Officer raising no objections. Moreover, the Revised Scheme introduces essentially structural planting which is so important both visually and ecologically, also compensating for the loss of mature tree cover.

#### Effect upon Residential Amenity

This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity.

Based upon the level of spacing/ physical relationship between the existing and proposed dwellings there are no overriding identified objections, albeit that between the replacement dwellings and no. 51 is not ideal at the front, being a 20m separation. This overview is with regard to privacy, physical impact, noise, disturbance, headlamp glare and air quality and that the Applicant has agreed since the receipt of the revised Scheme to introduce boundary brick walls along each side of the access roadway.

With reference to backland development it is fully acknowledged that the introduction of an access road between dwellings invariably changes the environment of the dwellings adjoining a new roadway and is often cited as a major criticism of backland development. This was the case in the appeal at Green Lane at the edge of the settlement rather than the more core area. Due weight should be given to how such backland's schemes have been considered elsewhere recently in the Borough's main settlements, in particular the Planning Inspectorate's recent assessment of the principle of backland development at Grove Road Tring.

### Access/ Highway Safety/ Traffic Generation

Significantly HCC Highways raise no objections. Based upon this response there are no identified overriding sight line, traffic generation, general/ fire / inclusive/ disabled/ refuse access issues. It has not objected to the lack of turning areas for the two new dwellings fronting Chesham Road.

Notwithstanding this there is the fundamental importance of ensuring the provision of fire hydrants in accordance with Hertfordshire Fire and Rescue's response. This is subject to a recommended condition.

For clarification under the latest established consultation procedures HCC Highways automatically notify Hertfordshire Fire & Rescue Service who will only make comments if deemed necessary.

The parking level is in accordance with Dacorum Borough Local Plan saved Appendix 5 which provides the Council's maximum parking standards. All the spaces are of sufficient size and accessible/ useable.

All the units would be served by curtilage refuse storage, with each dwelling accommodating the standard three bins.

Several highway related conditions and informatives are necessary.

### Additional Detailed Material Considerations

Contamination, Drainage, Water Supply and Land Stability. The Scientific Officer's advice is awaited. There have been no responses from Thames or Affinity Water. Contamination and drainage are subject to recommended conditions. Land stability is referred to by the recommended informatives.

Ecological Implications. Hertfordshire Ecology has now raised no objections. There are a range of biodiversity associated benefits based upon the submitted ecological report to compensate from the loss of sior vegetation.

Exterior Lighting. This is subject to a recommended condition.

Conditions. A range are necessary and have been discussed with the Applicant.

### Other Issues

This development is CIL liable to address infrastructure requirements, the development is too small to require affordable housing, an Environmental Impact Assessment is not necessary and there are no air safeguarding issues.

### **Conclusions**

It is fully acknowledged that there are fundamental objections raised by the Parish Council to the principle of the development in addition to its details, with associated strong local opposition to the Original Scheme. The proposal represents significant change in this part of the settlement and is not straightforward.

Despite that there are sometimes the recognised inbuilt reservations regarding the implications of backland development, the principle of this type of change is regarded as acceptable within the Borough's main settlements. The proposed backland development in this location within the

core area of the village is materially and fundamentally different to cases where such 'two tier development' backland development adjoins the open countryside/ Green Belt on the edges of a settlement, such as at Green Lane, Bovingdon which for robust reasons was refused and dismissed on appeal.

In accepting the principle of backland development the Revised Scheme has secured an essential range of detailed design changes which have individually and collectively improved the Original Scheme, reinforced by the recommended conditions. These include significantly subduing their appearance of the rear elevation of the terrace at this transitional point.

Due to the associated site notice the recommendation is to delegate the decision with a view to approval following the expiry period for the site notice.

**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 samples of the materials to be used in the construction of the external surfaces of the development hereby permitted based the details of the materials specified by the approved drawings) have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of the character and appearance of the area and in the interests of sustainable drainage to accord with the requirements of Policies CS11 CS12 and CS29 of the Dacorum Core Strategy.

- 3 No dwelling house within the terrace of 7 dwellinghouses hereby permitted shall be occupied until the approved roadway, turning head and refuse collection areas shown by Drawing No. 276 03 are provided fully in accordance with the approved layout and the fire access arrangements subject to this condition. The roadway and turning head shall be constructed with a loading capacity necessary to accommodate fire tenders at all times fully in accordance with details submitted to and approved in writing by the local planning authority. The details shall include the provision of fire hydrants to serve all parts of the development. The roadway, turning head, hydrants and associated fire access infrastructure shall be provided and thereafter maintained in perpetuity in a condition that at all times ensures access for fire tenders and service vehicles.**

Reason: To ensure the provision of an acceptable means of access to the site for all vehicles including emergency and refuse vehicles and so as not to compromise highway safety in accordance with Dacorum Core Strategy Policies CS8, CS12, and CS29 and saved Dacorum Borough Local Plan Policies 54.

- 4 **Before the commencement of the construction of any of the dwellinghouses served by the approved access, visibility splays of not less than 2.4m x 43m in both directions and the access road hereby permitted and subject to the detailed requirements of this condition shall be provided, and thereafter maintained at all times. Within both visibility splays there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Construction work shall not commence details until have been submitted to and approved in writing by the local planning authority which demonstrate that the required visibility splays can be achieved by means of detailed scaled drawings showing the new access arrangements and visibility splays.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 5 **Before the first occupation of any of the dwellinghouses hereby permitted all of the parking spaces and refuse bin storage areas for each dwellighouse hereby permitted as shown by the approved Site Layout Drawing No. 276. 03 shall be provided fully in accordance with this layout plan. Thereafter the respective approved parking spaces and refuse storage areas shall be retained at all times and shall be only used for the approved vehicle parking and refuse storage area purposes. The parking spaces shall be of a permeable paved surface in accordance with details subject to Condition 2.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking in accordance with Policies CS8, CS12 and CS29 of the Dacorum Core Strategy and Policies 54, 58 and 63 of the saved Dacorum Borough Local Plan.

- 6 **The ridge level of the two dwellinghouses hereby permitted (as referred to as 50a and 50 b on the approved Site Layout Plan) shall be the same as no. 51 Chesham Road and neither dwelling house shall be occupied until each is provided with a new vehicular access fully in accordance with details submitted to and approved in writing by the local planning authority. Each access shall be served 2m by 2m pedestrian visibility splays at all times on each side of both accesses, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.**

Reason: In the interests of the character and appearance of the area and highway safety a to accord with the requirements of Policies CS8, CS11 CS12, and CS29 of the Dacorum Core Strategy.

- 7 **Before the commencement of the development hereby permitted and notwithstanding the submitted details a detailed full soft landscaping scheme shall be submitted to the local planning authority based upon the landscaping / planting principles shown by the Site Layout Plan 276. 03B including continuous hedging along either side of the whole length of access road with associated brickwalls and parallel to this subject to Condition 9 and a hedge planting along parts of the common boundaries between each rear garden of the dwellinghouses hereby permitted.**

The submitted details soft landscape works shall include plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of trees and plants, noting species, plant sizes and proposed numbers/densities where appropriate, including a tree and bird and bat boxes in each rear garden which shall be retained at all times

**incorporating all the the recommendations of the submitted Preliminary Ecological Appraisal (PEA).**

**The development shall be carried out fully in accordance with the submitted tree and hedge protection measures referred to by the submitted Arboricultural Method Statement. These protective measures shall be maintained for the entire period of construction, removed only after the completion of the whole development.**

Reason: In the interests of the character and appearance of the area and biodiversity in accordance with Policies CS12 and CS29 of Dacorum Core Strategy.

- 8 **Any tree, hedge or shrub which forms part of the approved landscaping scheme which within a period of ten years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To safeguard the local environment, in the interests of residential amenity, visual amenity and biodiversity in accordance with the requirements of Policies CBS 5, CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 9 **No dwelling houses hereby permitted shall be occupied until a scheme for all hard boundary treatment ( including boundary walls for both sides of the access road ) is installed fully in accordance with details submitted to and approve in writing by the local planning authority. Thereafter all the approved boundary walls and fencing fence shall be retained at all times.**

Reason: In the interests of the residential amenity of the dwelling houses hereby permitted, and the character and appearance of the area in accordance with Policies CS12 and CS27 of Dacorum Core Strategy.

- 10 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment

where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 11 All remediation or protection measures identified in the Remediation Statement referred to in Condition (XXX) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 12 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.**

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

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

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 Policies CS31 and CS 32 of the Dacorum Core Strategy.

- 13 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS8 ,CS12 and CS31 of the Dacorum Core Strategy , including highway safety, and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 14 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 within the residential curtilages of the dwellinghouses hereby permitted and the existing dwelling houses :**

**Schedule 2 Part 1 Classes A, B, C, D and E ( with the exception of the sheds shown by the approved Site Layout Plan)**

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the dwellinghouses hereby permitted , the character and appearance of the area and ensuring that there is the correct balance between the amount of development and land retained for gardens in accordance with Dacorum Core Strategy Policy CBS 12 , saved Appendix 3 of the Dacorum Borough Local Plan and paragraph 89 of the National Planning Policy Framework.

- 15 **All bathrooms and en suite windows of the dwelling house hereby permitted shall be fitted with obscure glass at all times.**

Reason: In the interests of residential amenity in accordance with Policy CS12 of Dacorum Core Strategy and paragraph 89 of the National Planning Policy Framework.

- 16 **Before the occupation of the dwellinghouses hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason:To safeguard the local environment in accordance with accord with the requirements of Policies CS8, CS12, ,CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 17 **No development hereby permitted shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

- **Construction vehicle numbers, type, routing;**
- **Traffic management requirements;**
- **Construction and storage compounds (including areas designated for car parking);**
- **Siting and details of wheel washing facilities;**

- **Cleaning of site entrances, site tracks and the adjacent public highway; and**
- **Timing of construction activities to avoid school pick up/drop off times.**

Reason: In the interests of highway safety, maintaining highway efficiency and safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

18 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**18146 200 01TT**

**276 01**

**276 02**

**276 03 B**

**276 04 ( Site Layout Proposed Relationships)**

**276 11A**

**276 12 B**

**276 21**

**276 22A**

**276 23 B**

**276 24 B**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1: ARTICLE 35 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 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 2015.

INFORMATIVES

Bats

UK and European Legislation makes it illegal to:

- Deliberately kill, injure or capture bats;
- Recklessly disturb bats;
- Damage, destroy or obstruct access to bat roosts (whether or not bats are present).



### *Contacts:*

English Nature                      01206 796666  
UK Bat Helpline                    0845 1300 228 ([www.bats.org.uk](http://www.bats.org.uk))  
Herts & Middlesex Bat Group    01992 581442

It is recommended that a bat box is installed at the application site.

### Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

If the developer is concerned about possible ground instability consideration should be given by the developer in commissioning the developer's own report.

### Highway Issues

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>

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<https://www.hertfordshire.gov.uk/droppedkerbs>

1. 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:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to

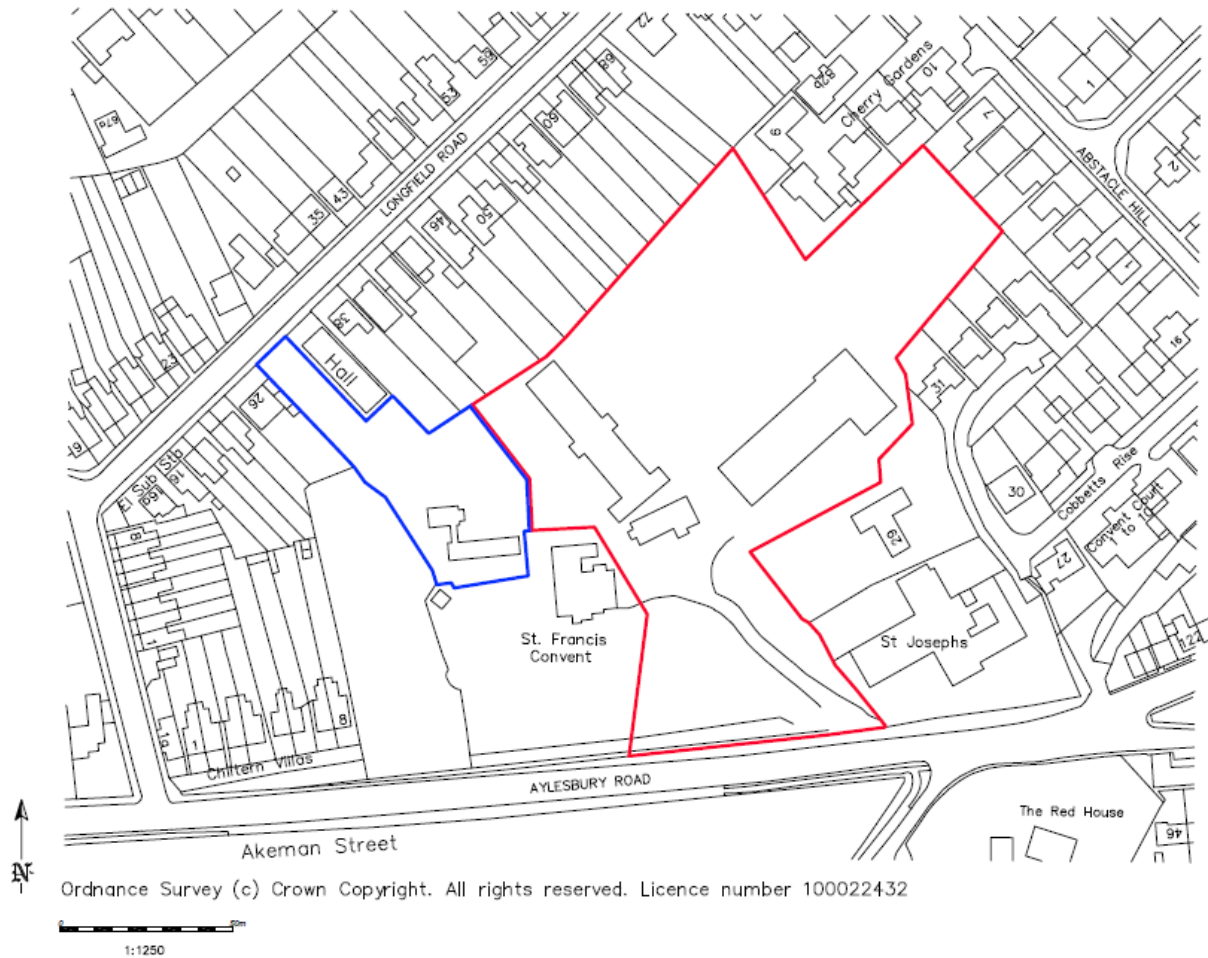
deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

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## Item 5b

**4/03167/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 31 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE (AMENDED SCHEME)**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL**



Item 5b

**4/03167/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 31 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE (AMENDED SCHEME)**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL**



B-B



C-C

**4/03167/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 31 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE (AMENDED SCHEME).**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL.**

**APPLICANT: W E Black Ltd - Mr E Gadsden.**

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[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The principle of residential development on this site has been established under a previous application considered by the Development Management Committee. The current scheme seeks one additional residential unit above the extant permission and the proposal would be acceptable in terms of layout and density, would not detract from the appearance of surrounding street scenes or the character of the surrounding area (described under TCA1 Aylesbury Road and TCA2 Miswell Lane). The extent of tree removal proposed would not raise any objection noting the retention of the line of TPO trees within the site's north-western corner and this would not outweigh the planning benefits of provision of housing in the site's location within a designated residential area within the town of Tring. Residential amenity within the development would be satisfactory and the proposal would not have an adverse impact on the living conditions of neighbouring properties. Car parking provision and access arrangements would be acceptable and no concern has been raised with respect to traffic movements as a result of the proposal.

The proposal therefore accords with the aims of the National Planning Policy Framework, Policies CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013 and saved Policies 18, 21, 58 and 99 and saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

### **Site Description**

The application site comprises the buildings and the majority of the grounds of the Convent of St Francis De Sales Preparatory School which is a sloping site accessed principally via a long drive off the northern side of Aylesbury Road and within the defined town of Tring. The school buildings and sports fields on the site are currently vacant following the closure of the school in 2014. The site is located at a height above Aylesbury Road consistent with the topography of the immediate area where the site's main frontage is largely vegetated including a bank comprising mature trees subject to a Tree Preservation Order.

Surrounding land uses are predominantly residential, with several single dwellings forming a shared boundary with the site, including those off Longfield Road, Cherry Gardens, Abstacle Hill, Cobbetts Ride and High Drive off Aylesbury Road (Gordon Villas); comprising a mix of two-storey dwellings and bungalows, set on plots of varying size, shape and garden area. St Josephs Care Home is located immediately to the south of the site and neither the old Convent nor the hall fronting Longfield Road form part of the redevelopment site, the former building is understood to be occupied by Tring School for boarding pupils. The site lies within a designated residential area under the adopted Dacorum Borough Local Plan 1991-2011.

### **Proposal**

Planning permission is sought for the redevelopment of the site to create 31 dwellings together with open space, parking areas and landscaping following the demolition of existing school buildings and structures on site; continuing to use the main access off Aylesbury Road. The

mix of dwellings would include:

6 one-bedroom flats  
8 two-bedroom houses  
2 three-bedroom bungalows  
8 three-bedroom houses  
7 four-bedroom houses

Of these 31 dwellings, 11 would be provided as affordable units which would equate to 35% of the total development.

The development would provide a total of 70 parking spaces.

The buildings would comprise semi-detached dwellings as well as terraces, bungalows, flats and one detached dwelling with development no greater than two storeys. The internal road network would be laid out leading off from the main drive off Aylesbury Road coming to a T-junction with another main road leading off to two other spur roads within the development.

The individual plots would feature private rear gardens, and the majority of units with private parking within their respective curtilages. The flats would benefit from a communal garden area and parking in front.

### **Referral to Committee**

The application is referred to the Development Management Committee as the previous application 4/01569/17/MFA was refused by the committee on 12 October 2017.

### **Planning History**

As noted above, application 4/01569/17/MFA for 40 dwellings was refused for the following reason:

By reason of the proposed dwelling density, the number of units on the site, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site when considered in the context of the locality within the TCA2 (Miswell Lane) Residential Character Area, to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

Prior to this, application 4/00029/16/MFA for demolition of all existing buildings, construction of 32 residential dwellings, alterations to the existing vehicular access onto Aylesbury Road, landscaping and the introduction of informal public open space was granted on 16 February 2017. This scheme included 30 dwellings on the main school site (the area of the current application site) and the remaining two fronting Longfield Road replacing the aforementioned existing hall, the latter portion which does not form part of the application site.

There is a separate live application 4/02899/17/TPO to fell one Beech tree within the western corner of the former school grounds, however this does not form part of the application site under the current scheme and is therefore not relevant in its consideration.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS24, CS25, CS27, CS29, CS31, CS32, CS35

### Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 58, 69, 76, 99  
Appendices 3, 5 and 6

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area TCA1 (Aylesbury Road) and TCA2 (Miswell Lane)

Affordable Housing (January 2013)

### **Summary of Representations**

#### Tring Town Council

The Council recommended no objection to the application with a comment that the protected trees on site be safeguarded unless proven to be diseased, when they should be replaced with natural resistance.

#### Neighbours

Comments have been received from properties at Nos. 31, 33 Cobbetts Ride and Nos. 26, 38 Longfield Road objecting to the proposed development on the following grounds:

- Provision of amenity / play areas insufficient;
- No community focus such as central open space for play;
- Query distances between neighbouring properties and impact on overlooking to existing dwellings;
- Clear lines of sight from Plots 12-19 into gardens and habitable rooms of Nos. 31, 33 and 35 Cobbetts Ride as a result of siting and orientation;
- Concerns surrounding visual intrusion of development relative to neighbouring properties where new dwellings on higher ground;
- Noise disturbance;
- Note separate application to fell trees adjacent to site with intention of extending development from the spur;
- Objection to access from Longfield Road for construction vehicles.

A response from No. 58 Longfield Road has been received in support for this application, noting the concerns of residents and council have mostly been addressed, with bungalows on the side near Cherry Gardens and reduced density.

Comments from Nos. 31 and 33 Cobbetts Ride also noted improvements in the scheme as above.

#### Hertfordshire Highways (comments in full)

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 subject to the following conditions:



1: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43m x 2.4m shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

S278 Agreement Any works within the highway boundary, including alterations to the footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Description of the Proposal

Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to Aylesbury road, landscaping and introduction of informal public open space (amended scheme). The above application is for the demolition of the existing buildings and replaces them with a mix of C3 residential dwellings with off street parking. Both pedestrian and vehicular access will be via the existing access off Aylesbury Road (with improvements) whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the following conditions and informatives. Location Convent of St. Francis de Sales preparatory School, Aylesbury Road Tring, HP24 4DL

#### History

4/00029/16/MFA Site: Convent of St Francis De Sales Preparatory School, Tring Demolition of all existing buildings and construction of 37 residential dwellings including over 35% affordable housing. Alterations to the existing vehicular access on to Aylesbury Road. Landscaping and the introduction of informal public open space.



4/01569/17/MFA Site: Convent of St Francis De Sales Preparatory School, Tring Demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space This application was REFUSED, for the reasons given below. The proposed dwelling density, the number of units on the site, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site when considered in the context of the locality within the TCA2 (Miswell Lane) Residential Character Area, to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

## Highways

**Aylesbury Road** This is a classified road - B4635/20, secondary distributor from the speed sign near Donkey Lane to Park Road and is maintained by HCC as the highway authority. This section of road is 450m long and approximately 7.5m wide outside the entrance to the site. The speed limit is 30mph, the road is lit and generally there is no observed on street parking during the day. There are neither traffic counts nor traffic calming measures for this section of road. The road is traffic sensitive ie no working between 07:30 to 09:30 and 16:30 to 18:30. There are no formal waiting restrictions outside the entrance to the site. Vehicular access to the development will be off this road via the existing steep drive. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

## Road Safety

Looking at the rolling 5year RTC data there has been 1 slight personal Injury Accident (PIA) recorded in this period. This was recorded on the 20th June 2012 as a slight injury incident. It appears to be a two car collision resulting in a rear end shunt to the car slowing down and turning into the access drive of the school. No further PIA's were recorded which could be down to the fact that the school has been shut for some time and/or that this section of highway is not an accident hotspot.

## Longfield Road

This is an unclassified local access road, L2 the 2U233/10, connecting Miswell lane to Aylesbury Road. It's 516m long and approximately 6.5m wide although this does vary considerably. It is a 30mph lit road with on street parking during the day and evening. There are no traffic counts for this road. The current access that serves the rear of the site will be closed off to through traffic although the simple vehicle crossover will be kept for the replacement dwellings providing a means of access to their off street parking spaces respectively.

This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

## Road Safety

Looking at the rolling 5 year RTC data for PIA it shows that there have not been any recorded incidents along this stretch of road.

As part of a Design and Access statement, the application should take account of the following policy documents;

- National Planning Policy Framework (March 2012);
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Roads in Hertfordshire Design Guide 3rd Edition
- Dacorum Borough Local Plan (reserved), Appendix 5 Parking Provision

## Parking

Off street parking is a matter for the Local Planning Authority (LPA) to determine and the applicant has provided details of the parking provision. DBC's parking standards (DBC Local plan and the SPG) should be used to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough council's zone 4 for this assessment. In this case the applicant is providing parking spaces but it is unclear if any will be DDA compliant. The applicant will need to provide room for cycles and buggies.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

## Accessibility

Forward Planning Officers (Passenger Transport Unit) have supplied details of bus services and bus infrastructure to identify gaps in the service. (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>)

Their comments are attached should contributions be sought from the LPA for bus stop improvements.

The nearest bus stops are located on Western Road approximately 150 metres from the site access. Therefore all dwellings are likely to fall within the recognised accessibility criteria of 400m. Neither stops have easy access kerbing and shelter provision. The existing east bound footway width may be insufficient to provide shelter provision.

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford  
The site is located on the main bus corridor to and from Aylesbury with frequent services available.

## RAIL

Tring station is approximately 2.5 miles away. Trains are run by London Midland and journey time into London Euston is around 42 minutes with up to five trains per hour operating during the rush hour period.

## OTHER COMMENTS

Accessibility to bus services from this site is considered good. The nearest bus stops fall within the recognised accessibility criteria of 400m for all dwellings. Rail access is remote however good cycle parking facilities exist at the station.

Should this development go ahead, it is recommended that developer contributions be used toward improving access to local buses with kerbing enhancements, bus cage and shelter provision (for the west bound stop). Kerbing enhancements cost approximately £8000 each and shelter provision is also around £8,000. Therefore to improve bus access facilities at this location a total cost of around £24,000 would be likely.

## Servicing Arrangements

Refuse and recycling receptacle storage will need to be provided. Refuse collection is likely to be via a kerbside collection regime within the site as will all other service providers. Planning Obligations/ Community Infrastructure Levy (CIL)

If the LPA are minded to grant PP then any contributions for locally identified schemes may be sought. The bus stop improvements mentioned above being the most likely. However, off site works to both the accesses will be covered in the S278 agreement.

#### Conclusion

The assessment does not indicate any significant issues with the proposal to create 31 dwellings on the site of the former Francis House Preparatory School. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

#### Chiltern Society

No objections to type of buildings and layout. Note importance of TPO trees and their contribution to the biodiversity of the area. Application addresses concerns of dwellings with respect to height particularly those sited on higher ground overlooking other properties. Instead of terraces previously proposed the development comprises good quality, mainly semi-detached family houses. Provision of three areas of significant open space considered an improvement on previous plans. Character of surrounding area has been reflected in the designs. Request replacement of trees proposed for removal.

#### Sport England

No comment. The principle of the loss of the playing field has been previously considered by the Council and the Secretary of State during the determination of the previous scheme 4/00029/16/MFA.

#### Trees and Woodlands

Layout of development with regard to tree retention and tree replacement is good.

Other than those it has been previously agreed to remove, no other trees are due to be lost to development.

Proposed open space adjacent to the site entrance welcomed. Query who will manage long term. (Response in section below.)

Proposed new trees should be relocated within open space identified between Plots 1 and 2. Guidance with respect to planting locations.

Require fully compliant BS5837:2012 application, details of access driveway modification and detailed planting plans.

#### Parks and Open Spaces

No objection. Query whether DBC would adopt areas of informal public space.

Response to consultee that previous application 4/00029/16/MFA included landscaping condition requiring details of management of such areas.

#### Refuse

No objection. Advice received on suitable bin types.

Consideration should be given to the size and manoeuvrability of the collection vehicle

including the gradient of the access road from Aylesbury Road.

Hertfordshire Property Services

No objection. Note CIL contributions.

Hertfordshire Lead Local Flood Authority

Request Flood Risk Assessment or Drainage Strategy.

Hertfordshire Ecology

Advise submission of Preliminary Bat Roost Assessment.

Hertfordshire Minerals and Waste

No objection. Noted relevant waste policies. The Council is urged to pay due regard to relevant waste policies and ensure their objectives are met. Detailed information would be expected to be provided for both the site preparation and construction phases as the waste arisings from construction will be of a different composition to arisings from the enabling work through submission of a Site Waste Management Plan.

Thames Water

No objection with respect to waste.

Recommend informative with respect to water infrastructure. Minimum pressure of pipes to be taken into consideration by developer.

**Considerations**

Policy and principle

As noted above, the application site lies within a designated residential area in the town of Tring where appropriate residential development is encouraged under Policies CS1 and CS4 of the Core Strategy.

Further policy support for the provision of housing is contained within the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development; and the site's location within a designated residential area within the defined village of Tring would accord with these objectives. Further, Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is also supported in principle under Policy CS18.

The policy support for additional housing in a town and residential location as outlined above is given considerable weight in assessing the proposal.

The previous applications which considered the redevelopment of the site assessed the principle of the loss of the school and playing fields and under this application it has been accepted that residential development on this site has been established, noting Sport England's comments above. It is also acknowledged that the previous application 4/00029/16/MFA was referred to the Secretary of State as a departure from the Development Plan and was not subsequently called in. Consequently Sport England in their comments both under the current and most recently determined application 4/01569/17/MFA has not objected to the proposals on these grounds. The proposal therefore would not conflict with

the aims of Policy CS23 of the Core Strategy or saved Policy 69 of the Local Plan.

It is also noted that the appraisal for Residential Character Area for TCA1 (Aylesbury Road) is an area of limited opportunity in terms of scope for residential development; however with respect to redevelopment, this will not normally be permitted except on the Convent and School sites.

The provisions of saved Policy 10 of the Local Plan are also relevant, stating that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area. The proposal would accord with these objectives.

The number of dwellings sought on the main school site would represent an increase in one unit above that previously approved (excluding the two dwellings approved fronting Longfield Road under 4/00029/16/MFA) and this would not raise any principle issues and shall be detailed in the following sections.

It follows the principle of redeveloping the site for residential dwellings is accepted and established.

#### Layout and density

##### *Tree removal*

It is important to note that the site area has been reduced following the previously refused application, so that it excludes the area of open space within the site's western corner, including a row of six trees, five of which were proposed for removal (and three of which were subject to a Tree Preservation Order). As such, all tree removal proposed under the current application would not differ from the previously approved application.

##### *Site layout*

The site layout described above where dwellings would be oriented to front a main residential road running across the site at the top of the drive off Aylesbury Road, with smaller spur roads is considered to be a benefit in terms of layout and simpler wayfinding within the site compared with the previously approved scheme. This would also have the result of less hard landscaping perceived within the site which would enable a slightly curved road layout and staggered building setbacks which would add interest to the development when viewed within the site and also contribute to the suburban character of the immediately surrounding area.

When approaching the main development site from the drive off Aylesbury Road, the viewer would approach the detached dwelling at Plot 1 with its articulated southern side elevation and a pair of semi-detached dwellings terminating the view at the head of the internal T-junction which would contribute to the sense of place within the site.

##### *Dwelling density*

Noting the previously approved application and site layout considerations above, it is considered that the currently proposed dwelling density of 23 dwellings per hectare would be acceptable. It is acknowledged that this density would not exceed the maximum range set out in saved Policy 21 of the Local Plan which stipulates densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. This should be balanced against the Residential Character Area statements for TCA1 and TCA2 which apply to the application site and require a lower dwelling density at no greater than 25 dwellings per hectare.

In applying the guidance of the Residential Character Area statements, it is considered that the development principles of TCA1 (Aylesbury Road) are applicable to works at the site's principal road frontage, whereas arguably the development principles of TCA2 (Miswell Lane) would be better applied to the development within the main part of the site (currently comprising the school buildings and playing fields); as existing surrounding development on Longfield Road, Abstable Hill and Cobbetts Ride and their spur roads all form part of TCA2, and it is these properties which form the immediate context for assessing the impact of the proposed residential development.

#### *Building separation, amenity space and open space*

The development would achieve an acceptable degree of spacing between buildings which would generally accord with the development principles set out under TCA2 (Miswell Lane) given the immediately surrounding context. Sufficient space around the buildings would be achieved and importantly the site would provide appropriate landscape buffers including through rear or private gardens to the boundaries of the site, particularly those shared with existing residential properties, contributing to the established suburban character of the locality.

A minimum distance of 23m would be achieved between the main walls of buildings within the development where these do not directly front a road, to accord with local standards set out under saved Appendix 3 of the Local Plan.

All dwellings would have private garden areas that would meet the minimum garden depth of 11.5m.

The flatted part of the development would benefit from its own private amenity area that would be greater than the footprint of the building.

Areas of open space within the development have been incorporated within the layout which would also assist in providing visual relief from buildings in the site.

The proposal would accord with the aims of Policies CS10, CS11 and CS12 of the Core Strategy.

#### *Removal of permitted development rights*

If planning permission is granted it would be reasonable to remove permitted development rights relating to Classes A and B (extensions and roof extensions) to ensure sufficient garden space to properties is retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

#### Impact on protected trees and landscaping

It is important to note that no further tree works are proposed above those approved under the previous application (4/00029/16/MFA). The six Beech trees in a linear group (four of which are subject to Tree Preservation Order 544) are excluded from the application site under this current scheme. The extent of tree works is therefore acceptable.

If planning permission is granted it would be reasonable and necessary to include a landscaping condition requiring the loss of trees to be offset by replanting particularly within the amenity areas identified within the main site, which over time would serve the purpose of softening the development.

It follows the proposal would not conflict with the aims of Policies CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

### Impact on character and appearance of surrounding area

There are a number of locations from which proposed buildings on the site would be visible. The principle street frontage to Aylesbury Road would remain largely unchanged with respect to impact from buildings due to the siting of dwellings within the main part of the site. The frontage to Aylesbury Road would be altered only by access works to facilitate the development; however the proposals would ensure that the transition from Tring town to the more rural character when traveling west to continue out of the town would be retained in accordance with the development principles of TCA1 (Aylesbury Road). The bank of mature trees would be retained as open space as part of the development and this would be acceptable.

With respect to the residential development on the site, the development guidelines of TCA2 are considered of greater relevance given the immediately surrounding context. The development would consist of two-storey forms which is considered acceptable noting the immediately surrounding context. Bungalows would occupy the easternmost portion of the site closest to Abstacle Hill. This would be a satisfactory design response with respect to roofscape within the development and building intensity.

Buildings themselves would be well-proportioned, some with projecting gable elements to form a variety of street scenes whilst creating visual interest. The balance of hardstanding for private parking provision and soft landscaping particularly at prominent corners would be acceptable noting the site's suburban context.

Views into the site would also be obtained from the elevated perspective of Barbers Walk (looking across bungalows on Abstacle Hill) and above the tennis courts) as well as above dwellings on the western side of Cobbetts Ride. The development however would not appear unduly prominent from surrounding street scenes, noting that the site lies within a residential area and less so than the previous approval with bungalows on the former tennis courts.

The proposed development would generally appear less intrusive than existing school buildings when viewed from surrounding streets including from Cobbetts Ride and would not appear over-scaled in comparison with dwellings in this immediate context.

Details of materials shall be reserved by condition if planning permission is granted given the scale of the proposals.

The proposal would therefore accord with the objectives of Policies CS11 and CS12 of the Core Strategy in this regard.

### Impact on highway safety and car parking

No objection has been raised from the highway authority with respect to traffic generated by the development.

Parking would be provided with at least two spaces within the curtilages or proximate to each of the houses (to be allocated). The spur road containing the flatted component comprising six dwellings and a terrace of four units (two-bedrooms each) would benefit from 16 car parking spaces within the cul-de-sac.

Under saved Appendix 5 of the Local Plan the development for 31 dwellings would require a maximum of 63 spaces. The site layout would provide a total of 70 car parking spaces to minimum dimensions (the four spaces in front of double garages for bungalows at Plots 2 do not meet the 5.5m length required for bays immediately in front of garages). This slight overprovision of parking is acceptable as the site is currently only served by the drive off

Aylesbury Road, and the limited available visitor parking around the site where surrounding private residential roads are not conveniently located with access to the development.

It follows the proposal would not conflict with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policies 54 and 58 of the Local Plan.

#### Impact on neighbouring properties

It is important to note that the proposed site layout and overall building form remains largely unchanged from the most recently considered scheme (4/01569/17/MFA) with respect to the interfaces with neighbouring properties. As a result of a reduced site area, the properties immediately adjacent to the development include the Convent as well as single dwellings along Longfield Road, Cherry Gardens, Abstacle Hill and Cobbetts Ride. The application site does not abut the dwellings on High Drive, Aylesbury Road (Gordon Villas), No. 38 Longfield Road or the former hall.

#### *Convent*

The impact on the Convent is assessed on the basis that it would be occupied for boarding (associated with Tring School) as noted above. The dwelling at Plot 1 would be sited opposite the Convent at a minimum (first floor) window-to-window distance of 19m. The impact of the development with respect to overlooking would be mitigated as the nearest walls would not be facing each other (the principal elevation of the Convent facing east rather than directly north-east towards Plot 1) and it is not considered there would be additional unreasonable overlooking compared with opportunities from the private drive. Sufficient space and landscaping would be retained around the Convent building and the proposed development so that there would be no objection with respect to visual intrusion or loss of light.

#### *Cherry Gardens*

The development relative to No. 7 Cherry Gardens would remain unchanged from the previously considered scheme and this did not raise any concerns with respect to visual intrusion, loss of light or overlooking noting the 25° line from the neighbour's nearest windows would not be breached.

#### *Longfield Road*

The development would exceed the 23m back-to-back standard between rear-facing walls relative to adjoining dwellings on Longfield Road.

#### *Abstacle Hill*

The former tennis courts abuts the dwellings on Abstacle Hill where two bungalows are proposed. This is considered an improvement above the two-storey dwellings that have been previously proposed in this location. The 23m minimum distance between main rear walls would be achieved.

#### *Cobbetts Ride*

Due to the orientation of No. 29 (rear wall facing south-west) and its generously-sized rear garden it is not considered the development, although on relatively higher ground, would not compromise the residential amenity of this neighbouring property.

The proposed bungalows would achieve separation distances of over 15m relative to the nearest chalet bungalows at Nos. 33 and 35 (The Hollies) Cobbetts Ride which would be appropriate noting their scale and hipped roof forms. This is an acceptable relationship noting



the proposed side walls of the bungalow (Plot 20 and garage facing these neighbours. The roof light serving the stair within the side hip of Plot 20 would be obscure-glazed which would prevent any unreasonable overlooking to properties on Cobbetts Ride.

The siting of Plots 12 to 15 (inclusive) relative to the shared side boundary with No. 31 Cobbetts Ride is not considered to give rise to concerns relating to overlooking or visual intrusion. A triangle of open space separates the rear boundaries of the terrace row from the side boundary of this neighbour's rear garden where the dwellings themselves would be sited between 16.5m and 19m from this boundary. Whilst the terrace is two-storey, at these distances it is not considered unreasonable overlooking would occur from the first floor windows of these units and is not a dissimilar relationship to that previously considered (under 4/01569/17/MFA) which did not raise objection.

#### *Noise disturbance*

The siting of buildings and the intensity of development nearest the boundaries would not raise any concerns with respect to noise disturbance noting the assessment and consideration of the above-mentioned recent applications on the site.

The development would therefore satisfy the objectives of Policy CS12 of the Core Strategy.

#### Impact on protected species

Reference is made to comments provided by the County Ecologist under the previous application which are considered relevant in the consideration of the current scheme. If planning permission is granted it would be reasonable to impose conditions requiring offset provision to support protected species in accordance with the aims of the NPPF.

#### Flood risk and drainage

It is not considered that an objection could be sustained on flood risk noting the previous reports prepared for the two previous applications for development on this site, including the proposal for 40 units most recently considered where the flood authority did not raise objections. As such any planning permission shall be subject to conditions previously recommended by the flood authority so that the development accords with Policies CS31 and CS32 of the Core Strategy.

#### Archaeology

Previous comments (under 4/00029/16/MFA) with respect to archaeology matters are considered relevant in assessing the current application and therefore if planning permission is granted this shall be subject to the imposition of archaeological recording conditions in accordance with Policy CS27 of the Core Strategy.

#### Refuse and fire services

Principal access arrangements are acceptable noting the assessment of this matter under previous schemes and as such would not raise concerns with respect to access for refuse and fire services. It is noted that the provision of fire hydrants as required by the fire authority shall be secured by condition if planning permission is granted.

#### Affordable housing

The development would provide 11 on-site affordable units in line with requirements under Policy CS19 of the Core Strategy. This shall be secured by an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

### Community Infrastructure Levy (CIL)

The application site falls within CIL charging zone 2 and as such the proposal shall be subject to a CIL rate liability of £150 per square metre unless any exemptions are applicable.

### Previous referral to Secretary of State

The previously approved application (4/00029/16/MFA) during determination was referred to the Secretary of State following the Development Management Committee's decision to grant the application. For clarification the current application does not require referral to the Secretary of State as Sport England has not objected on the loss of playing fields as noted above.

### 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 Section 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:

The on-site provision of 11 affordable housing units.

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 **Construction of the buildings hereby approved shall commence (for the avoidance of doubt this excludes demolition and levelling works) until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

**Specific details of the following shall be submitted to the local planning authority for approval and development shall be carried out in accordance with the approved details:**

- **Sample panels of brickwork;**
- **Roof materials sample;**
- **Detailed scaled drawing of joinery;**
- **Details of window heads and cills;**
- **Rainwater goods.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

**3 No development (excluding demolition) 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 and boundary treatments, including area provided for communal amenity space for flats;**
- **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, including offset planting following tree removal concentrating on smaller public amenity spaces within the development;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **full details of proposed ramps;**
- **refuse and cycle areas including covered storage and other outbuildings;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs etc);**
- **external lighting;**
- **means of managing / maintaining landscaped areas.**

**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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

**4 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

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 2013.

**5 Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the local planning authority.**

**The plan shall include details of:**

- **on site parking for construction workers for the duration of the construction period;**
- **wheel cleaning facilities associated with the proposal;**
- **a scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.**

**The scheme shall be implemented in accordance with the agreed Construction Management Plan.**

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety for the duration of the construction period in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 6 **Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of the access off Aylesbury Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting bat roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

- 8 **Prior to occupation of the development hereby permitted, a lighting design strategy for biodiversity as recommended in the submitted Phase 1 Study, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) **identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and**

b) **show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.**

Reason: To protect bat movement corridors and compensatory roosting features in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

- 9 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning**

authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to ensure investigation and preservation of archaeological findings for the duration of the construction and development in accordance with Policy CS27 of the Dacorum Core Strategy 2013.

- 10 **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the Dacorum Core Strategy 2013.

- 11 **The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by JNP (reference M41452-FRA001 dated December 2015) and the following mitigation measures detailed within the FRA:**

1. Implement appropriate drainage strategy based on infiltration.
2. Limiting the surface water run-off rates to maximum 12l/s with discharge into Thames surface water sewer.
3. Implementing appropriate SuDS measures as indicated on drawing M41452-FRA001 Rev 2 dated November 2015 with the use of soakaways, permeable paving and geocellular tanks.
4. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 12 **No development (excluding demolition) shall take place until the final design of the drainage scheme is completed and sent to the local planning authority for**

approval. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations / modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime

Development shall be carried out in accordance with the approved details.

Reason: To ensure feasibility of the proposed surface water drainage strategy in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 13 **Prior to first occupation of the development hereby approved, a scheme for the provision of fire hydrants must be submitted to, and agreed by the local planning authority. The units shall not be occupied until the hydrants serving the buildings have been provided in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To provide for a safe means of access for fire and emergency vehicles in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 14 **Prior to the commencement (excluding demolition) of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to

ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 15 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 14 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 16 **No development (excluding demolition) shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

Reason: To reduce the amount of waste produced on the site in accordance with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan.

- 17 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 and B**

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 Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 18 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of their respective dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

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

**Site Location Plan (no reference)**

**16 / 3431 / 48 (context plan)**  
**16 / 3431 / 30A (proposed site layout)**  
**16 / 3431 / 31 (Plot 1)**  
**16 / 3431 / 32 (Plots 2 and 3)**  
**16 / 3431 / 33 (Plots 4 and 5)**  
**16 / 3431 / 34 (Plots 6 to 11 floor plans)**  
**16 / 3431 / 35 (Plots 6 to 11 elevations)**  
**16 / 3431 / 36 (Plots 12 to 15)**  
**16 / 3431 / 37 (Plots 16 to 19)**  
**16 / 3431 / 38 (Plot 20)**  
**16 / 3431 / 39 (Plot 21)**  
**16 / 3431 / 40 (Plots 22 and 23)**  
**16 / 3431 / 41 (Plots 24 and 25)**  
**16 / 3431 / 42 (Plots 26 and 27)**  
**16 / 3431 / 43 (Plots 28 and 29)**  
**16 / 3431 / 44 (Plots 30 and 31)**  
**16 / 3431 / 45 (site section A-A)**  
**16 / 3431 / 46 (site sections B-B and C-C)**  
**16 / 3431 / 47 (site sections and extracts)**

**Design and Access Statement**

**Flood Risk Assessment (reference M41452-FRA001)**

**Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination stage of the previous application 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) Order 2015.

Hertfordshire Highways Informative:

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or



by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Ecology Informative:

If demolition is to be undertaken within the breeding season, it is important to check for active nests within roofs and soffits. Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

#### Contaminated Land Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

#### Environmental Health Informative:

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - 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: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider Best Practice Guidance for the control of dust and emissions from construction and demolition, produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found

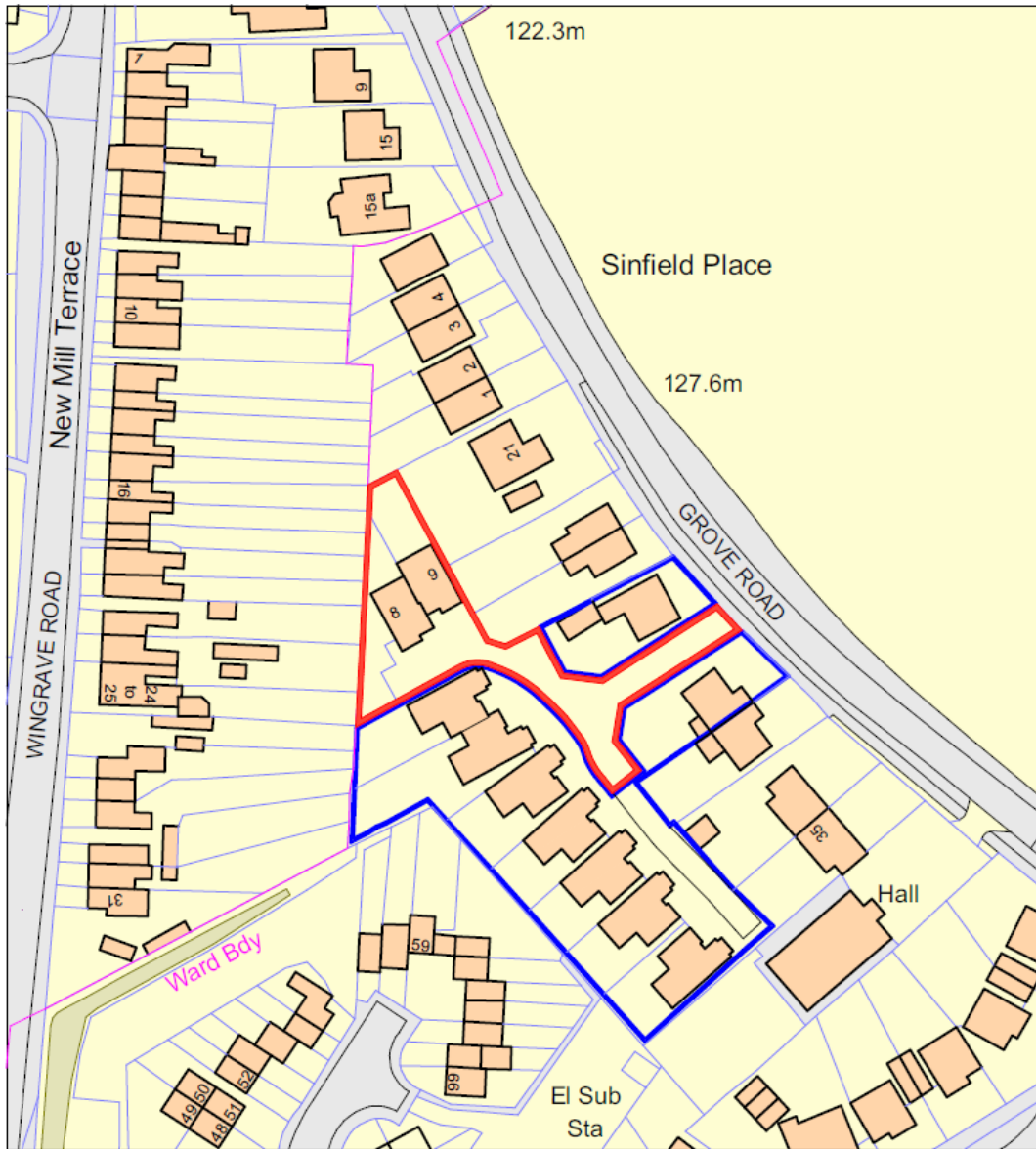
the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted

## Item 5c

**4/03153/17/FUL - CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM DWELLINGS AND ASSOCIATED ACCESS.**

**LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA**



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Item 5c

4/03153/17/FUL - CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM DWELLINGS AND ASSOCIATED ACCESS.

LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA



FRONT SOUTH-EAST ELEVATION

Datum line 120.00



REAR NORTH-WEST ELEVATION

Datum line 120.00

**4/03153/17/FUL - CONSTRUCTION OF TWO NEW SEMI-DETACHED THREE-BEDROOM DWELLINGS AND ASSOCIATED ACCESS..  
LAND TO THE REAR OF 21, 23 & 25 GROVE ROAD, TRING, HP23 5HA.  
APPLICANT: Braybeech Homes Limited.**

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[Case Officer - Rachel Marber]

## **Summary**

**The application is recommended for approval.**

The principle of residential development in this location is considered acceptable. The proposed scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy Policy CS17 and the NPPF (2013). The two proposed dwellings would not result in significant harm to the visual amenity of the area, residential amenities of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2012), Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS29 and CS35 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the Local Plan (2004), and the New Mill West (TCA13) Character Area Appraisal (2004).

## **Site Description**

The site is located on the south-western side of Grove Road, within the residential area of New Mill West (TCA 13), which forms part of the urban area of Tring. The site comprises of the part of the rear gardens of Nos 21-25 Grove Road.

This section of Grove Road is characterised by a variety of housing stock in regards to varying age and style, with open land on the opposite side of the road. Property nos.23 and 25 comprise of 1960's semi-detached housing and No. 21 comprises of a detached early 20th century property. 1990's cul-de-sacs also reside nearby (New Mill Terrace and Grove Gardens respectively). To the south of the site fronting onto Grove Road is 1 to 5 Sinfield Place, a development of two-pairs of 2½ storey 3-bedroom dwellings and a detached 3-bedroom dwelling.

Land levels fall across the site towards New Mill Terrace. The site contains semi-mature trees and hedges, with the most mature being located along the rear boundary of the site towards the New Mill Terrace properties.

## **Site History**

The application site would form part of a wider proposal of seven dwellings. The site history is as follows.

4/00069/16/FUL – Construction of six 4xbed detached dwellings, refused at committee on 03/06/16

*“The proposed backland development would represent an overdevelopment of the site and would cause significant harm to the character of the area. The proposed development would result in a contrived and cramped form of development which would be out of character with the surrounding area. The proposals are therefore contrary to Core Strategy policies CS11 and*

CS12, Tring Character Area (TCA) 13 of the Saved Local Plan, and the NPPF.”

This application was **allowed** at appeal under ref: APP/A1910/W/16/3156127 for following assessment made:

'The site would be similar to, or match the prevailing character of the area. Density of the site would be at a comparable level to the surrounds, and the design of the properties would also assimilate well into the local character. The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area. Gardens would be of a reasonable size and overall the proposal would not appear as overdevelopment of the site or contrived or cramped. I have concluded that the proposal would not have an adverse effect upon the character and appearance of the area.'

When considering the distance between these dwellings on New Mill Terrace and the existing and proposed landscaping I consider that such views would not be overbearing. When combined with the distances I do not consider therefore that the proposal would have an adverse effect on the living conditions of nearby residents in terms of outlook or overlooking.

Concern is raised over matters of drainage. I can appreciate that given the low lying nature of New Mill Terrace in relation to the site that the development of the proposal could lead to adverse impacts in terms of water run off from the site. The application notes that sustainable urban drainage techniques will be utilised. Such matters could be conditioned to ensure that full details are approved by the Council prior to development commencing.

The proposal would build 6 houses and provide 3 off street car parking spaces for each property, including an integral garage and two spaces on a driveway. This would be ample parking for such a development located within a reasonably sustainable location.

4/01806/17/FUL – Construction of a 4-bed detached dwelling, granted under delegated powers on 03/08/17

4/01806/17/FUL CONSTRUCTION OF A DETACHED DWELLING  
Granted  
03/08/17

4/02747/16/FUL CONSTRUCTION OF THREE DETACHED DWELLINGS AND A PAIR OF SEMI-DETACHED DWELLINGS  
Withdrawn  
26/01/2017

4/01801/16/FUL CONSTRUCTION OF FIVE DETACHED DWELLINGS (AMENDED SCHEME)  
Refused (appeal allowed 30/01/17)  
30/08/2016

4/00069/16/FUL CONSTRUCTION OF SIX FOUR BED DWELLINGS  
Refused (appeal allowed 01/12/16)  
03/06/2016

**Proposal**

The proposal involves the construction of a pair of semi-detached 3-bed dwellings on land to the rear of No. 21-25 Grove Road. The proposal would comprise of an extension to the wider backland scheme on the adjacent sites outlined above. The current proposal would extend the site to north to incorporate new plots 8 and 9. The proposed dwellings would be accessed via the shared surface driveway approved as part of application ref: 4/01801/16/FUL, which would be extended into this new plot. Each property would have two parking spaces.

### **Referral to Committee**

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

### **Policies**

#### National Planning Policy

National Policy Guidance (2017)

National Planning Policy Framework (NPPF) (2012)

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 58 - Private Parking Provision  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Appendix 3- Layout and Design of Residential Areas  
Appendix 5- Parking Provision

#### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (TCA 13 New Mill West)

### **Summary of Representations**

#### **Comments received from consultees:**

## Tring Town Council

### **Objection**

The council recommended refusal of this application on the grounds that it was overdevelopment of the site and asked, that should any development be permitted, conditions similar to those stipulated in appeal decision APP/A1910/W/16/3156127 be made

### HCC 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 subject to the following conditions:

Condition 1 :

Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details on any demolition works, removal of materials from site, parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway

Condition 2:

Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmac or similar durable bound material and arrangements shall be made for surface water from the site and access road to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

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.

Storage of materials

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority 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.

Obstruction of the highway

AN2) 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.

#### Mud on highway

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Planning Application:

The development proposal is for erection of pair of semi-detached three bedroom dwellings with associated parking and landscaping. Site and surrounding:

The site is located at the rear of 21, 23 and 25 Grove Road in Tring. The area is largely residential dwellings consist of mix semi and detached properties. The site is within the residential neighbourhood.

#### Local Road Network

Grove Road is an unclassified local access road some 1262m in length. The development is to be served by the same access from Grove Road which was approved after a planning appeal under planning application 4/00069/FUL. The permission was granted for an application for 4 detached 4 bedroom properties at the rear of 27 and 29 Tring Road. The access was created on a land between 27 and 29, a shared driveway and 4.1m wide. 4.1m width is the minimum width required for 2 motor cars to pass one another with a 0.5m tolerance.

There are no on-street parking restrictions along Grove Road and most properties are with their own driveway and off-street parking facilities.

#### Accessibility

The local area is not in a highly sustainable location, but it is a residential neighbourhood and there are number of new residential development closer to the application site.

#### Capacity and Safety

The highway network in the vicinity of the site does not have any road safety issues. In terms of road capacity the development is likely to be an intensification on the previous use of the site with 0 vehicular trip generation. The applicant's proposal is to provide 5 car parking spaces. On-site parking is a matter for the planning Authority. However, the additional traffic associated with the proposed development are unlikely have any material impact on the capacity of the local road network. Vehicular Access and parking

The proposal is to serve the site off the approved two-way shared surface road located between 27 and 29 Grove Road. The new access road is under construction to provide access to 4 no detached and semi-detached properties under planning permission 4/00069/FUL at the rear 27-33. The proposed carriageway width is 4.1m which is the minimum carriageway width required

for two cars to pass one another. The proposed access to the current application is off the access road under construction. . The applicant is proposing a turning area for HGVs to turn around and the vehicles to enter and leave the application site in forward gear.

The revised vehicle access arrangement for properties 27 and 29 are not desirable. The layout was approved by the planning Inspector. The access road under construction and the connection to the current application site will not be adopted for maintenance by the highway authority. The applicant with the planning authority should make the necessary arrangements for the long term maintenance of the access road.

#### Conclusion

The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.

#### Amended Comments

Additional information from the planning case officer stating there is a construction management plan attached to the development under construction and the access road to be permeable slabs. In view of the above the suggested conditions 1 and 2 is not necessary for the current application

#### DBC Contaminated Land

The following report has been submitted in respect of the above:

- Geo-environmental Report; Document Ref: 20692R1; Issue No. E; WDE Consulting Ltd; November 2017

#### **Planning history:**

- 4/00069/16/FUL original scheme (6no. plots)
- 4/01236/17/DRC original scheme (6no. plots)
- 4/01806/17/FUL relates to an additional plot (Plot 7)
- 4/02351/17/DRC relates to an additional plot (Plot 7)
- 4/03153/17/FUL relates to an additional 2no. plots (Plots 8 and 9)

Issue A of the report was submitted in respect of 4/01236/17/DRC. Issue C of the report was submitted in respect of 4/01806/17/FUL and 4/01236/17/DRC. Issue D of the report was informally reviewed and approved following amendment via email to WDE Consulting Ltd on 15 November 2017. The amended version of Issue D was renamed Issue E.

#### **Current application:**

I am satisfied that the risks in relation to Plots 8 and 9 are likely to be low as no contamination was identified during the site investigation on Plots 1 – 6 and the former garage in close proximity has been subjected to remediation and redevelopment.

The preliminary conceptual site model and associated risk assessment identified historic Made Ground as a potential source of on-site; no Made Ground was identified within the exploratory holes on Plots 1 - 6. I recommend that a careful watching brief be undertaken during ground and construction works on the site for the presence of Made Ground and any visual and/or olfactory evidence of contamination. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of

action agreed.

### Strategic Housing

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

### Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([development.services@hertfordshire.gov.uk](mailto:development.services@hertfordshire.gov.uk)).

### **Comments received from local residents:**

#### 19 New Mill Terrace

##### **Objection**

I object to this planning application for the following reasons,

The original application for this site was for 6 houses, one further house has already been added and with this new application the original site will be 30% bigger than agreed.

I don't believe the measurements on the plans to be accurate, the suggested plot is not big enough for two semis detached houses.

This application is an addition to an existing development making the site overcrowded.

Car parking spaces will have to be removed to allow access to the proposed houses meaning residents will have insufficient car parking and will then have to park on Grove Road causing congestion.

I understood it that only two storey dwellings were allowed and these will be two and a half storey.

I have concerns that this latest addition to the existing building site will increase the risk of flooding to the houses on New Mill Terrace. I also fear that the main sewer cannot cope with the level of new builds on Grove Road.

#### 22 New Mill Terrace

##### **Objection**

This 'infilling' application is an extension of the original application for 6 houses making it an overdevelopment of the site. The proposed 2 1/2 storey design contravenes TCA13 which provides for 2 storey only development. This will cause the properties to be of an overbearing nature to the considerably lower houses on New Mill Terrace.

Car parking is an issue in the area. There will be insufficient provision for parking for the proposed properties in the development area.

Traffic is a nightmare along Brooke Street which will only worsen with the addition of yet more properties. Cars are continually being damaged.

I am also concerned that the aging sewerage system will not cope with the increased demands put upon it by further development,

Our property has a cellar containing a well. We are only too aware of rising water levels. The road at the front of our property regularly floods and is a flood risk area. The development will exacerbate this situation.

We have no police presence and crime is increasing. You may remember Barclays Bank that had its window smashed in an attempt to burgle the ATM next door to the redundant Police station! What a picture that made in the paper!!! There is an increasing feeling of vulnerability in Tring since criminals realise that it takes too long for authorities to attend any crime scene to be effective.

Banks are moving out of the area.

Schooling is at capacity.

If you are unfortunate enough to fall ill trying to get an appointment at the doctors is next to impossible.

Bus routes have been cut so that it is now even harder to use public transport to ease congestion on the roads.

Parking is a big problem in this particular area since a large amount of the properties have no 'off road' parking and the majority of dwellings own at least two vehicles. There will not be adequate parking for this development which will mean even more vehicles being parked on grass verges.

The traffic travelling down Brook Street is horrendous. While the council have seen fit to introduce traffic calming measures on other roads, Brook Street has completely escaped their attention. A few months ago the whole road was blocked off due to a vehicle speeding and crashing into the parked cars along the road. I don't think there will be a single resident who hasn't suffered damage to their vehicle along Brook Street. Further development will obviously exacerbate the situation.

Brook Street regularly floods after even the smallest amount of rainfall. The houses opposite us are built on floating foundations due to the increased risk of flooding. Our particular property is very old and has a cellar. Therefore the foundations are considerably lower than the proposed development. I don't know if the councils are even aware that our cellar has a well in it. I was informed some time ago that other properties in the area also have wells. This entire development will no doubt increase the risk of flooding not just to the road and at surface level but it will actually flood our house internally. At present we have a pump in the well which we have on one occasion had to use to pump our property out. Will Braybeech Homes Ltd be compensating us for any damage increased flooding will cause to our property?

The sewerage network in the area is very old. We still have lead piping!!!! This development will cause additional pressure on the existing installation.

Since the aspect of the development is far higher than the properties on New Mill Terrace and exceed the 2-storey limitations they will be overbearing. The trees identified in the gardens of New Mill Terrace while it says they will be 'safe' from the developers, will have their roots damaged by the foundations which will be very close to the garden boundaries. I am sure if these roots are damaged and 'accidentally' kill the trees they will have to be removed for safety reasons. I was under the impression that trees were supposed to be planted on the development on the old Sears Garage site. This was not done so although a neighbour mentioned that there will be 'green' hedging at the bottom of our property I am sure this also will be accidentally forgotten by the developers. The proposed 2 ½ storey design contravenes the planning requirements for the area.

Further to my emails to you today concerning the above planning application. I thought you should be aware that we have suffered a power cut in the area today and have just been disturbed by Thames Water contractors at 21:30 who informed us that they should be closing the road to mend major leaks that have led to flooding in the road and gardens. This has been occurring for some time now. They for some reason have decided to abort this work today and will have to return to complete the work another day. When contractors intend to close roads I thought it to be the usual practice to notify residents. Thames Water obviously do not feel the need to extend this common courtesy. Flooding is a real problem that has been increasing over the years in the New Mill area which is only made worse by increasing development. Expecting extremely old drainage and sewage networks to cope with increasing developments is extremely naive. Thames Water were supposed to be renewing the pipework along Brook Street but I do not believe this has been done yet. I was amazed that last time Braybeech applied for the first planning application for the initial development the first 'Authority' to give their approval of the application was none other than Thames Water. It is about time they actually acquainted themselves with the area and its drainage problems before approving of developments which will ruin residents quality of life and their properties. Increasingly residents are leaving and renting their properties to tenants who are not concerned about the upkeep of the area and properties. Sending road sweepers to move the water does not solve the problem. We have been told by the contractors that they will probably return tomorrow to start the work. Thames Water even tried to install a meter on the stop cock outside the front of our property. Luckily my partner managed to stop the contractor since we share the water inlet pipe with four other users. This would have meant us receiving a bill for all five users. They clearly have no understanding of the area. Thames Water were completely unaware of this situation.

26 New Mill Terrace

### **Objection**

I am writing to object to the above Planning Application.

My objections are as follows :-

It is against the Dacorum Borough Local Plan 1991-2011 as the proposed development is both cramped in appearance and reality. The density is not within the medium range of dwellings per hectare.

Again the houses are 2/3 stories high.

The access road which has already been allowed under appeal, has been changed from the original application and I see no amendments to Planning Ref 4/00069/16/FUL. Yet more vehicles to use the access road entering & exiting onto Grove Road, an already busy road, with much school thoroughfare walking up daily.

The parking allocated to the Application is 2 per house, however they are one behind each other and this makes it hard to see how they will be used, there is no visitor parking allocation which would mean either parking on the access road or on Grove Road, this is already happening at the 2nd block of flats constructed on Brook St, not enough allocated parking so the residents are now parking on Brook St.

This is now the 3rd Phase of the development. 6 x 4 bed houses, an additional 4 bed added, then this application, there is no affordable housing provided which contravenes Policy CS19, affordable homes will be provided on sites of 5 dwellings or more, it would appear the developer is progressing in stages to avoid providing affordable homes which reduce his profits.

On the original 6 bed application, various trees were ear marked to be kept, at least one has been taken down that was protected under the Planning Application.

Point 27 of the Appeal decision (ref APP/A1910/W/16/3156127) we raised concerns of matter of precedent, Planning Inspectorate stated that each case to be judged on its merits. This is now the 4th Planning Application on this site, by allowing the original Application to allowed, another 2 Applications have been submitted, one already passed and this one. I feel that the Planning Inspectorate have been, at best, naive, in allowing the Appeal to be granted, we had already pointed out if allowed it would pave the way for more, and we have been proved right twice now.

The distance between the proposed houses and 1 Sinfield Place, as far as I can see on the drawings, looks below the distance required by Planning regulations, habitable rooms from the proposed houses, look directly into the living room & bedrooms of 1 Sinfield Place, and vice versa.

1 Sinfield place is not even fully on the application drawings, The houses that are currently in the process of selling their gardens to the developer might well be affected as they are close to the proposed dwellings, but are receiving sufficient financial reward to negate this. 1 Sinfield Place has privacy invasion on a grand scale, with no recompense bar the fact they are being even more cramped with properties surrounding them.

I would ask the Councillors to continue to support the residents in rejecting this overbearing, overcramped, overworked area. Tring needs affordable housing for our children growing up in this lovely market Town, not 3 or 4 bed houses that are well beyond the range of an average working citizen.

#### 20 New Mill Terrace

#### **Objection**

I would like to submit my objection to the proposed building works reference 4/03153/17/FUL. I live on New Mill Terrace and the proposed building works will overlook my property.

I remember when previous building works were carried out on Grove Road there were already concerns in regards to appropriate drainage of water down to New Mill Terrace, and I am concerned these new buildings could cause further problems in this aspect. Furthermore, the number of new builds being squeezed into a small place in addition to building works that are already in progress seems preposterous, and leads me to doubt the accuracy of the plans submitted for the land.

It is my understanding that the buildings should not exceed 2 stories yet 2.5 is being planned for. Finally, I'm sure you are more than aware of the parking issues in Tring, and the Grove/New Mill area is already choked to capacity. As the average household in the UK has at least 2 cars, the addition of further properties is not going to ease this matter.

For all of these reasons I object to the planned building works and I hope my concerns are not taken lightly - drainage, parking and overcrowding all for financial gain doesn't seem to fit with the original ethic of Tring Town.

18 New Mill Terrace

**Objection**

I am writing regarding the plan to build new houses at the end of our gardens.

I have been alerted to this by my neighbour who has lived here for 26 years.

I have only lived here for 2 months so I am not so emotionally attached however, based on what she has told me so far, I do have concerns and raise some points to consider below:

(Please note if any of this is incorrect information then I would welcome the clarity you may be able to offer.)

In no particular order:

Parking in this area is already troublesome and I understand that parking provision for these new houses is far from satisfactory.

Removing the trees and greenery at the end of our gardens which is home to wildlife and also of course provide an outlook enjoyed by all.

If the above is planned, are there any plants to re-plant new trees.

This may alleviate concerns of some (maybe fast growing conifers along the back?).

Possible over-load on the sewerage system?

The fact there has been no approach to discuss with the parties affected so far.

I understand that our fences may be taken down during the building process.  
This needs clarity, discussion and approval.

An attempt by the property developer to allay any concerns of the people affected.

An understanding of proposed timescales, impact on our gardens etc.

Any compensation for the affected parties.

Any requirement of the developer to claim some of the land which is currently within our garden boundaries.

Ethically it seems very greedy & selfish to try and squeeze more houses into what seems a very small area impacting others who live there 'to make a buck'.

**Key Considerations**

Principle of Development

The application site is a windfall site located within the residential town of Tring. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2012).

#### Impact on Visual Amenity

Paragraph 60 of the NPPF states that, 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'

In addition, paragraph 64 of the NPPF states that 'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies 10, 18, 21 and Appendix 3.

#### *Architectural Style and Spatial Form*

The Area Character Appraisal for TCA13 New Mill West describes the character of the area as, "including later development from the 1960s onwards", but has a varied character including Victorian terraces, 1960's cul-de-sacs and more modern cul-de-sac development in the Grove Gardens area. The development principles for the area identify New Mill West as an area of limited opportunity for residential development, although infilling may be acceptable subject to the development principles. In this area there is scope for variation and innovation in terms of the design of housing, though small to moderate sized terraced dwellings not exceeding two storeys are encouraged. Furthermore, the existing layout structure of the area should be maintained, the general building line should normally be followed, and spacing within the close range (2 m or less) will be acceptable. Densities in the medium range 30 - 35 dph are encouraged.



The spatial layout of Grove Road and Grove Gardens, Tring comprises predominately of detached residential dwellings which all have a relatively linear relationship within the street. These properties are varied in terms of architectural style, height and building line. Due to variation in typography levels the height of these properties are staggered, elevating down towards the north-west of the Road. The form of development on New Mill Terrace comprises a uniformed row of early 10th century terraced houses. The architectural style, height and size of property within the immediate are varied. In terms of building size and form, there is no overall distance character.

The proposal seeks to construct two semi-detached units in the rear gardens of Nos. 21-25 Grove Road. The principle of backland development has already been established as acceptable within app ref: 4/01801/16/FUL. Due to the proposed development being backland development very little impact on the Grove Road street scene would result due to the new unit being set 40 metres away from the street scene. It may be possible to view the development from the street scene however, such views would be limited to separation gaps between properties.

The proposed dwellings would be of two-storey (8.6 metres) height which would reflect the properties along Grove Road and also the approved adjacent development. The properties would also feature half-hipped roofs to reduce overall bulk and massing. Further articulation and variation in order to break up the bulk and massing of the dwellings and add visual interest is also evident with variation in building lines, height and materials. Again, this would reflect the design approach of the adjacent approved dwellings ref: 4/01801/16/FUL.

It is therefore considered that the proposed backland residential development to the rear of No's 21-25 Grove Road is acceptable in principle, and would be in keeping with the character and appearance of the area. The proposals would have no significant impact on the character and appearance of the Grove Road street scene, and it is considered that the proposals would comply with Policies NP1, CS1, CS4, CS11 and CS12 of the Core Strategy (2013).

### *Density*

The proposed scheme has a density of 36 dph which is inkeeping with the density of surrounding development and in line with the medium density range set out within the development principles for TCA 13 (30-35 dph), albeit it is actually marginally above this. The total development size, including the previously granted 7 other units, would result in a total area of 0.295 ha and therefore density of 23.7 dwellings per hectare (dph). As such, both the quantum of development and the density of the scheme are considered to be acceptable and inkeeping with policy. The scheme would not represent an overdevelopment of the site. This is important because how Policy 10 of the Local Plan (2005) is applied needs to be carefully considered. It is important to note that the second paragraph of the policy refers to securing the 'optimum' use of land, rather than the 'maximum' use of land. This choice of wording was deliberate as the policy goes on to refer to developments '*achieving the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan.*' In this case, due to the existing residential density, varied housing layout, and the proposed comprehensive development it is not considered that the development would be contrary to the established character and appearance of the area.

Thus, the proposed scheme would generate a density of 36dph. This density is in keeping with

the density of surrounding development and is in line with the medium density range set out within the development principles for TCA 13. The proposal would adhere with Saved Policies 10 and 21 of the Local Plan (2004), policies CS11 and CS12 of the Core Strategy (2013) and the Supplementary Area Policy Guidance TCA13 (2004).

#### Impact on Residential Amenity

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

There would be no significant loss of daylight or sunlight to neighbouring properties as a result of the proposed development. There would be no breach of the 45 degree or the 25 degree lines when considering the BRE regulations. The separation distances outlined below would also help to ensure that there would be no significant adverse effects.

Saved Appendix 3 of the Saved Dacorum Borough Local Plan (2004) contains guidance on layout and design for new developments. It requires a minimum distance of 23 metres to be maintained between the main rear wall of the dwelling and the main wall of another (although distances less than this can be considered to be acceptable where the viewing angles are oblique). This distance is required to ensure no significant loss of outlook or privacy to neighbouring residents occurs as a result of the proposal. Due to the orientation of the new units, there would be no direct main wall- to main wall relationship.

It is important to note that DBC has no policy guidance for side elevation to main wall relationship. Nonetheless, separation distances measured from the side elevations of the proposed dwellings to the rear elevations of the dwellings fronting Grove Road would be between 15 metres and 16 metres. The new units would also be situated on a lower land level, as such this relationship is considered acceptable.

A 19 metre approximate separation distance between the rear elevation of the new units and No.1 Sinfield Place would occur. This relationship would also be at a 90 degree angle, minimising impact further. The proposed new units would also be located 9 metres away from the side elevation of plot number 6 of the recently approved development. No direct overlooking is expected to result from this relationship due to the first floor flank elevation windows of plot 6 being conditioned as obscure glazed.

In similar regard the proposed units would be located approximately 35-40 meters away from the properties to the rear of the site at New Mill Terrace. This relationship would also be side to rear and at an oblique angle.

In addition to the separation distances assessed above, the existing and proposed screening and planting between the proposed units and surrounding properties would help provide effective screening of the proposed new development from the perspective for the surrounding properties.

The proposed first floor flank facing windows on the application dwellings serving the bathrooms have been recommended as obscure glazed in order to preserve the residential amenity and privacy of future occupiers of the dwellinghouses. Due to no translucent first floor windows proposed no loss of privacy to neighbouring residents at Grove Road or New Mill Terrace would result from the proposal.

No.27 Grove Road's garden space would be reduced by approximately 1 metre in order to accommodate the additional parking space serving plot 6. Nonetheless the garden depth serving this property would be 13.6 metres, maintaining the 11.5 metre standard.

Turning to living conditions of future residents, Saved Appendix 3 of the Local Plan (2004) states that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space. Additionally, Saved Appendix 3 of the Local Plan (2004) states that garden depths equal in size to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area.

The proposed 8 metre deep garden of plot 8 is compensated by the 19 metre deep side garden. Plot 9 would have a garden depth of 13 metres. These garden sizes would be compatible with that of the adjacent approved development. Thus, the proposed external amenity provision would appear spatial congruous and meet the standard of provision within the immediate area; henceforth adhering to Saved Appendix 3 of the Local Plan (2004).

As a result the proposal is considered acceptable in regards to impact upon the residential amenity and privacy of neighbouring residents; complying with the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact upon Parking Provision and Access

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide two, three bed dwellings, which would require 5 off street parking spaces. The application proposes two off street parking spaces per dwelling which would result in one space short of the maximum standard. It should be noted that the site is situated in a sustainable, urban location within a residential area of Tring, with good access to public transport and within easy walking and cycling distance of the Town Centre and other local amenities. The driveways of plots 5 and 6 would remain the same as existing, with one additional parking space added to serve plot 6; as such the current proposal would increase the parking provision of approved scheme ref: 4/01801/16/FUL.

Hertfordshire Highways were consulted on the scheme and proposed expansion of the new access road and raised no objection subject to the recommended conditions and informatives be attached the grant permission. As a result the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies

57, 58 and Appendix 5 of the Local Plan (2004).

#### Impact on Trees and Landscaping

Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

The proposed scheme seeks to remove a number of trees from the central part of the site to facilitate the development, but existing neighbouring trees adjacent to the site boundary would be retained. Supplementary tree planting is also proposed as part of the scheme, to help mitigate against the loss of some trees, whilst simultaneously supplementing the retained tree screen to help provide effective screening of the proposed for the surrounding properties and soften the appearance of the proposal. In sum, the proposed landscaping scheme would be in accordance with Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Ecology

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

An Ecological Survey has been previously undertaken at the site and submitted in support of the previous applications and appeals. Herts Ecology were subsequently consulted on the proposal and confirmed that there is no evidence of the buildings and trees on the site being used by bats for roosting, as such no objection to this current scheme on Ecology grounds is made.

#### Contaminated Land

Policy CS32 of the Core Strategy (2013) seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated. The Contaminated Land officer has subsequently been consulted on the application site as part of the adjacent approved scheme which identified no contamination on plots 8 and 9 during the site investigation. In respect to the current application the contaminated land officer has therefore advised no further action is required.

#### Drainage

Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is not within Flood Zones 1 or 2, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. The application site would utilise the same SUDS drainage techniques as approved for the application site under app ref: 4/01236/17/DRC; these details have been submitted within two drainage plans which the Lead Local Flood Authority have been consulted

on.

This will help to ensure that the scheme incorporates sustainable drainage solutions, which will help to alleviate any risk of surface water discharge from the development to the New Mill Terrace Properties to the rear; an issue which has been raised by local residents. The scheme will also have to comply with the Building Regulations.

### Sustainability

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. A sustainability checklist was submitted alongside the planning application where it has been outlined that measures such as use of high quality, non-hazardous materials and maximum water consumption of 110 litres per person per day will be used to ensure sustainable design, construction and operation of the development. It is envisaged that further assessment of the proposal's sustainability credentials will be undertaken through the Building Control process.

### Affordable Housing

Policy CS19 of the Core Strategy (2013) sets out the site criteria for affordable housing. This should be read alongside the Affordable Housing SPD and Housing SPD clarification note version 2: July 2016. Moreover, contents of the Government's Planning Practice Guidance, states that contributions for affordable housing should not be sought from developments of 10 units or less. The current proposal is for two units which DBC Strategic Housing team has outlined, 'Due to the number of units being developed, the site will be exempt from any affordable housing contribution.' Therefore, no affordable housing contribution would be sought for this site.

### Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

*Plans not accurate*- The plans are believed to be 'true and accurate', and this has been confirmed by the Agent within the application form.

*Overdevelopment* - Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, build form ratio to open space and number of car parking spaces. Moreover, the percentage of ground covered by building would equate to 24.4% with 139sq.m of building footprint in comparison to the 569 sq.m site area. Parking provision would fall marginally short by one parking space shy of maximum standard. Further, sufficient external amenity provision, in accordance with Saved Appendix 3 of the Local Plan (2004) would also be ensured.

*Two and half storeys not allowed in area*- The Planning Inspector when allowing appeal ref: APP/A1910/W/16/3156127 for app ref: 4/000069/16/FUL wrote the following in this regard:

'I consider that the design of the dwellings would add to the varied character of the surrounding area, and although larger properties in footprint, would not appear radically dissimilar to the

fairly new properties in nearby Sinfield Place, with part gabled frontages and prominent ground floor square bay windows, and dormer windows in the roof to rear. Whilst the height of the dwellings may be higher than some of those in the surrounding area, the site sections demonstrate that such heights would be similar to those of the properties on Grove Road, and due to the levels of the site would ensure that the proposed units would appear subservient to these frontage properties from the main road...The heights of the proposed properties, whilst not strictly two storey, would match other similar modern housing set nearby and the spacing between dwellings would be similar to the prevailing character of the area.'

As such, the prevailing character of the area features 2/12 storey dwellings, thus the proposed scheme would not look overbearing or incongruous within its surrounds.

*Concerns regarding drainage and flooding-* While it is appreciated that given the low lying nature of New Mill Terrace in relation to the application site the development proposal could lead to adverse impacts in terms of water runoff from the site. Therefore, the application notes that sustainable urban drainage techniques will be utilised, the submitted SUDs drainage plans will also be secured by condition in order to ensure compliance. Thames Water were consulted on the above application in regards to sewage work and have raised no objection.

*Overbearing to New Mill Terrace-* It is acknowledged that New Mill Terrace would be situated on a lower land level however, the Inspector in appeal ref: APP/A1910/W/16/3156127 deemed the application to be acceptable in terms of impact to neighbouring residential amenity. The current proposal maintains the separation distance approved under app ref: 4/000069/16/FUL with the improvement of this being a side to rear elevation relationship within the current scheme.

*Damage to trees neighbouring development-* Concerns were raised over the potential damage to neighbouring trees as a result of the proposal and lack of enforcement relating to the planting of trees at Sinfield Place, and that this situation could occur similarly with the proposal in this case. It is considered the landscaping proposals and tree retention outlined on the site plan is made in good faith. Such matters would be committed to via condition, and it will be ensured that these conditions are fully implemented.

**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 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/documents:**

**Policy CS29 Checklist**

Design and Access Statement December 17  
Geo-environmental Report November 2017  
L06-16  
2049/56C  
2049/55E  
2049/57C  
2258-11-01 Rev E  
Typical Layout- rainwater down pipe drainage into sub-base reservoir  
High level Drainage Schematic- 06/02/18

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

- 3 **The bathroom windows at first floor level in the side elevations of the dwellings hereby permitted 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 and future occupants of the dwellings; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).

- 4 **No development shall take until details of the protection method during site excavation and construction for the trees shown for retention on the approved Drawing No. 2049/55D and 2258-11-01 Rev E have been submitted to and approved in writing by the local planning authority. The approved protection measures shall be erected prior to the commencement of development.**

Reason: In order to ensure that damage does not occur to the trees during building operations; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).

- 5 **If within a period of five years from the date of any planting in accordance with approved plan ref:2049/55D and 2258-11-01 Rev E, any planting is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of the same species and size as that originally planted shall be planted at the same place in the next planting season.**

Reason: In the interests of visual amenity; in accordance with Policy CS12 of the Core Strategy (2013).

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, D, E, F, G and H  
Schedule 2, Part 2, Classes A, B and C  
Schedule 2, Part 3, Class L**

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 Policy CS12 of the Core Strategy (2013).

Highway Informatives

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority 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.

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.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Contaminated Land

It is recommended that a careful watching brief be undertaken during ground and construction works on the site for the presence of Made Ground and any visual and/or olfactory evidence of contamination. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

#### Article 35 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 2015.



## Item 5d

4/02372/17/ROC REMOVAL OF CONDITION 7 (RESIDENTIAL FLAT TO BE OCCUPIED BY MEMBER OF NURSERY STAFF) ATTACHED TO PLANNING PERMISSION 4/01719/13/FUL (GROUND FLOOR NURSERY WITH SINGLE STOREY SIDE AND REAR EXTENSION AND RESIDENTIAL USE OF FIRST FLOOR AS ONE

BEDROOM FLAT)STEPHENSONS COTTAGE, 306 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE

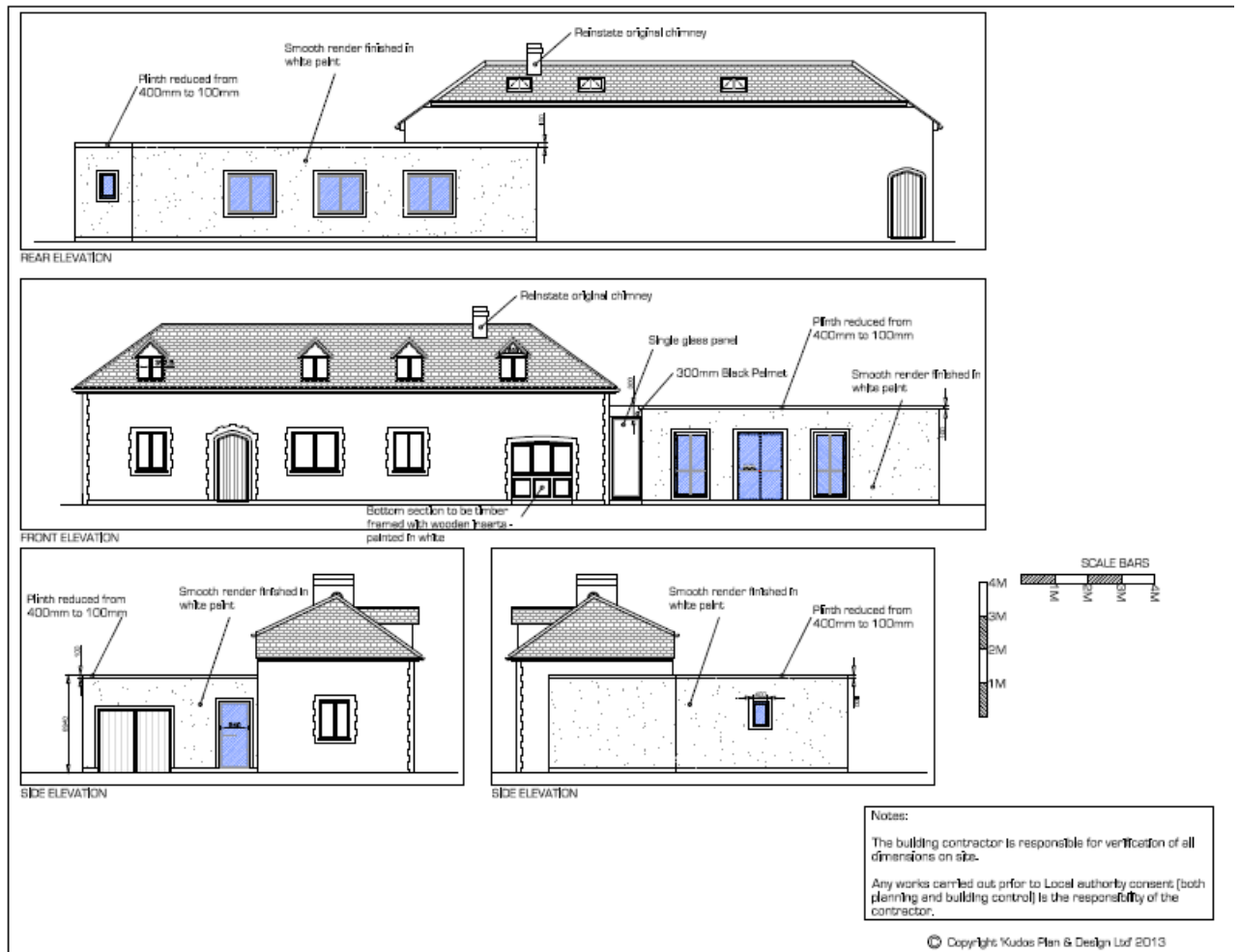


SITE PLAN 1:1250

Item 5d

**4/02372/17/ROC REMOVAL OF CONDITION 7 (RESIDENTIAL FLAT TO BE OCCUPIED BY MEMBER OF NURSERY STAFF) ATTACHED TO PLANNING PERMISSION 4/01719/13/FUL (GROUND FLOOR NURSERY WITH SINGLE STOREY SIDE AND REAR EXTENSION AND RESIDENTIAL USE OF FIRST FLOOR AS ONE**

**BEDROOM FLAT)STEPHENSONS COTTAGE, 306 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE**



**4/02372/17/ROC - REMOVAL OF CONDITION 7 (RESIDENTIAL FLAT TO BE OCCUPIED BY MEMBER OF NURSERY STAFF) ATTACHED TO PLANNING PERMISSION 4/01719/13/FUL (GROUND FLOOR NURSERY WITH SINGLE STOREY SIDE AND REAR EXTENSION AND RESIDENTIAL USE OF FIRST FLOOR AS ONE BEDROOM FLAT). STEPHENSONS COTTAGE, 306 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE. APPLICANT: MRS RUDRAKUMAR.**

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[Case Officer - Alison Young]

## **Summary**

The application is recommended for approval.

In 2009, as part of the approved redevelopment of the Sappi site, now known as Nash Mills Wharf, in Apsley, this cottage was one of only two buildings retained on site as an undesignated heritage asset, being the gatehouse to Nash Mills House. It was granted consent for a children's nursery, with 4 parking spaces and vehicular access from within the new residential development. In 2014 permission was granted for an extension to the property to allow for a maximum of 25 nursery places, with 6 parking spaces (5 within the parking area in Frances Mews and 1 tandem space within the curtilage of the property itself). The first floor of the building was proposed to be occupied by the nursery manager and the permission was granted subject to a condition (no. 7) restricting the occupancy of the first floor flat accordingly. The reason given for the occupancy condition related to the management needs of the nursery and the use of the sixth, tandem, parking space (which was felt to be most appropriately used by a staff member given its proximity to the nursery building and the potential for it to be 'boxed in' by other nursery spaces).

The nursery opened in April 2016 and, although an occupant for the flat was originally sought from one of the members of staff, it became apparent that staff employed at the nursery already had accommodation with parents or partners, and the flat remained empty. In July 2016 the flat was rented out to an individual unconnected with the nursery and has continued to be occupied in this way since then. It is now proposed to remove condition 7 to permit the continued occupancy of the flat by persons unconnected with the nursery on the ground floor. The creation of the sixth parking space within the grounds of the nursery was never necessary and the use has operated on the basis of sharing 5 allocated spaces in Frances Mews.

## **Site Description**

The application property lies on the south west side of Belswains Road, opposite the junction with Bunkers Lane. It is one of only two buildings retained on the former Sappi paper mill industrial site after its redevelopment under ref: 4/01382/09/MFA. As part of the approved scheme for 450 dwellings, Stephenson's Cottage was granted consent as a children's nursery to serve the new and existing local population.

It is a linear, relatively narrow building with a one bedroom flat in the roof space served by four small gabled dormers to the front, and a large open nursery area on the ground floor together with a staff room, toilets, kitchen and office. Five car parking spaces are allocated to the property and are located just to the west of the building alongside the residential parking area of Frances Mews.

The frontage (north east side) of the property fronts onto a grassed area and a play area for the nursery and is bounded by 1.5 m high black iron railings along Belswains Lane with a group of tall mature trees alongside the cottage. There is a secure automated pedestrian gate entry from Belswains Lane with a path leading up to the existing access door in the front elevation, with a buggy store area close-by.

Frances Mews, serving the new residential development, runs along the rear of the application site.

## **Proposal**

The current proposal seeks permission to remove condition 7 of permission 4/01719/13/FUL in order to permit the continued occupancy of the first floor flat by persons unconnected with the ground floor nursery.

The applicant explains that there is no longer a need for a manager to live at the site for management purposes as had been anticipated originally, and the occupation of the flat separately from the use of the nursery has not given rise to any residential amenity concerns. The occupant of the flat is able to park in any of the car parking spaces allocated to the nursery, and generally this is at times when the nursery is closed (evenings and weekend) when the 5 parking spaces are available to use.

## **Referral to Committee**

The application is referred to the Development Management Committee due to the contrary views of Nash Mills Parish Council.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

CS4 – Towns and Villages  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS23 - Social Infrastructure  
CS27 - Quality of the Historic Environment

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13  
Appendix 5

## **Representations**

### Nash Mills Parish Council

The Parish Council objects to the proposal and has commented as follows:-

“The Planning Committee met on the 9<sup>th</sup> October and considered the above application.

They discussed the removal of Condition 7 -‘Flat must be occupied by a member of the nursery staff’. Councillors pointed out that the previous application was wholly based on this being a ‘tied’ flat which the applicants stated that they needed. Councillors therefore object to this application.”

### Highway Authority

The Highway Authority does not wish to restrict the grant of permission. It states that the

proposal is not expected to be of significant highway impact, since it has been in operation for the last 4 years, and therefore HCC as Highway Authority would present no objection.

#### Landscape Officer

There are several mature Sycamore trees on this site with good amenity value but these will not be adversely affected by the proposed development.

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

No third party comments have been received.

#### **Considerations**

The determining issue in this case relates to whether the occupancy of the first floor flat by persons unconnected with the ground floor nursery results in any significant adverse impact on the surrounding area and, therefore, whether there is any continuing planning requirement for condition 7 to remain in force.

The condition was originally imposed for the following reason:-

*“In line with the management requirements of the nursery and ensuring the use of the (6th) tandem parking space remains allocated to a person directly associated with the nursery and in compliance with Core Strategy policy CS12.”*

However, once the nursery use began, the management found that there was no requirement for a flat from any of the employees and that, in reality, there was not the need for the flat for management purposes as had previously been anticipated. The sixth parking space within the site itself, for the use by a manager, was not therefore created, the preference being to retain the open space around the building.

The flat therefore currently shares the 5 parking spaces allocated for the nursery (which operates between the hours of 7.30am to 6.30pm on weekdays only). The occupant of the flat is, therefore, able to park within any of the available nursery parking spaces and, given that this need is often likely to arise at times when the nursery is closed, there is sufficient capacity on site to accommodate both uses successfully, and without causing any significant parking congestion in the area. The dual use of these car parking spaces is therefore an efficient use of land in the urban area.

Whilst an objection has been raised by the Parish Council, the precise reason for the objection is not clear and it is important to note that no objections to the proposal have been received from either the Highway Authority or local residents although previously a significant number of concerns about potential parking problems were raised when the original permission was granted in 2014. It is sometimes the case that, as new uses become established, anticipated impacts from a development, such as parking congestion, do not materialise to the extent that was anticipated originally and it appears in this case that the nursery use hasn't resulted in any significant parking problems in the area and, furthermore, the use of the flat separately from the Nursery has also not resulted in any additional parking pressure in the area.

In view of the lack of evidence regarding any parking problems in the immediate area as a result of the use of the building; the lack of local objection to the proposal, and the lack of need for the flat for the successful management of the nursery, Officers do not consider that there is a continued need for condition 7 for the reasons that led to it being imposed originally.

The condition is therefore no longer necessary for planning purposes and it now fails to meet the relevant tests set out in the CIL Regulations. It would therefore be inappropriate to seek its

retention and removal of the condition is therefore recommended.

As the removal of the condition has the effect of re-issuing the planning permission approved previously under ref: 4/001719/13/FUL, some of the conditions imposed originally, and that have an on-going effect on the use of the site, are required to be re-imposed on this permission as set out below.

**RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1. The premises hereby approved shall only operate as a day nursery between the hours of 7.30 am and 6.30 pm on Mondays to Fridays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings by allowing the nursery parking spaces to be used for residents parking outside of these hours to relieve parking pressures in the vicinity and in compliance with Core Strategy policy CS12.

- 2. No more than 25 children registered to attend the day nursery hereby permitted shall be on the premises at any one time.**

Reason: To maintain control over the impact of this use on the residential amenities of the occupants of adjacent dwellings and by maintaining the number of nursery parking spaces in compliance with the saved DBLP Appendix 5.

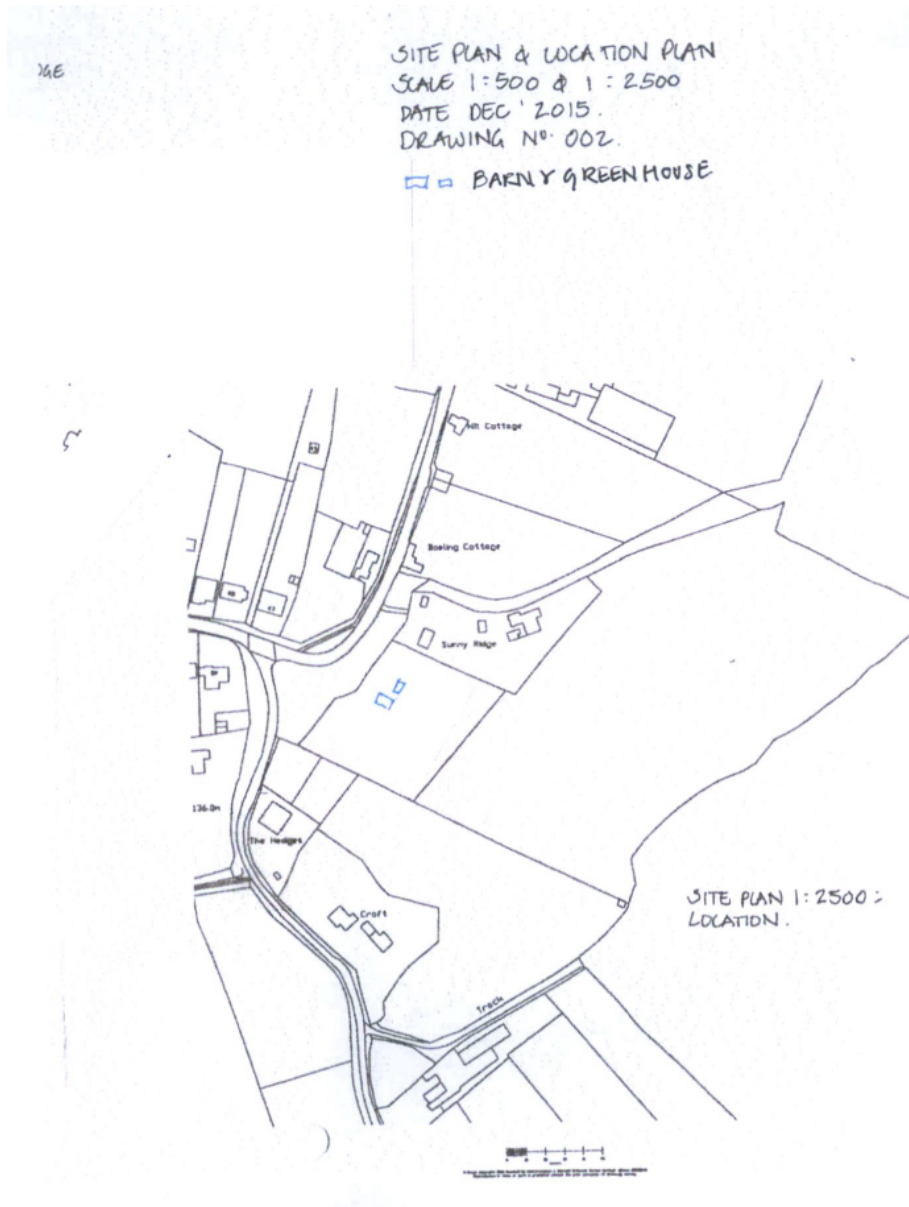
- 3. The ground floor of the building shall be used solely as a day nursery. There shall be no other use of the ground floor premises including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by Statutory Instrument 2005/84), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: To maintain control over the impact of this use on the residential amenities of the occupants of adjacent dwellings and in compliance with Core Strategy policy CS12.

## Item 5e

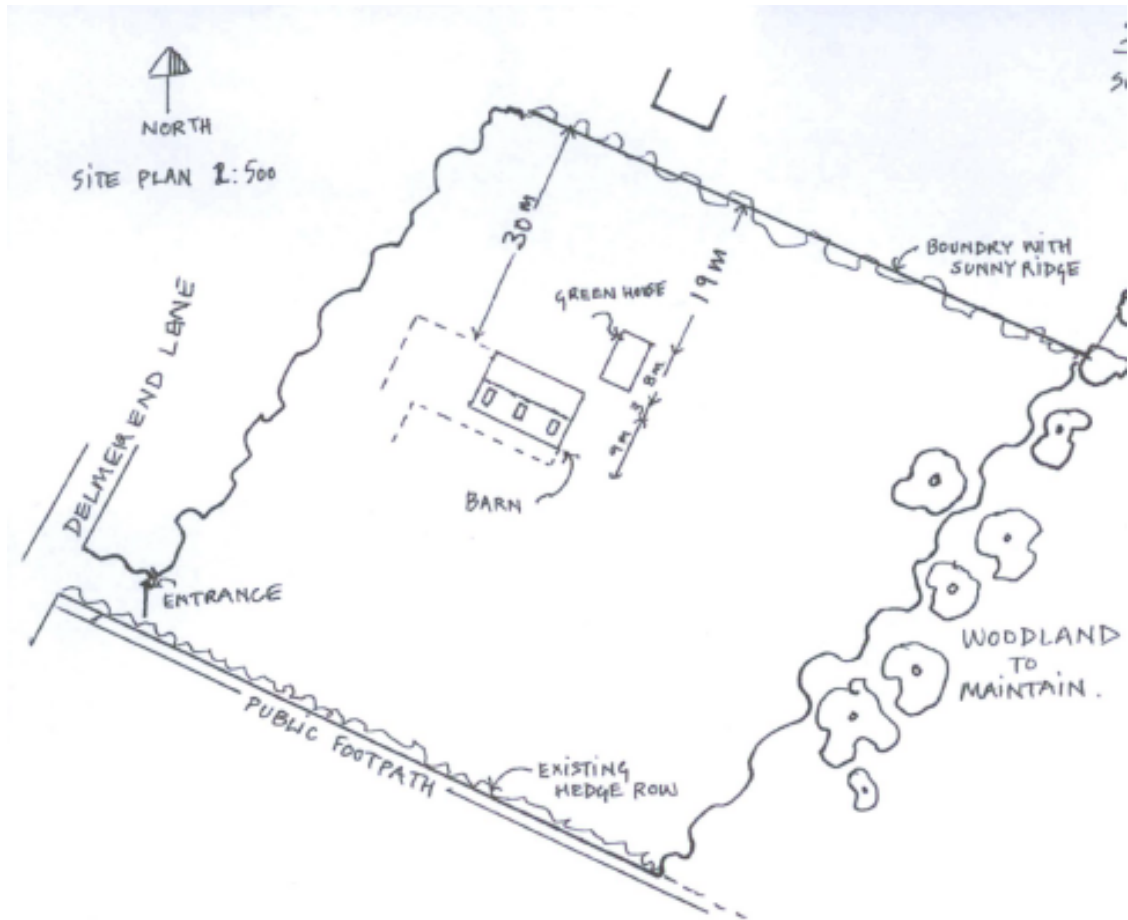
### 4/02115/17/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GREENHOUSE

### LAND TO THE EAST OF DELMEREND LANE, FLAMSTEAD, ST. ALBANS



Item 5e

4/02115/17/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GREENHOUSE  
LAND TO THE EAST OF DELMEREND LANE, FLAMSTEAD, ST. ALBANS





**4/02115/17/FUL - CONSTRUCTION OF AGRICULTURAL BUILDING AND GREENHOUSE..  
LAND TO THE EAST OF DELMEREND LANE, FLAMSTEAD, ST. ALBANS.  
APPLICANT: LIN CONNOR .**

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[Case Officer - Jason Seed]

### **Summary**

The application proposes an agricultural building and greenhouse for the purposes of commercial horticulture. The proposal is considered to constitute appropriate development in the Green Belt and will make a modest yet positive financial contribution to the rural economy. As such, the proposals are considered to comply with local and national planning policy and are recommended for conditional approval.

### **Site Description**

The application site is located to the east of Flamstead, within the Metropolitan Green Belt. The site is accessed from Delmerend Lane and is enclosed by established vegetation to east, south and west. A residential unit lies beyond the northern boundary of the site and a designated Public Right of Way runs immediately adjacent to the southern boundary.

### **Proposal**

The application seeks full planning permission for the construction of an agricultural building and greenhouse. The new buildings will be used for the purposes of horticulture, more specifically, a topiary growing business. The business would not be open to the public, catering only to trade businesses including landscapers, building contractors, architects and garden designers.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views Flamstead Parish Council.

### **Relevant Planning History**

4/02810/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
(AMENDED SCHEME)  
Refused  
25/11/2016

4/00285/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
Withdrawn  
27/04/2016

4/00281/92/OUT DWELLING & GARAGE (OUTLINE)  
Refused  
01/05/1992

4/02484/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
(AMENDED SCHEME)  
Withdrawn  
17/10/2016

## Considerations

### Application Background

It is noted from the site's planning history that two previous applications for development of a similar description to that proposed under this application have been withdrawn, and one has been refused.

The most recent of these applications, application reference: 4/02810/16/FUL, was for a proposal of the same description and similar particulars, was refused under delegated powers for the following reason:

*Insufficient information has been provided within the application to establish whether vehicles, especially larger vehicles, could appropriately enter, manoeuvre within and exit the site safely. As such, it is not possible to establish whether the proposal would have an unacceptable impact upon highway safety. The proposal therefore cannot be properly considered against Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.*

The proposal was otherwise considered to be acceptable with reference to the relevant planning policy environment.

### Planning Issues

It is considered that the following issues are material to the consideration of this application:

1. Principle of development within the Green Belt
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact on the living conditions of the occupiers of surrounding residential units
4. Highway safety and parking provision
5. Other material planning considerations
6. Sustainability

### Principle of Development within the Green Belt

The site is situated outside of the village (both the defined envelope and 'on the ground') and as such, Core Strategy Policy CS5 applies. The policy states that within the Green Belt, small-scale development will be permitted for building for the uses defined as appropriate in national policy.

Paragraph 89 of the National planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include buildings for agriculture and forestry.

Agriculture itself is not defined by national policy, and so the definition in Section 336 (1) of the Town and Country Planning Act prevails in the absence of any indication to the contrary. This definition is as below;

“‘agriculture’ includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or

for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.”

The Business Plan which accompanies the application states that the business which will operate at the site will provide Yew for hedging and sculptured plants following an initial purchase of semi-mature Yew.

As such, it is considered that no objection is raised with regards to the principle of the development.

#### The Quality of the Design and the Impact on the Character and Appearance of the Area

Policy CS1 states that the rural character of the Borough should be conserved. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Given the positioning of the proposals and the existence of a designated Public Right of Way to the south of the site, views of the development would be available from the public domain.

The larger of the proposed agricultural buildings would be rectangular in shape and would measure 12.3m x 6.1m with an eaves height of approximately 2m metres and ridge height of approximately 6.1m. This building would be constructed of vertical wooden boarding (stained black) under a powder coated black metal roof. The proposed glasshouse would measure approximately 6 x 3.6 metres and 3.3 metres in height. Both structures would be located in the northern-most quarter of the application site.

The larger of the proposed buildings is relatively simple and utilitarian in appearance. It is considered that the proposed materials for this structure would be sympathetic to the surrounding rural area and it would be typical of agricultural buildings one would expect to find in such an area. Furthermore, there would be a clear need for secure storage of equipment (some of which may be large such as tractors or fork lift trucks) and materials associated with the agricultural use of the site. This building would afford suitable space for such storage (and also for basic services such as a bathroom).

Taking all of the above into account, and given the relatively modest scale of the proposed glasshouse, it is considered that the proposed buildings would be commensurate with the scale of the agricultural enterprise and would not appear as dominant or incongruous features within the rural landscape. Additionally, if minded to grant permission, a condition could be imposed removing permitted development rights for the extension of agricultural buildings (Schedule 2, Part 6, Class B) to ensure the proposal remains acceptable in this regard.

With regards to landscaping, whilst the Trees and Woodlands Team did not respond to the consultation, it is noted that they have previously advised (in respect of the refused proposals) that it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. As such, subject to the imposition of a condition requesting the submission of a Landscaping Plan (which would provide details for species type, hardstandings and boundary treatments) prior to first operation of the business, it is considered that the proposal would be acceptable in terms of hard/soft landscaping if minded to grant permission. Furthermore, were permission to be granted, a condition could be imposed removing permitted development rights for means of enclosure (Schedule 2, Part 2, Class A) to ensure the proposal remains acceptable in this regard.

It is also acknowledged that this proposal may necessitate external lighting. As no details have

been provided in this regard, a condition is recommended requiring full details of any external lighting associated with this agricultural operation to be submitted to and approved by the Local Planning Authority.

Taking all of the above into account, though it is acknowledged that the proposal would result in an intensification of the use of this piece of land, it is considered that, subject to identified conditions, the proposal would not result in significant and demonstrable harm to the character of the rural area to the extent that would warrant a refusal of permission. As such, the development complies with identified local and national policy in this regard.

#### The Potential Impact on the Living Conditions of the Occupiers of Surrounding Residential Units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in Paragraph 17 of the Framework is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed development would be within close proximity of a residential property to the north of the site. Given the build, form, scale and positioning of the proposed buildings it is not considered that the proposal would result in significant and demonstrable harm to the living conditions of the occupants of neighbouring properties, in terms of overbearing impact, overlooking and loss of light. Furthermore, if minded to grant planning permission, a condition could be imposed requesting full details of any proposed lighting to ensure that the proposal is acceptable in this regard.

Turning to noise and disturbance, the application confirms that the business would be in operation Monday to Friday 0900-1700. Though it is acknowledged that the proposal would result in an intensification of the use of the land, which would involve additional vehicular movements to and from the site and some disturbance from machinery (fork lift trucks as an example), Dacorum Environmental Health have been consulted and have not raised any objection to the scheme. Taking this into account and the consideration that the operating business would have to adhere to Environmental Health legislation (preventing excessive noise and disturbance), it is not considered that the proposal would result in significant harm in this regard over and above a lawful agricultural use of the site. As such, a refusal on these grounds would not be reasonable.

Taking all of the above into account, though it is acknowledged that limited information has been provided in this regard, it is not considered that the scale of the proposed use would result in such harm to the living conditions of the occupants of surrounding residential units to the extent that would warrant a refusal of permission.

#### Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards.

The applicants have confirmed that the only employees are to be the applicant and their husband within the initial 3 years of operation, with a further 2 seasonal employees anticipated to be required after this point.

It is considered that given the size of the site, sufficient off-street parking can be provided.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms

of highway safety.

It is proposed that the site will be accessed via an established access point to the immediate west of the site. This existing access would be extended to provide an access track to the proposed buildings.

The site access is currently narrow and bounded by tall hedges to the south and woodland to the north. There is a gate setback from the highway.

The Transport Note submitted has provided Automatic Traffic Count (ATC) data which confirms the 85th percentile speed of the road to be as follows

- 25mph Northbound; and
- 24.4mph Southbound.

Whilst it is normal to seek 2.4 x 43m for the visibility splay this is based on a 30mph. Given the recorded speeds the visibility splay can be reduced to 2.4 x 33m. This has been demonstrated to be achievable on layout K-TT376/01/R0.

Swept path assessment of the internal layout has now been provided and demonstrates that a large car and a transit van can manoeuvre safely into and out of the site. It has been confirmed that no HGVs are required to enter the site.

The Highway Authority has been consulted on the application and has confirmed that the trip generation and distribution profile of the proposed development is not required as the development is unlikely to impact on the overall function of the local highway network. Furthermore, they have raised no objection in any other regarding, subject to the imposition of conditions.

#### Other Material Considerations

No details pertaining to refuse storage have been submitted. However it is considered that this matter could be further addressed via condition.

Whilst the Countryside Access Officer did not respond to the application consultation, they did state, in relation to the previous application, that the proposed access is shared with the footpath meaning the safety of the public will need to be considered, particularly in relation to vehicle movements.

Damage to the footpath surface caused by traffic, other than pedestrian, will leave the land owner liable for repairs commensurate with highway authority specifications. It is considered that a Footpath Maintenance Plan can be conditioned to ensure that both the footpath and users of it are satisfactorily maintained.

#### Sustainability

Policy NP1 states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the Framework as outlined in paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

#### Environmental

Given the rural location of the proposal, it is likely that one would travel to and from the site by car. However, the proposal would result in the planting of vegetation at the site and, overall, is

unlikely to be any more unsustainable in this regard than a lawful agricultural use of this site.

### Social

The development would result in the provision of services for local and wider surrounding communities. As such, the proposal is likely to be sustainable in this regard.

### Economic

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

Paragraph 20 of the NPPF then goes on to state:

*'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

Specifically with regards to the rural economy, Section 3 of the Framework states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

The proposal would employ 1-2 full time employees and this may expand over time as the business grows. As such, it is considered that the proposal would aid in the economic sustainability of this rural area.

### Conclusion on Sustainability

Taking all of the above into account, the proposal is considered sustainable in terms of the three strands of sustainability mentioned above and the requirements of Policy CS5 of the Core Strategy in respect of supporting the rural economy.

### Response to Comments Received

A total of 3 objections have been received in response to the community consultation which includes one from Flamstead Parish Council. The summary of the points raised within the submissions is provided below:

- Insufficient infrastructure to sustain business;
- Inappropriate access / safety;
- Light / noise / sound pollution:
- Creeping commercialisation of a rural area;
- Application is a commercial pursuit in a rural area;
- Size and location of the buildings;
- Impact on the openness and visual amenity of the Green Belt;
- Loss of privacy;
- Cumulative impact of future developments;
- Signage impact;
- Business plan will not succeed;
- Security.

The majority of these considerations have been addressed within this report. However, in addressing those which have not, it is considered that cumulative development is not a consideration of this application and any future applications which might be submitted within the area in the future would need to be judged upon their individual planning merits. No signage is proposed under this application, and that, if any, which does not benefit from deemed consent would require advertising consent, where an assessment on highway safety and visual amenity would be duly made.

In respect of the business plan not succeeding, it is not for the Planning Department to make an assessment in this regard. Security will be a matter for the applicant to address, although any infrastructure / equipment which may be required and which is not covered by permitted development rights would require approval through the planning process and would be considered within reference to established planning policy and other material considerations which may be relevant.

## **Conclusion**

It is considered that the proposal represents sustainable development and appropriate development within the Green Belt. Subject to the imposition of relevant conditions, it is also considered that the development would not result in significant harm to the character of the area, the living conditions of the occupants of surrounding residential units, parking provision and biodiversity at the site whilst making a modest yet positive financial contribution to the rural economy

As such, the application is considered to comply with the relevant local and national planning policy environment and is therefore recommended for approval.

**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/documents:**

Location Plan  
Site Plan  
Barn Plans - Sections and Elevations  
Proposed Greenhouse

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

- 3 No development (excluding groundworks) 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;
- 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;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

**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 in accordance with Policy CS12 of the Core Strategy.

- 4 **Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation.**

Reason: To safeguard the visual character and residential amenity of the immediate area in accordance with Policy CS12 Core Strategy.

- 5 **The proposed development shall not be brought into use until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To accord with Saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 6 **No development (excluding groundworks) shall commence until a Footpath Protection Plan has been submitted to and approved by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the approved Plan.**

Reason: To ensure that the public footpath network is adequately protected during and after construction in accordance with Saved Policy 79 of the Dacorum Borough Local Plan.

- 7 **No operations shall be carried out at the site outside the hours of 09:00 and 17:00 Monday to Friday.**

Reason: To ensure that the operation is consistent with the application details and planning assessment and in the interests of the amenity of adjoining residents in



accordance with Policy CS12 of the Core Strategy.

- 8 **Prior to the first occupation of the development hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan no K-TT376/01/R0. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Saved Policy 51 of the Dacorum Borough Local Plan and Policies CS8 and CS12 of the Core Strategy.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 6, Class B  
Schedule 2, Part 2, 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 and the objectives of the Green Belt in accordance with Policies CS12 and CS5 of the Core Strategy and the National Planning Policy Framework.

#### **ARTICLE 35 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 2015.

#### **INFORMATIVES**

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during demolition of existing building and construction of the new development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

A3.The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety

AN4.Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

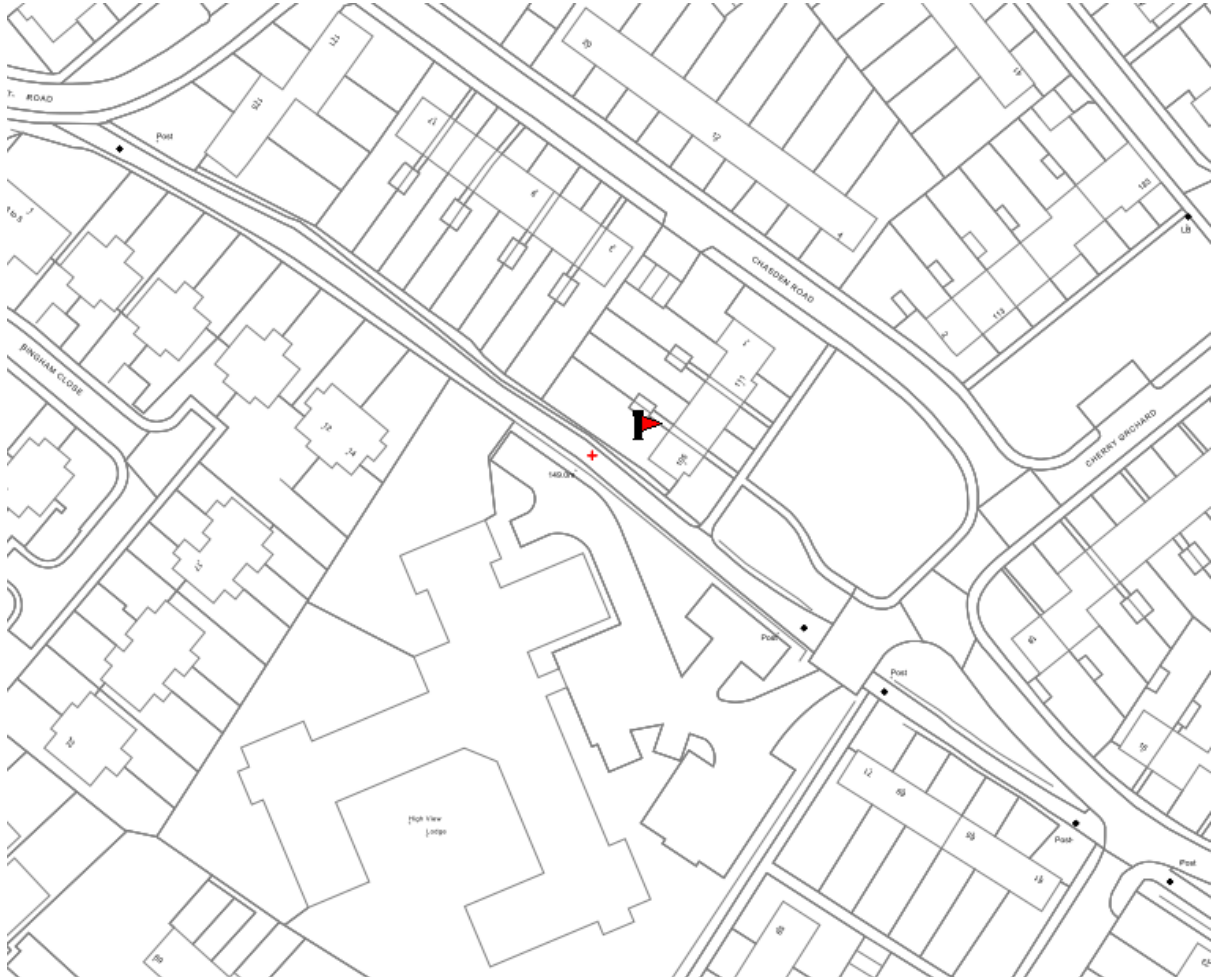
and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo>

## Item 5f

**4/03264/17/FUL NEW THREE BED DWELLING**

**105 CHERRY ORCHARD, HEMEL HEMPSTEAD, HP1 3NJ**



Item 5f

4/03264/17/FUL NEW THREE BED DWELLING

105 CHERRY ORCHARD, HEMEL HEMPSTEAD, HP1 3NJ



Front Elevation



Rear Elevation

**4/03264/17/FUL - NEW THREE BED DWELLING.  
105 CHERRY ORCHARD, HEMEL HEMPSTEAD, HP1 3NJ.  
APPLICANT: Mr & Mrs Guiton.**

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[Case Officer - Robert Freeman]

### **Summary**

The application is recommended for approval.

### **Site Description**

The site is located within the Gadebridge neighbourhood area; a large new town neighbourhood consisting mainly of small-scale terraced housing and structured landscaping.

105 Cherry Orchard is the end dwelling in a terrace of five properties at the junction of Chaseden Road and Cherry Orchard. It is located adjacent to the HighView Lodge and Day Centre which is a private residential care home to the south of the site. The site is also adjacent to a footpath linking the distributor roads of Fennycroft Lane and Galley Hill and fronts onto an amenity green.

The property was constructed in the 1950's and is typical of the new town era; simplistic in design, two storey, brick with rendered first floor and with a basic pitched gable roof and projecting flat roofed porch/kitchen. The property shares an access to its rear garden with No.107 and both properties have a rear garden store/outhouse sharing a common boundary wall.

### **Proposal**

The proposal involves the removal of the boundary hedge and construction of a new three bedroom dwelling together with the extension of an existing service road and construction of two additional parking bays to the front of the property.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicants are employed by the Council.

### **Planning History**

Planning permission was granted in 2014 for a change in use of land to the front of 105-111 Cherry Orchard from amenity green to a vehicular access (4/00449/14/FUL).

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport

CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58 and 99  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Area Based Policies (May 2004) - Residential Character Area HCA 6: Gadebridge  
Energy Efficiency & Conservation (June 2006)  
Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)

#### **Summary of Representations**

##### Hertfordshire Highways

Comments to follow.

##### Hertfordshire County Council Property Services

The County does not have any comments to make in relation to financial contributions required under its Toolkit. The site is situated within CIL Charging Zone 3 and does not fall within any of the CIL Regulation 123 exclusions. We reserve the right to seek CIL contributions towards the provision of appropriate infrastructure.

##### Strategic Housing

The site falls below the affordable housing threshold.

##### Trees and Woodlands

No objections.

##### Affinity Water

No comments received

##### Thames Water

No comments received

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

No comments received.

## **Considerations**

### Policy and Principle

The site is located within the urban area of Hemel Hempstead within which there would be strong policy support for the construction of new dwellings as set out in Policies NP1, CS1 and CS4 of the Core Strategy. There is a strong presumption in policies CS10 and CS17 in promoting additional residential use of the site to address the need for new housing in the Borough.

### Layout and Design

Policies CS11, CS12 and CS13 highlight the importance of good design and provide a framework against which the quality of new development proposals should be judged. This advice is underpinned by saved advice at Appendix 3 of the Dacorum Borough Local Plan 1991-2011 on the general layout and design of residential estates with additional guidance being provided in associated residential character appraisals for the main towns in the Borough. The application site is located in Hemel Hempstead and residential character area HCA6: Gadebridge promotes the following development design principles:

*Height:* Should not exceed two storeys. Three storey development may be permitted where adjacent or nearby to buildings of a similar or greater height, dependent upon its impact on the character and appearance of the area. designs are acceptable.

*Type:* All types of dwelling are acceptable, although the specific type should relate well to adjacent and nearby development in terms of design, scale and height.

*Size:* Small to medium sized dwellings are acceptable; large buildings are discouraged.

*Layout:* Dwellings should front onto the road; informally laid out schemes are acceptable; here the provision of landscaped amenity greens around which the dwellings

The proposed dwelling would extend the current terrace of properties and be orientated to provide gabled roof forms to the front and rear. In doing so, it would reflect the property at the northern end of the terrace, 1 Chaseden Road, the principles above and provide an aesthetically pleasing symmetry to the group of properties. The proposed dwelling is considered appropriate in terms of its design, layout, site coverage, scale, height, bulk and use of materials. It would not detract significantly from the visual amenities and character of the neighbourhood in which it is located. As such it is considered to be in broad accordance with policies CS11, CS12 and CS13 of the Core Strategy and saved policies in Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

### Impact on Trees and Landscaping

The proposed dwelling would extend to within 0.4m of the edge of the existing footpath at its closest point and beyond this it is indicated that the existing hedgerow and grass verge would be removed and incorporated within the garden of the proposed dwelling. The plans indicate that a new 1.8m high boundary fence would be constructed at the pavements edge upon the boundary of the site.

The removal of the entire hedgerow defining the south western boundary of the application site as indicated on the submitted plans would not be acceptable to the local planning authority in view of its adverse implications on the visual amenities of the area and having regard to policies CS12 and CS13 and saved policy 99 of the Dacorum Borough Local Plan 1991-2011. The

applicants have agreed in principle to retain the hedgerow beyond the house and patio area and it is therefore suggested that further details regards the enclosure and protection of the hedgerow be secured by condition.

#### Impact on Highway Safety

The proposed development is not considered to result in any significant harm to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. Two parking spaces would be created within the curtilage of the new dwelling for the parking of vehicles and this is considered to be acceptable in accordance with CS12 and saved policies 54 , 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011. It is considered that the further extension of the shared access drive would not result in significant harm to either the visual amenities of the area or pedestrian safety.

#### Impact on Neighbours

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy seek to ensure that new development does not result in a detrimental impact to neighbouring properties and their amenity spaces.

The proposed development has thus been assessed in relation to its impact on neighbouring dwellings in accordance with Policy CS12 and to ensure that there is no adverse impact on daylight, sunlight, privacy or visual intrusion to neighbouring properties. The main issue in this application is to ensure that any development does not have a significant impact on the amenities of the parent building, 105 Cherry Orchard although for the sake of completeness it has also been assessed in relation to High View Lodge.

The proposed development is sited to ensure that a 45 degree angle is maintained to the key windows, doors and openings to No.105 and as such no significant losses in either daylight or sunlight to the original dwelling. No windows are located on the flank elevation to the projecting rear wing and as such there are no concerns with regards to a loss of privacy.

There is no adverse impact on High View Lodge given the juxtaposition of the proposals to this building and given the dense landscaping to the north eastern boundary of their site.

#### Impact on Infrastructure

Policy CS35 of the Core Strategy requires all developments to provide or contribute to the provision of infrastructure necessary to support development either in kind or through financial contributions. The Council has established a Community infrastructure Levy under which such contributions are calculated and secured. The CIL Charging Schedule indicates that the site is located in Charging Zone 3 wherein there is a charge of £100 per square metre of new residential development. The scheme will be charged accordingly. At this stage it is not clear whether the application will be subject to a relief claim.

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.

- 3 **No development shall take place until details of all means of enclosure within and around the site whether by means of walls, fences or hedges shall be submitted to and approved in writing. Such enclosures should include any measures to prevent unauthorised access from the drive and parking area to the public footpath to the south of the site. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.**

Reason: To ensure a satisfactory appearance to the development and to assist in the prevention of crime in accordance with policies CS12 and CS13 of the Core Strategy.

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

**PL001  
PL002  
PL003  
PL004**

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

Article 31

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 2015.

# Agenda Item 5g

## Item 5g

**4/02928/17/FHA PROPOSED TWO-STOREY AND SINGLE STOREY SIDE EXTENSION, FIRST FLOOR REAR EXTENSION, ONE REAR AND TWO SIDE ROOF WINDOWS**

**8 LITTLE GADDESSEN, BERKHAMSTED, HP4 1PA**



Item 5g

4/02928/17/FHA PROPOSED TWO-STOREY AND SINGLE STOREY SIDE EXTENSION,  
FIRST FLOOR REAR EXTENSION, ONE REAR AND TWO SIDE ROOF WINDOWS

8 LITTLE GADDESSEN, BERKHAMSTED, HP4 1PA



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

**4/02928/17/FHA - PROPOSED TWO-STOREY AND SINGLE STOREY SIDE EXTENSION,  
FIRST FLOOR REAR EXTENSION, ONE REAR AND TWO SIDE ROOF WINDOWS.  
8 LITTLE GADDESSEN, BERKHAMSTED, HP4 1PA.  
APPLICANT: Ms Lane.**

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[Case Officer - Rachel Marber]

## **Summary**

### **This application is recommended for refusal**

The proposal would result in harm to the form, plan, character and appearance of the existing property and resultant wider conservation area. It is considered that the harm identified would be substantial harm to which considerable importance and weight is attributed. The public benefits of the proposal have been identified and considered. These public benefits do not provide sufficient justification to override the presumption in favour of preservation. As such, the substantial harm identified to the character and setting of existing building and conservation area would be irreversible and affect this and future generations ability to appreciate the significance of these heritage assets. The development would therefore be contrary to the requirement of section 66 (1) of the LBA, Paras 132 and 134 of NPPF (2012), Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Local Plan (2004).

## **Site Description**

The application site is located to the east of Little Gaddesden. The site comprises a two storey semi-detached dwelling set beneath a steeply pitched tiled roof which falls within the Area of Outstanding Natural Beauty, Little Gaddesden conservation area and The Rural Area. The existing streetscene is a small row of attractive detached and semi-detached dwellings with slate tiles, red brick and a variety of designs.

## **Proposal**

This application seeks permission for a two storey side extension and first floor rear extension.

## **Referral to Committee**

This application is referred to the Development Management Committee due to contrary views of Little Gaddesden Parish Council.

## **Relevant Planning History**

4/00422/01/FUL	DEMOLITION OF LEAN-TO, CONSTRUCTION OF GROUND AND FIRST FLOOR REAR EXTENSION AND SIDE CANOPY PORCH AND INSERTION OF ROOFLIGHTS Granted 04/05/2001
4/1272/80	REAR EXTENSION, PORCH AND DETACHED GARAGE Granted 06/10/1980

## **Policies**

National Planning Policy

National Policy Guidance (2017)

National Planning Policy Framework (NPPF) (2012)

Adopted Core Strategy (2013)

CS7 - Rural Area

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 - The Chilterns Area of Outstanding Natural Beauty

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 22 - Extensions to Dwellings in the Green Belt and the Rural Area

Policy 57 - Provision and Management of Parking

Policy 58 - Private Parking Provision

Policy 97 - Chilterns Area of Outstanding Natural Beauty

Policy 120 - Development in Conservation Areas

Appendix 3 - Gardens and Amenity Space

Appendix 5 - Parking Provision

Appendix 7 - Small-scale House Extensions

**Constraints**

Established residential area of Little Gaddesden

- Little Gaddesden Conservation Area
- The Rural Area
- Special Control for Advertisements
- Area of Outstanding Natural Beauty

**Summary of Representations:**

**Comments received from consultees:**

Building Control

**No Comment**

Little Gaddesden Parish Council

**Support**

DBC Conservation

## **Objection**

We would agree with the heritage statement of the application in relation to its characterisation of the Little Gaddesden conservation area. The cottage is as described a two storey semi detached dwelling set beneath a steeply pitched tiled roof. The central chimney stack makes an important focal point within the roofscape. The original dwelling is modest in scale and clearly reflects the original use as a workers cottage within the wider estate. Whilst both it and its semi-detached neighbour have been extended to the rear the form of the original can be seen and remains relatively unaltered. In addition it is noted that heading towards the village the cottages have been extended to the rear and the core buildings and rhythm of development can be read and understood.

The rear elevations of this property and others within the group of buildings in Little Gaddesden are characterised by having had a number of extensions to a variety of designs over time. The current extension replaced an earlier extension and was constructed circa 2001. However as noted above the side and facades of this pair of cottages have not been extended therefore maintaining the original scale, proportion, balance and character when viewed from the front and within the wider streetscape. The proposed substantial extension to the side and rear would therefore significantly disrupt the form and plan of the original dwellings. This would be most harmful to the character of this pair of cottages, unbalance the principle elevation and therefore be contrary to policy. In particular the substantial side extension to the original cottage would fail to integrate satisfactorily create a most unfortunate facade and erode the character of this pair of cottages as well as cause harm to the wider group.

The building is located within the conservation area of little Gaddesden and the proposal is therefore a designated heritage asset. The Framework states that as heritage assets are an irreplaceable resource they should be conserved in an appropriate manner. Under section 72(1) of the act "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The proposed extension would fail to preserve or enhance the appearance of the conservation area as the overly large extension which is not sympathetic to the original form, scale and character of the original building and as such is contrary to the principle of the act. The guidance in paragraph 134 of the framework states that "when a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". The harm also gives rise to a strong presumption against the granting of planning permission. The harm would not only impact on the character of this building but the conservation area as a whole as the incremental and cumulative loss of the appearance of the modest cottages would adversely affect the conservation area and wider heritage asset. I would give this harm a moderate weight. The harm would not be outweighed by the public benefit. Therefore following the weighting exercise in the framework we would object to the application and recommend refusal.

## **Recommendation**

We would object and recommend refusal as the proposal would have a most detrimental impact on the character of the building and the wider conservation area and is therefore contrary to local policy and national government guidance.

## **Key Considerations**

### Principle of Development with a Rural Area

The application site resides within a Rural Area where Policy CS7 of the Core Strategy (2013) advises that limited extensions to existing buildings are acceptable provided that there is no detrimental impact on the character and appearance of the countryside. Saved Policy 22 of the

Local Plan (2004) promulgates that development should be limited in size, well-related to the existing building, well designed with regard to the size and shape of the site and retain sufficient space around the building so as not to appear visually intrusive on the skyline or in the open character of the surrounding countryside.

The application site has been extended in the past as the table below shows:

	<b>Type of Extension</b>	<b>Ground/first floor area</b>
Original Dwelling		63.9 sq. metres
Existing Extensions	Ref 4/1272/80 Rear extension, porch and garage	Garage: 18.3 sq. metres Extension: 11.5 sq metres (Porch not included - replaced a similar size porch)
	Rear Lean-to	4.6 sq. metres
	Ref: 4/00422/01/FUL Ground and first floor rear extension	Ground floor (minus the existing extension and lean-to: 12.71 sq. metres First Floor: 14.22 sq. metres
	Total existing extensions	61.33 sq metres
		<b>96%</b>
<b>Proposed % increase o/a original</b>	Two storey side and first floor rear extension	<b>43 sq.m</b>  <b>Total = 163%</b>

Although the dwelling has already had a considerable increase, it is important to note that the application site is not located within an isolated location and therefore the proposal would result in limited harm to the skyline and open character of the surrounding countryside. Since the Local Plan Policy was created in 2004 the NPPF has been published (2012) which offers more flexibility in regards to extension size in rural areas. As a result a refusal on rural amenity grounds would be considered unsubstantiated.

Effect on Appearance of Existing Building, Chilterns Area of Outstanding Natural Beauty and Conservation Area

The application site is also located within the Chilterns Area of Outstanding Natural Beauty wherein the principle of development is subject to prime planning considerations which give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, development is permitted subject to its satisfactory assimilation into the landscape and accordance with Saved Policy 97 of the Local Plan (2004) and policy CS24 of the Core Strategy (2013).

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72 (1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 64 of the NPPF (2012) states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Local Plan (2004) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a conservation area.

In addition, Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Due to the sensitive nature of the site the DBC conservation officer was consulted on the proposal and provided the following representation:

*'The central chimney stack makes an important focal point within the roofscape. The original dwelling is modest in scale and clearly reflects the original use as a workers cottage within the wider estate. Whilst both it and its semi-detached neighbour have been extended to the rear the form of the original can be seen and remains relatively unaltered. In addition it is noted that heading towards the village the cottages have been extended to the rear and the core buildings and rhythm of development can be read and understood.*

*The side and facades of this pair of cottages have not been extended therefore maintaining the original scale, proportion, balance and character when viewed from the front and within the wider streetscape. The proposed substantial extension to the side and rear would therefore significantly disrupt the form and plan of the original dwellings. This would be most harmful to the character of this pair of cottages, unbalance the principle elevation and therefore be contrary to policy. In particular the substantial side extension to the original cottage would fail to integrate satisfactorily create a most unfortunate facade and erode the character of this pair of cottages as well as cause harm to the wider group. I would give this harm a moderate weight. The harm would not be outweighed by the public benefit. Therefore following the weighting exercise in the framework we would object to the application and recommend refusal.'*

The moderate harm identified to the both existing building and appearance of the conservation area as a whole would mean there is a failure to preserve the setting of the conservation area, contrary to section 66 of the LBA to which considerable importance and weight is attributed.

This harm identified should be weighed against the public benefits of the proposal. The public benefits of this proposal are acknowledged below:

Provision of a larger family home

Economic benefits of the construction including jobs secured in the construction and in the manufacture of building materials.

The public benefits of the scheme are afforded limited weight.

Thus, the public benefits of the proposal have been identified and considered. These public benefits are considered less than significant and do not provide sufficient justification to override the presumption in favour of preservation. As such, the substantial harm identified to the character and appearance of the existing building and conservation area would be irreversible and affect this and future generations ability to appreciate the significance of these heritage assets. The development would therefore be contrary to the requirement of section 66



(1) of the LBA, Paras 132 and 134 of NPPF (2012), Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Local Plan (2004).

#### Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

It is not considered that the proposed two storey side extension would result in a significant further loss of privacy or outlook to neighbouring property No.7 Little Gaddesden due to a marginal 1.5 metre further width and existing mutual overlooking between these properties; with the location and number of windows facing the boundary relatively retained.

The proposed first floor rear extension is not considered to result in a significant loss of outlook or daylight to the rear facing window of No.9 Little Gaddesden due to being located to the north of this neighbour and marginal 3 metre depth.

Thus, the proposed would not detrimentally impact the residential amenity of neighbouring properties and is acceptable in terms of the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Parking and Access

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The proposal would not result in an increase to the dwellinghouse size but would result in the loss of vehicle access to the detached garage. Nonetheless, DBC standards outline maximum provision and off street parking provision remains sufficient to accommodate at least four domestic cars with on street parking also available. As such the proposed development is not considered to impact upon highway or pedestrian safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

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

**S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72 (1) of the LBA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.**

**The proposal would result in harm to the form, plan, character and appearance of the existing property and resultant wider conservation area. It is considered that the harm identified would be substantial harm to which considerable importance and weight is attributed. The public benefits of the proposal have been identified and considered. These public benefits do not provide sufficient justification to override the presumption in favour of preservation. As such, the substantial harm identified to the character and setting of existing building and conservation area would be irreversible and affect this and future generations ability to appreciate the significance of these heritage assets. The development would therefore be contrary to the requirement of section 66 (1) of the LBA, Paras 132 and 134 of NPPF (2012), Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Local Plan (2004).**

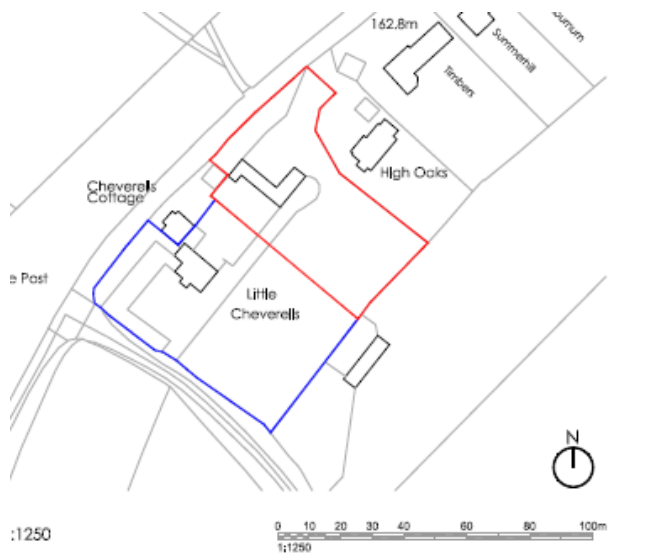
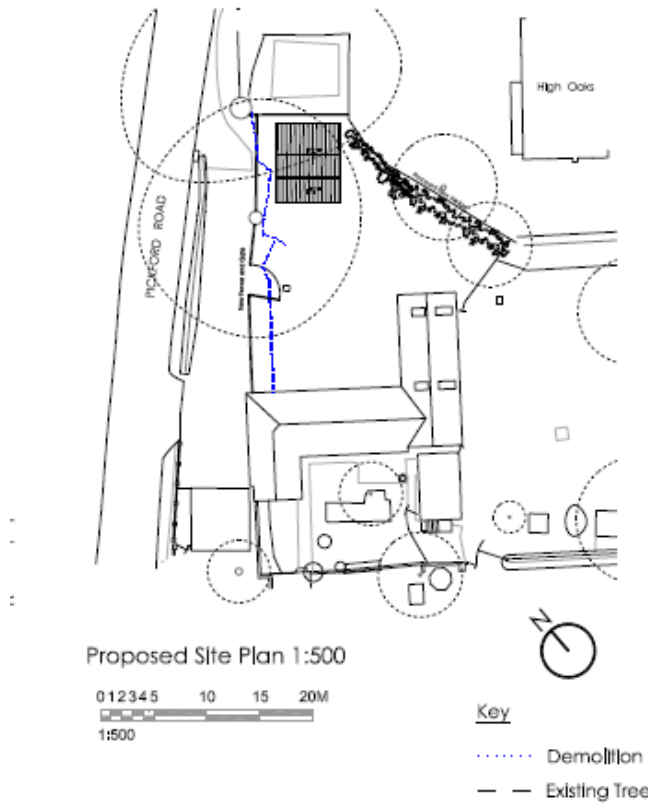
#### Article 35 Statement

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 2015.

## Item 5h

### 4/02996/17/FHA CONSTRUCTION OF DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, FENCE AND ASSOCIATED LANDSCAPING

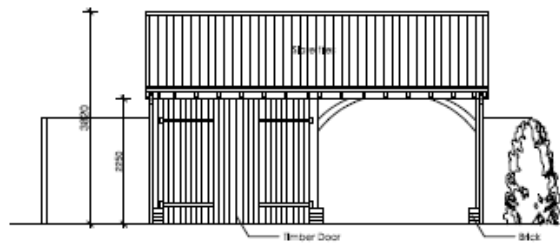
THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA



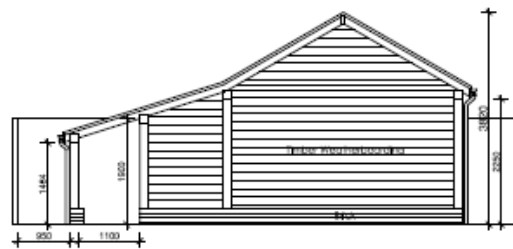
Item 5h

**4/02996/17/FHA CONSTRUCTION OF DOUBLE GARAGE WITH WOOD STORE, NEW  
RELOCATED GATE, FENCE AND ASSOCIATED LANDSCAPING**

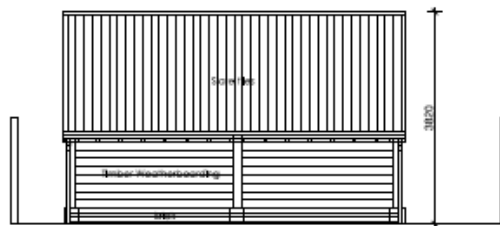
**THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA**



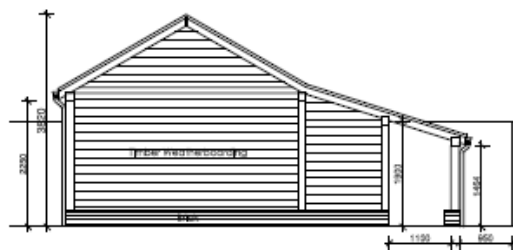
South West Elevation 1:100



North West Elevation 1:100



North East Elevation 1:100



South East Elevation 1:100

AS PROPOSED

**4/02996/17/FHA - CONSTRUCTION OF DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, FENCE AND ASSOCIATED LANDSCAPING. THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA. APPLICANT: Ms J Timmis.**

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[Case Officer - Amy Harman]

### **Summary**

The application is recommended for approval.

### **Site Description**

The site is a former Montessori Nursery which is set in the grounds of the residential property 'Little Cheverells' (Grade II listed). It is a converted timber framed barn which is set adjacent to a Grade II listed granary building. Planning permission was granted in 2010 for conversion of the Montessori nursery and barn to one residential property.

The proposed garage would be located to the north of the new dwelling directly adjacent to Pickford Road.

### **Proposal**

Construction of double garage with wood store, new relocated gate, fence and associated landscaping.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the applicant being a Councillo.r

### **Planning History**

4/00735/17/DRC DETAILS AS REQUIRED BY CONDITIONS 2 (BARN TIMBERS),4 (WRITTEN SCHEME OF INVESTIGATION) OF LISTED BUILDING CONSENT 4/01307/16/LBC (CHANGE OF USE FROM D1 NON-RESIDENTIAL INSTITUTIONS TO C3 RESIDENTIAL DWELLING. SINGLE STOREY REAR EXTENSION)  
Granted  
30/05/2017

4/01306/16/FUL CHANGE OF USE FROM D1 NON-RESIDENTIAL INSTITUTIONS TO C3 RESIDENTIAL DWELLING. SINGLE STOREY REAR EXTENSION.  
Granted  
13/07/2016

4/01307/16/LBC CHANGE OF USE FROM D1 NON-RESIDENTIAL INSTITUTIONS TO C3 RESIDENTIAL DWELLING. SINGLE STOREY REAR EXTENSION.  
Granted  
14/07/2016

### **Policies**

## National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

## Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS7 - Rural Area  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS25 - Landscape Character  
CS27 - Quality of the Historic Environment

## Saved Policies of the Dacorum Borough Local Plan

Appendices 3

## Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)

## Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Conservation Area Character Appraisal for Markyate.

## **Summary of Representations**

### Markyate Parish Council

No objection

### Conservation and Design

I have no objections to this proposal. The black uPVC rainwater goods specified need to be altered to black painted metal. There is no specified finish for the weatherboarding and doors, but these should be black 'tar' finish.

## Hertfordshire Highways

### COMMENTS

This application is for Double Garage With Wood Store, New Relocated Gate, Lapboard Fence And Landscaping

PARKING AND ACCESS

The proposal is to construct a new double garage/carport. No new or altered vehicle or pedestrian access is required and no works are proposed in the highway. Pickford Road is an unnumbered "C" classified road with a speed limit of 30 mph, so vehicles are required to enter and exit the site in forward gear. The applicant has demonstrated that there is adequate manoeuvring space on site for vehicles to achieve this.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

## Trees and Woodlands

The TPO trees would have been affected by previous fencing / gate works. This app won't make matters worse unless a significant root is affected, hence my comment about trial pits.

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

### High Oaks - Objects:

The proposed structure will be directly in front of our main bedroom window, study, landing and entrance. We welcome the thoughtful and sympathetic design and standard of both the house itself and the proposed garage but the application does not:

1. Define the height to the peak of the roof of the garage.
2. Specify the position of the proposal on the land and so in principle it could be on the boundary and thus very close to our property.

Without this information we cannot definitively comment on the scale of loss of light, overshadowing and visual intrusion, all of which are "material planning considerations". To the extent possible, the impact on High Oaks is minimised:

- the closer the proposed garage is to Pickford Road
- closer to the Granary building, hence less directly in front of our property.

Our property currently has a constrained opening onto Pickford Road and we want to avoid being "boxed in".

## **Considerations**

### Policy and Principle

Limited extensions to existing buildings are acceptable in the Rural Area under Policy CS7 of the Core Strategy. The forecourt area would fall within the definition of previously developed land under Annex 2 of the NPPF and as such the key consideration with respect to this development in the Rural Area is that it would have no significant impact on the character and appearance of the countryside and would support the rural economy. The proposal is considered to support the rural economy in a limited way through construction and would therefore meet the objectives of Policy CS7 of the Core Strategy and would not conflict with the general aims of saved Policy 22 of the Local Plan.

### Effect on Appearance of Building and Rural Area

Policy CS12 (Quality of Site Design) states that each site 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 streetscape character; and
- g)

respect adjoining properties in terms of:

i) layout, ii) security, iii) site coverage, iv) scale, v) height, vi) bulk, vii) materials; and viii) landscaping and amenity space.

Policy CS27 states all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

The oak framed double garage (one enclosed, one bay) will be traditionally constructed to blend in with the surrounding outbuildings. The side cladding is of weatherboarding, the roof will be pitched and slate tiles to match the outbuildings and the traditional doors, which hang on T hinges are vertically boarded.

The materials (as amended) are considered acceptable; blank Plinth walls with a Black 'tar' finish wetherborading and oak frame, a natural slate roof and black 'tar' finish timber with black painted metal rainwater goods.

The proposed outbuilding are of a scale, design, height and material which are considered to be fit for purposes and would not result in harm to the character of the countryside.

In accordance with policy CS7, CS12 and CS27 of the Core Strategy, the proposed oak framed garage is considered acceptable in terms of layout and site coverage. The proposal preserves the existing buildings and the rural area.

#### Impact on Trees and Landscaping

The installation of the garage does not effect the TPO trees on site. Trees and Woodlands have no objections to the proposed new hedgerow. The proposal would therefore accord with saved Policy 99 of the Local Plan.

#### Impact on Highway Safety

No objections from highways.

No new or altered vehicle or pedestrian access is required and no works are proposed in the highway. Pickford Road is an unnumbered "C" classified road with a speed limit of 30 mph, so vehicles are required to enter and exit the site in forward gear. The applicant has demonstrated that there is adequate manoeuvring space on site for vehicles to achieve this.

#### Impact on Neighbours

The proposed garage would be a maximum of 3.82 metres to the ridge and 2.25 metres to the eaves. The ridge of the garage is forward and not in line with the frontage of High Oaks, therefore there is little or no impact on the main bedroom and study and having a separation distance of at least 12 metres. In addition an additional hedgerow will provide screening for the garage. Due to the orientation of the site there is no effect on the daylight / sunlight from the setting of this garage into High Oaks.

#### Other Material Planning Considerations

##### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend



only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

**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/documents:**

460S /TP-LBC / 201  
460S / TP-LBC/ 202A rev.A

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 safeguard the character and appearance of the Listed Building in accordance with Adopted Core Strategy CS12 and CS24

### **Article 35 Statement**

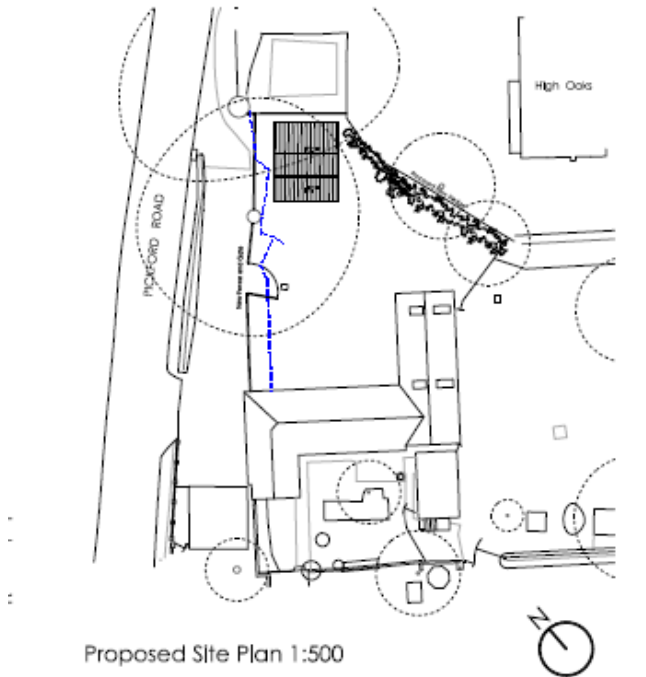
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

# Agenda Item 5i

## Item 5i

**4/02997/17/LBC DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, LAPBOARD FENCE AND LANDSCAPING**

**THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA**

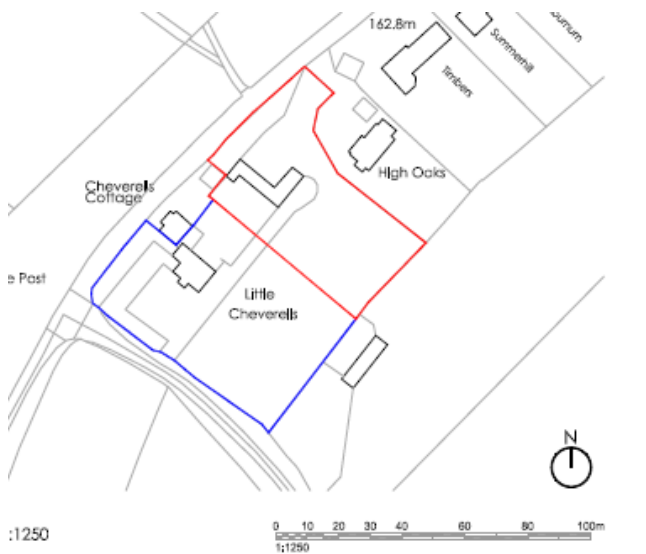


Proposed Site Plan 1:500



Key

- ..... Demolition
- - Existing Tree

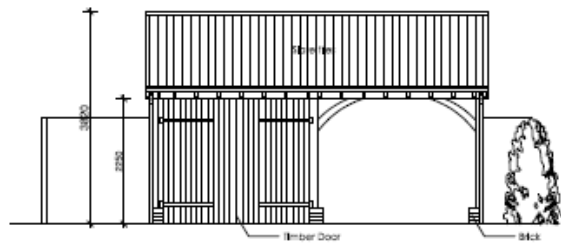


1:1250

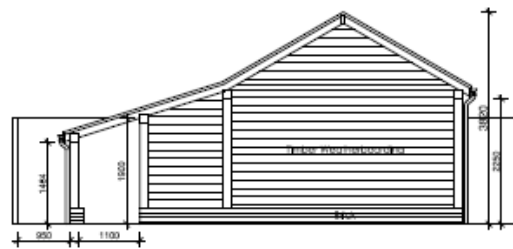
Item 5i

4/02997/17/LBC DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, LAPBOARD FENCE AND LANDSCAPING

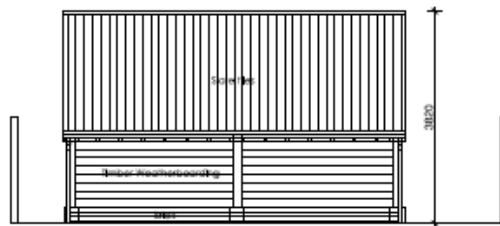
THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA



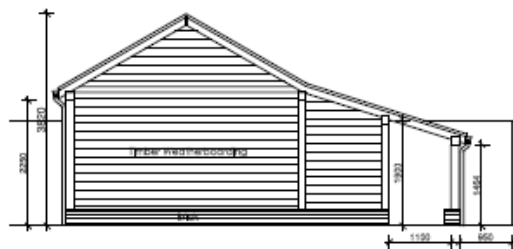
South West Elevation 1:100



North West Elevation 1:100



North East Elevation 1:100



South East Elevation 1:100

AS PROPOSED

**4/02997/17/LBC - DOUBLE GARAGE WITH WOOD STORE, NEW RELOCATED GATE, LAPBOARD FENCE AND LANDSCAPING.  
THE GRANARY, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AA.  
APPLICANT: Ms Timmis.**

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[Case Officer - Amy Harman]

### **Summary**

The application is recommended for approval.

### **Site Description**

The site is a former Montessori Nursery which is set in the grounds of the residential property 'Little Cheverells' (Grade II listed). It is a converted timber framed barn which is set adjacent to a Grade II listed granary building. Planning permission was granted in 2010 for conversion of the Montessori nursery and barn to one residential property

### **Proposal**

Construction of double garage with wood store, new relocated gate, fence and associated landscaping

### **Referral to Committee**

The application is referred to the Development Control Committee due to the applicant being a Councillor

### **Planning History**

4/00735/17/DRC DETAILS AS REQUIRED BY CONDITIONS 2 (BARN TIMBERS),4  
(WRITTEN SCHEME OF INVESTIGATION) OF LISTED BUILDING  
CONSENT 4/01307/16/LBC (CHANGE OF USE FROM D1 NON-  
RESIDENTIAL INSTITUTIONS TO C3 RESIDENTIAL DWELLING.  
SINGLE STOREY REAR EXTENSION)  
Granted  
30/05/2017

4/01306/16/FUL CHANGE OF USE FROM D1 NON-RESIDENTIAL INSTITUTIONS TO C3  
RESIDENTIAL DWELLING. SINGLE STOREY REAR EXTENSION.  
Granted  
13/07/2016

4/01307/16/LBC CHANGE OF USE FROM D1 NON-RESIDENTIAL INSTITUTIONS TO C3  
RESIDENTIAL DWELLING. SINGLE STOREY REAR EXTENSION.  
Granted  
14/07/2016

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS25 - Landscape Character  
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Appendices 3

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Conservation Area Character Appraisal for [ Aldbury / Bovington / Chipperfield / Frithsden /  
Great Gaddesden / Nettleden / Berkhamsted / Hemel Hempstead / Potten End / ]

**Summary of Representations**

Markyate Parish Council

No objection

Conservation and Design

I have no objections to this proposal. The black uPVC rainwater goods specified need to be altered to black painted metal. There is no specified finish for the weatherboarding and doors, but these should be black 'tar' finish.

Hertfordshire Highways

COMMENTS

This application is for Double Garage With Wood Store, New Relocated Gate, Lapboard Fence And Landscaping

PARKING AND ACCESS

The proposal is to construct a new double garage/carport. No new or altered vehicle or pedestrian access is required and no works are proposed in the highway. Pickford Road is an unnumbered "C" classified road with a speed limit of 30 mph, so vehicles are required to enter

and exit the site in forward gear. The applicant has demonstrated that there is adequate manoeuvring space on site for vehicles to achieve this.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

### Trees and Woodlands

The TPO trees would have been affected by previous fencing / gate works. This app won't make matters worse unless a significant root is affected, hence my comment about trial pits.

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

#### High Oaks - Objects:

The proposed structure will be directly in front of our main bedroom window, study, landing and entrance. We welcome the thoughtful and sympathetic design and standard of both the house itself and the proposed garage but the application does not:

1. Define the height to the peak of the roof of the garage.
2. Specify the position of the proposal on the land and so in principle it could be on the boundary and thus very close to our property.

Without this information we cannot definitively comment on the scale of loss of light, overshadowing and visual intrusion, all of which are "material planning considerations". To the extent possible, the impact on High Oaks is minimised:

- the closer the proposed garage is to Pickford Road
- closer to the Granary building, hence less directly in front of our property.

Our property currently has a constrained opening onto Pickford Road and we want to avoid being "boxed in".

## **Considerations**

### Heritage Assessment

The listed building application considered the impact of the proposal on the setting of the listed buildings on the site.

Policy CS27 states all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

The oak framed double garage (one enclosed, one bay) will be traditionally constructed to blend in with the surrounding outbuildings. The side cladding is of weatherboarding, the roof will be pitched and slate tiles to match the outbuildings and the traditional doors, which hang on T hinges are vertically boarded.

The materials (as amended) are considered acceptable; blank Plinth walls with a Black 'tar' finish weatherboarding and oak frame, a natural slate roof and black 'tar' finish timber with black painted metal rainwater goods.

In accordance with policy CS12 and CS27 of the Core Strategy, the proposed oak framed garage is considered acceptable in terms of layout and site coverage.

In principle the application is supported by The Conservation and Design Officer.

The proposed works are deemed not to harm the character or special interest of the grade II listed building and the works are in accordance to policy 119 of the Local Plan.

#### Impact on Trees and Landscaping

The installation of the garage does not affect the TPO trees on site. Trees and Woodlands have no objections to the proposed new hedgerow.

#### Impact on Highway Safety

No objections from highways.

No new or altered vehicle or pedestrian access is required and no works are proposed in the highway. Pickford Road is an unnumbered "C" classified road with a speed limit of 30 mph, so vehicles are required to enter and exit the site in forward gear. The applicant has demonstrated that there is adequate manoeuvring space on site for vehicles to achieve this.

#### Impact on Neighbours

The proposed garage would be a maximum of 3.82 metres to the ridge and 2.25 metres to the eaves. The ridge of the garage is forward and not in line with the frontage of High Oaks, therefore there is little or no impact on the main bedroom and study and having a separation distance of at least 12 metres. In addition currently there are two substantial trees that currently provide extensive screening to the part of the site where the garage will be located. These trees are to be retained and an additional hedgerow provides additional screening. Due to the orientation of the site there is no effect on the daylight / sunlight from the setting of this garage into High Oaks.

#### Other Material Planning Considerations

##### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

**RECOMMENDATION** – That planning permission 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 The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

460S /TP-LBC / 201

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

**Article 35 Statement**

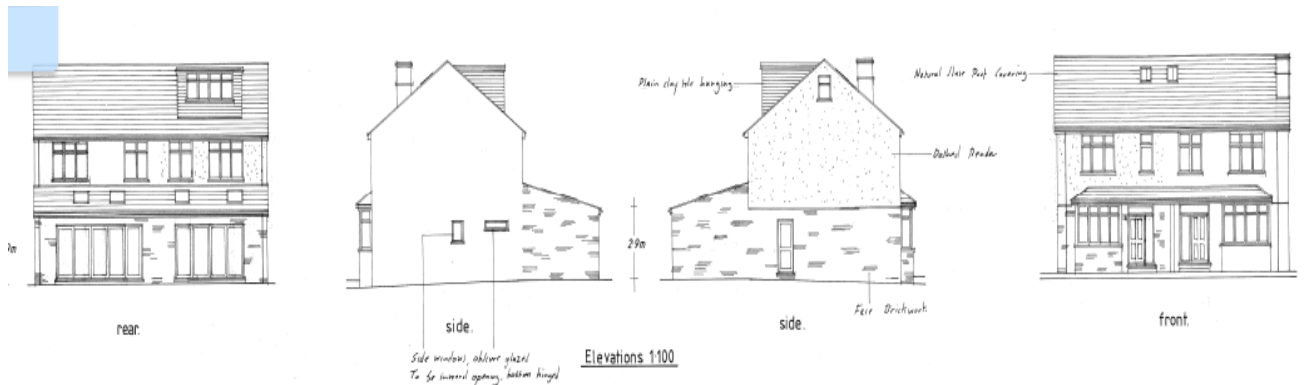
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.



## Item 5j

4/03269/17/FUL TWO STOREY AND SINGLE STOREY EXTENSIONS AND REAR DORMER TO FORM NEW DWELLING (AMENDED SCHEME).

17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL



**4/03269/17/FUL - TWO STOREY AND SINGLE STOREY EXTENSIONS AND REAR DORMER TO FORM NEW DWELLING (AMENDED SCHEME)..  
17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL.  
APPLICANT: MR & MRS J BENNETT.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

The application is an amended scheme and proposes extensions to the existing property No. 17 Chestnut Drive and the construction of an attached four-bedroom dwelling.

Planning Permission for an attached dwelling and larger extensions was granted by Members in December 2017. The amended scheme omits the two storey rear extensions, and one of the rear dormers. The current scheme as now proposed is considered preferable to that previously approved. The mass and bulk to the rear is lesser which is preferable in visual terms and would reduce the impact on adjacent properties in terms of light, privacy and visual intrusion. The loss of these elements also results in two less bedrooms across the site (one per dwelling) which would be preferable in parking terms.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

The additional dwelling would essentially mirror the form, scale and detailing of the existing dwelling creating a symmetrical, semi-detached pair. The layout and design is acceptable and would achieve an acceptable level of integration with the neighbouring properties. The smaller extensions are considered an acceptable addition in terms of their size, scale and form and would not harm the host building. Given the design, position and orientation the development would not adversely affect the residential amenities of adjacent properties (neither the existing properties or those recently granted planning permission). Adequate parking and private amenity space is provided.

The proposal is in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS8, CS11 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011. Furthermore it represents an improvement to the previously approved scheme.

### **Application Site and Surrounding Area**

The application site is located on the south side of Chestnut Drive, Berkhamsted which resides within the Swing Gate Character Area Appraisal (BCA2). The application site currently comprises a detached two-storey dwelling, detached single garage which is set well back within the plot and associated gardens and parking.

The new dwelling would be constructed on what is currently the side garden of No. 17.

The surrounding area is characterised by a mixture of semi-detached and detached dwellinghouses and bungalows. Each property is relatively uniform in regards to build line but varied in terms of architectural style, roof form, size, separation distances and height.

There have been a number of recent developments and in-fill dwellings in the street scene and planning permission has very recently been granted for the demolition of the adjacent bungalow and construction of a pair of semi-detached dwellings.

### **Proposal**

Planning permission is sought for an amended scheme; extensions to the existing dwelling and the construction of an attached, 3 bedroom property.

### **Referral to Committee**

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

### **Planning History**

4/01804/17/FUL TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING  
Granted  
15/12/2017

### **Policies**

#### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

#### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing

#### Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands

Policy 100 - Tree and Woodland Planting  
Appendix 3 - Gardens and Amenity Space  
Appendix 5 - Parking Provision

Supplementary Planning Guidance (2004)

Swing Gate Character Area Appraisal (BCA2).

### **Constraints**

Established residential area of Berkhamsted

- Green Belt land to rear of site

### **Summary of Representations**

Berkhamsted Town Council.

Objection - the proposal constitutes an over-development of the site

Herts Ecology

Recommend informative on bats.

Comments received from local residents

None Received.

Herts County Council 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 subject to the following conditions:

There is no material difference between this amendment and the original application from a Highways perspective, therefore the same response applies: Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

CONDITIONS:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed 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.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

6. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .

Reason: In the interests of the safety of persons using the access and users of the highway.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

#### INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-

<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

#### COMMENTS

This application is for Two storey and single storey extensions and rear dormer to form new dwelling (amended scheme).

#### PARKING

Each property will have two parking spaces on a new hard standing to the front. I notice from drawing no "DBC/17/6/3 A" that the measurements for minimum parking space size have been met.

**ACCESS** The current property has an existing vxo onto Chestnut Drive, which will be altered to provide access to the parking spaces for the new dwelling, while a new double vxo is proposed for the existing dwelling. The maximum size for a double width VXO is 7.2m (6 standard kerbs plus two dropped kerbs). Chestnut Drive is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

## Key Considerations

### Policy and principle

The application site is located within the town of Berkhamsted.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

Moreover, planning permission has already very recently been granted for a similar proposal. The current proposal is an amended scheme which is smaller than that previously approved (the shared two storey rear extension and one of the rear dormers has been omitted). There have also been a number of similar in-fill dwellings and residential developments (bungalows replaced with semi-detached dwellings) recently approved in the immediate area, which were also considered acceptable.

Taking the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is therefore in accordance with Policies CS1, CS4, CS17, CS18 and CS33 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

### Layout, density and design

The application seeks consent for an amended scheme. Extensions to the existing dwelling and the construction of a new attached dwelling have already been granted under permission 4/01804/17/FUL. The overall layout, density and design has thus already been accepted as appropriate and in accordance with Policies Cs12. The new proposal sees the omission of the previously approved two storey rear wing (which extended across the existing and proposed dwelling and exhibits a shared gable) which is preferable as it reduces the overall site coverage.

The additional dwelling would essentially mirror the form, scale and detailing of the existing dwelling creating a symmetrical, semi-detached pair. The layout and design is acceptable and would achieve an acceptable level of integration with the neighbouring properties. The smaller extensions are considered an acceptable addition in terms of their size, scale and form and would not harm the host building. Given the design, position and orientation the development would not adversely affect the residential amenities of adjacent properties (neither the existing properties or those recently granted planning permission). Adequate parking and private amenity space is provided.

### Impact on residential amenity

The proposal seeks consent for a smaller scheme. The mass and bulk of the shared two storey rear wing would be lost in the new proposal which is considered preferable in visual terms and with regard to the impact on both the properties to either side and those to the rear which are situated at right angles to the application site. The amended proposal continues to comply with Policy Cs12 of the Core Strategy and would not harm the residential amenities of adjoining properties in any significant way.

### Highway Safety and Parking Provision

Again, given the current application seeks consent for less development, and the parking provision and arrangements would remain as previously approved, they are considered acceptable and preferable. The current proposal represents an improvement in highway and parking terms as there is a reduction in the total number of bedrooms across the site. Previously the existing dwelling was being enlarged from a 3-bedroom to a 4 bedroom dwelling and the new property was also to be 4 bedroomed. Both would be served by two off-street parking spaces. The amended scheme results in two three-bedroomed dwellings both of which would be served by 2 off-street parking spaces.

### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015; the application is CIL liable.

### Other Considerations

Given the amendments sought during the course of this and the previous application and the relationship of the proposal with adjacent properties it is considered necessary and reasonable to remove PD rights with regard to class A extensions.

**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/documents:**

**DBC / 17 / 11 / 1**  
**DBC / 17 / 11 / 2**  
**DBC / 17 / 11 / 3A**  
**Design and Access Statement**  
**Application form.**

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

- 3 **The development hereby permitted shall be constructed fully in accordance with the materials specified on the approved drawings and application form.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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**

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.

- 5 **The additional dwelling hereby permitted shall not be occupied until the arrangements for vehicle parking, shown on Drawing No. DBC/17/11/2 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.

- 6 **Pedestrian visibility splays of 2 m x 2 m shall be provided before the new dwelling 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 interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .**

Reason: In the interests of the safety of persons using the access and users of the highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

Article 35:

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 2015.

**INFORMATIVES:**

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification



and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. 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:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. All materials and equipment to be used during the construction should be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

#### Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

#### Article 35 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 2015.

# Agenda Item 5k

## Item 5k

**4/02491/17/FHA FRONT, SIDE AND REAR EXTENSION. LOFT CONVERSION WITH CROWN ROOF AND FRONT GABLE EXTENSION**

**74 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EX**



Item 5k

4/02491/17/FHA FRONT, SIDE AND REAR EXTENSION. LOFT CONVERSION WITH CROWN ROOF AND FRONT GABLE EXTENSION

74 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EX

PRELIMINARY



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

0 1 2 3 4 5m

**4/02491/17/FHA - FRONT, SIDE AND REAR EXTENSION. LOFT CONVERSION WITH CROWN ROOF AND FRONT GABLE EXTENSION.  
74 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EX.  
APPLICANT: MR DOOUSS.**

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[Case Officer - Sally Robbins]

### **Summary**

The application is recommended for approval.

### **Site Description**

The application site is located on the southeast side of Scatterdells Lane in Chipperfield. The site comprises a single storey detached dwellinghouse in an elongated plot. The site is located within the Green Belt and the surrounding area is characterised by a varied mix of mostly detached dwellinghouses in a range of architectural styles and sizes.

### **Proposal**

The application seeks full planning permission for a front, side and rear extension, a loft conversion with crown roof and front gable extension.

### **Referral to Committee**

The application is referred to the Development Management Committee due to the contrary views of Chipperfield Parish Council.

### **Planning History**

4/1560/86	Replacement dwelling Granted 16/12/1986
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Building Control History - Single Storey Rear Extension from 1996 (ref. BN96/0756).

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Adopted Core Strategy

CS5 - The Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

#### Saved Policies of the Dacorum Borough Local Plan

Policy 22  
Appendices 3 & 7

### **Summary of Representations**

Chipperfield Parish Council

CPC OBJECTS to the application for reasons:

Excessive scale and bulk- not in keeping with the character/vernacular of Chipperfield village properties.

Contrary to 'Village Design Statement' in respect of

- Avoid integral garages
- Respect established building patterns
- Avoid deep floor plan and resulting roof bulk
- Allow for car parking away from frontage
- Reduced roof spans by use of T or L shaped building layout

45 deg light rule to neighbouring property is not observed

Response to Neighbour Notification/Site Notice

72 and 76 Scatterdells Lane - Objects:

- Over allowance for extensions in Green Belt
- Large percentage increase
- Loss of light
- Overlooking
- Extends up to boundary line
- Fails 45 degree test
- Scale and design not in keeping with the original property
- Impact on street scene
- Overshadowing
- Dominant and overbearing
- Potential disturbance of Japanese knotweed

## **Considerations**

### Policy and Principle

The application site is located within the Green Belt. Core Strategy (2013) Policy CS5 aims to protect the character and openness of the Green Belt and states that small-scale development will be permitted, such as limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside. The National Planning Policy Framework (NPPF) (2012) is broadly consistent with this approach stating that one of the exceptions to inappropriate development in the Green Belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CS5 itself is silent in terms of what constitutes small-scale development or a limited addition. Saved Policy 22 of the Local Plan (2004) is relevant, but is given less weight than the NPPF, as the assessment differs slightly from Section 9 of the NPPF. Specifically, saved Policy 22 requires an assessment of the floor space increase above the original building (allowing 30% above the original floor area).

The existing dwelling is a replacement of 'Holliday House', permission for which was granted in 1986. The replacement dwelling saw an increase in floor area of around 36 sq m (17%). The Case Officer provided justification for the minor increase in floor area due to the relocation of the dwelling further back in its plot, more in line with the neighbouring dwellings, and the fact that the proposal included the demolition of a number of outbuildings that amounted to around 78 sq m. No mention was made of height, although the original dwelling and the replacement dwelling were both single storey. As such and for the purposes of this Green Belt assessment, the original dwelling and the existing dwelling are considered to be the approximately the same

size.

The applicant has provided figures for the existing and proposed floor area, footprint and volume, as shown in the table below:

	<b>Existing</b>	<b>Proposed</b>	<b>% Increase</b>
<b>Floor Area (sq m)</b>	326	457	40
<b>Footprint (sq m)</b>	176	269	52
<b>Volume (cu m)</b>	996	1189	19

Whilst the increase in floor area exceeds the threshold set out in Saved Policy 22, as mentioned above less weight is given to this than an assessment in terms of proportionality as defined in the NPPF. Furthermore, there would be no increase in roof height with the majority of the increase in floor area comprised within the roof space. The dwelling would retain a half hipped roof with a small crown roof section, which is considered to minimise the impact in terms of scale.

All of the above factors have been taken into consideration when making an assessment of the increase in bulk and mass. It is considered that the proposed extension would remain proportionate to the size of the original house. As such, the extension proposed would constitute appropriate development in the Green Belt and would, in principle, be acceptable.

#### Effects on appearance of building and Street Scene

Core Strategy Policies CS11 and CS12 and Saved Appendix 7 of the Local Plan state that development within settlements should respect the typical density in the area, integrate with the streetscape character and respect surrounding properties. Furthermore, chapter 7 of the NPPF (2012) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The proposed extension would see the front projection extended from a hip to gable roof with an additional gable end projection added. The extension would project from the southwest flank elevation by 3m and from the rear elevation by 3.8m. The roof height of the extension would match the height of the main roof, at 7m. There would be three modestly sized dormer windows on the rear elevation that would be spaced evenly apart. Extensive glazing is proposed for the ground floor rear elevation.

The proposed extension would be finished in materials to match the parent dwelling including plain roof tiles, facing brickwork and PVC windows and doors. It is considered that the form, scale and design of the extension suitably reflects the scale and design of the existing house and would not result in any adverse impacts on the existing property or the adjacent residential properties. As such, the proposal complies with identified policies in this regard.

#### Impact on Trees and Landscaping

There are no trees of significance that will be removed as a result of the proposed extension. Neighbours have raised concerns regarding the presence of Japanese Knotweed. However, as this is not a material planning consideration, it has not been taken into account during the determination of this application.

#### Impact on Neighbours

There have been objections from both 72 and 76, the neighbours on either side of the application site. The objections relate to:

- Over allowance for extensions in Green Belt
- Large percentage increase
- Loss of light
- Overlooking
- Extends up to boundary line
- Fails 45 degree test
- Scale and design not in keeping with the original property
- Impact on street scene
- Overshadowing
- Dominant and overbearing
- Potential disturbance of Japanese knotweed

Core Strategy Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

There are no additional windows proposed on the side elevations, however the southwest flank elevation would be closer to the neighbouring property 72 Scatterdells Lane by 3m. The potential for any additional overlooking or loss of privacy would be mitigated by the fact that the side facing windows would be obscure glazed.

Turning to the impacts of the proposal in terms of light provision and visual intrusion in relation to 76 Scatterdells Lane, the rear element of the extension would see an increase in height of 2.8m above the existing single storey rear extension, with a maximum ridge height of 7m. The dormer windows would be set down from the main ridge by around 0.5m and from the flank elevation by 1m. The main roof would be half hipped with an eaves height of 5m and a ridge height of 7m. The existing single storey rear extension projects from the rear elevation by 5m with an eaves height of 2.5m and a ridge height of 4.5m. It is considered that the proposed extension would not add significant bulk in relation to the existing extension when viewed from 76.

In terms of 72 Scatterdells Lane, the proposed extension would project from the southwest flank elevation by 3m. There are no windows at ground or first floor level on the northeast elevation of 72 Scatterdells Lane. There is one door on the ground floor, although this serves a hallway.

Taking all of the above into account, whilst visible from neighbouring residential units, it is not considered that the proposed extension would have a significant impact in terms of loss of privacy, overlooking, loss of light or visual intrusion.

#### Parish Council Objection

The Parish Council's objection relates to the following issues:

- Avoid integral garages
- Respect established building patterns
- Avoid deep floor plan and resulting roof bulk
- Allow for car parking away from frontage
- Reduced roof spans by use of T or L shaped building layout.

Regarding respecting established building patterns, the surrounding area of Scatterdells Lane is varied in terms of dwelling size, positioning within the plot and building line. Each plot is relatively unique, and it is considered that the proposed extension would sit well within the plot and would integrate with the surrounding area. The integral garage would allow for parking away from the frontage. With respect to the 45 degree rule, and in terms of the nearest habitable windows on the rear elevation of number 76, the proposed extension may breach a 45 degree line when viewed in plan but it would not breach a 45 degree line when viewed in

elevation.

Regarding avoiding integral garages, avoiding a deep floor plan and resulting roof bulk and reducing roof spans by the use of T or L shaped buildings, it is not considered that the proposal could be refused on any of these grounds.

**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 accordance with Core Strategy (2013) Policy CS12.

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

**74SCLN002 REV A**  
**74SCLN004 REV A**  
**74SCLN006 REV A**  
**74SCLN007 REV A**  
**74SCLN008 REV A**  
**74SCLN009 REV A**  
**74SCLN010 REV A**  
**74SCLN011 REV A**

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.

Article 35

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 2015.



## A. LODGED

- 4/00091/18/ENA      Peters  
APPEAL AGAINST ENFORCEMENT NOTICE - COMMERCIAL USE OF  
BUILDING AND METAL FRAMED BUILDING  
LAND ADJ. TWO BAYS, LONG LANE, BOVINGDON, HP3 ONE  
[View online application](#)
- 4/01060/17/FUL      Land Key Developments  
DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO  
3-BED DWELLINGS
- 2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG  
[View online application](#)
- 4/02713/17/FUL      Mr Forbes  
DEMOLITION OF GARAGE AND CONSTRUCTION OF TWO SEMI  
DETACHED DWELLINGS  
LAND R/O, 50 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ  
[View online application](#)

## B. WITHDRAWN

None

## C. FORTHCOMING INQUIRIES

None

## D. FORTHCOMING HEARINGS

- 4/01845/17/MFA      McCarthy & Stone Lifestyles Ltd  
DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT TO  
FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II SHELTERED  
HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED  
COMMUNAL FACILITIES, PARKING AND LANDSCAPING  
27-33 HEMPSTEAD ROAD, KINGS LANGLEY  
[View online application](#)

## E. DISMISSED

- 4/00221/17/LDP      Mr K Pritchard  
CONSTRUCTION OF 2 DETACHED OUTBUILDINGS WITHIN THE  
CURTILAGE OF THE PROPERTY.

The Inspector found that the refusal of the LDC for gym and indoor bowling green was well founded. He found that the appellant had not provided sufficient justification for the size of the facilities and that the spaces proposed would exceed what is reasonably incidental to the enjoyment of a dwelling for two people.

The Inspector detailed that the appellant is clearly not required to specify how he proposes to use every inch of space. That said, whether the building is reasonably required for a purpose incidental to the enjoyment of the dwelling house must retain an element of objective reasonableness.

Additionally the size of the proposed outbuildings would have been significantly greater than the footprint of the main dwelling even taking into account the permitted extensions.

Considering all the evidence submitted, it had not been demonstrated that on the balance of probabilities that the proposed scale of activities and size of the buildings that would enclose them, are genuinely and reasonably required or necessary in order to accommodate the proposed uses as incidental to the enjoyment of the dwelling house as such, the proposed development would not, therefore, constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the GPDO.

4/00579/17/FHA

Mr West & Miss Cordell  
TWO STOREY SIDE AND REAR EXTENSION  
102 BELMONT ROAD, HEMEL HEMPSTEAD, HP3 9NX  
[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Procedural matters

2. The name of the appellants on the application form does not correspond with the appeal form. I have as a consequence used the above names following clarification from the appellants'.

3. The certificate of ownership signed on the application form (Certificate A) does not correspond with that on the appeal form (Certificate B). The appellants' have subsequently confirmed that the application form is correct (Certificate A).

4. The reason for refusal relates to the impact on living conditions for the occupiers of No 100 Belmont Road ('No 100'). Although the Council has referred to Policy CS11 of the Core Strategy<sup>1</sup> and Appendix 5 of the Local Plan<sup>2</sup>, I have concluded that these are not applicable as they relate to design and character, and parking standards. Furthermore, I have also concluded that the Council's references to parts (b), (f) and (g)(vi) of Policy CS12 of the Core Strategy are also not relevant as they relate to parking, streetscape character and respecting adjoining properties in terms of bulk.

#### Main issue

5. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is the effect of the proposed development on the living conditions of No 100, with specific regard to loss of light and visual outlook.

#### Reasons

6. The appeal site slopes upwards in a south-easterly direction and contains a mature 2-storey bay-fronted detached property. The road is characterised by detached properties of a similar design, with regular gaps between dwellings incorporating garages, pedestrian walkways and 1 and 2-storey extensions. The road slopes down in a south-westerly direction and as a consequence, No 100 is set below the garden and

ground level of the appeal dwelling.

7. No 100 has a range of window and door openings to its side elevation that would face the development, which include a first floor WC window and landing window, and a ground floor WC window, hallway window, brick shed door, and kitchen window and door. The proposed 2-storey development would extend up to the dividing boundary line with No 100 and replace an existing single storey garage and rear extension.

8. In view of;- (a) the orientation of No 100 (its side elevation faces north-east); (b) the path of the sun; (c) the lower ground level of No 100; and (d) the substantial increase in height of built form immediately adjacent to the dividing boundary, the scheme would result in a significant loss of direct sunlight during the morning to No 100's side elevation windows and doors, particularly those at ground floor. Furthermore, it would also result in a significant loss of indirect daylight throughout most of the day to these same apertures.

9. I recognise that most of the openings to No 100's side elevation are not linked to main-habitable rooms and hence the scheme's sunlight and daylight impact on these would be minimal. However, two openings (a ground floor window and door) are connected to the kitchen, which I consider to be a main habitable room. In view of this, and because these are the only openings to this room, I have concluded that the development would cause substantial harm to the living conditions of its occupiers when using it.

10. Furthermore, because the development would also result in a large 2-storey expanse of wall immediately adjacent to the dividing boundary with No 100, it would appear visually intrusive and oppressive to its occupants when viewed from their kitchen window and door. This harm would be intensified by No 100 being set below the appeal site's ground level.

11. The appellants' have drawn my attention to a number of other extensions and planning decisions on Belmont Road which they feel help to justify the appeal being allowed. However, I am not aware of the relationship of these other extensions to the full range of existing windows and doors on neighbouring properties, their internal layouts and the particular circumstances where planning permission was granted, but in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore justify the harm I have identified.

12. I note the appellants' frustrations regarding the timing of the application, the Article 35 statement and the lack of comments from the neighbouring occupiers at No 100 within the original consultation period, but these have little bearing on the planning merits of the scheme before me and are a matter between the parties.

13. In view of the above, I have concluded that the development would be harmful to the living conditions of neighbouring occupiers at No 100 with regard to the sunlight, daylight and visual impact on their kitchen. The proposal would not as a consequence accord with Policy CS12(c) of the Core Strategy and Appendix 7 of the Local Plan, which collectively seek, amongst other things, to ensure that new development safeguards the amenities of neighbouring occupiers with regard to sunlight, daylight and visual impact.

14. Although the appellants' state that the development would improve the visual appearance of the road and provide enhanced living accommodation, I have concluded that these benefits would not outweigh the significant harm to the living conditions of the occupiers at No 100, and the scheme's conflict with the development plan.

#### Conclusion

15. I have found that the appeal proposal would be harmful to the living conditions of neighbouring occupiers at No 100 Belmont Road. All representations have been taken into account, but no matters, including the benefits of additional living accommodation and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/01135/17/FUL

WILLIAMS

DEMOLITION OF EXISTING PART TWO STOREY, PART SINGLE STOREY BUILDINGS AND THE CONSTRUCTION OF 9 RESIDENTIAL APARTMENTS ON 2 AND A HALF FLOORS WITH PART UNDERGROUND PARKING. THE STORES, ST PAULS ROAD, HEMEL HEMPSTEAD, HP2 5BD

#### Decision

1. The appeal is dismissed.

#### Procedural matter

2. The Council states that amended plans were provided before the application was determined. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded on the basis that the plans under consideration in this appeal are Drawing Nos 1:1250 Location Plan, 930.1, 930.2b, 930.3b, 930.4c, 930.5c, 930.6b, 930.7b, 930.8c, 930.9b and the design and access statement. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

#### Main issues

3. Within the context of the Council's reasons for refusal and the evidence in this case, the main issues are:

the effect of the development on the character and appearance of the area;  
the effect of the development on highway and pedestrian safety, with specific regard to whether the scheme makes adequate provision for safe manoeuvrability into and out of the proposed off-road parking spaces and for vehicles to subsequently exit the site in forward gear; and  
whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision.

#### Reasons

##### Appeal site and development context

4. The appeal site is located on a highly prominent junction at the corner of Lower Adeyfield Road and St Paul's Road ('the corner junction'). It contains a 2-storey detached building with ground floor shop and a large single storey outbuilding being used for commercial/retail purposes. The proposed development consists of four 2-bedroom apartments and five 1-bedroom flats, together with 11 off-road parking spaces.

5. The St Paul's character appraisal<sup>1</sup> describes the area as a small-estate of inter-war pebble-dashed semi-detached houses with a group of 1970s houses. Lower Adeyfield Road slopes down in a northerly direction from its junction with Midland Road until it reaches the appeal site, where it then starts to level out.

6. The development would encompass almost the full width of its Lower Adeyfield Road plot frontage, and its main roof ridgeline would extend horizontally for approximately three quarters of this, starting at the southern end of the building, just below the ridgeline to the neighbouring dwelling at No 5. As a consequence, the height of the development would increase in relation to the adjacent highway ground level the further it extends towards the corner junction, and result in the centre of the building facing Lower Adeyfield Road appearing excessively tall and bulky (where flats 2, 3, 7 and 8 are positioned). This mass and height would be further accentuated when viewed from the rear as the lower ground floor would also be visible.

7. As a consequence of the above factors, the development would appear significantly out-of-scale with the existing semi-detached houses to the south of the site and fail to reflect the consistent rhythm of their narrow built frontages, open gaps, and roofs stepping down at short intervals to reflect the topography of the road.

8. The development footprint would also project beyond the existing building line of the dwellings to the south and incorporate most of the existing grassed area within the appeal site adjacent to the corner junction. This would result in the building having a very short set back from the public footway and leave insufficient space for soft landscaping to adequately soften and filter views of the scheme's frontage on Lower Adeyfield Road and the corner junction. Although there would be some new Silver Birch trees planted adjacent to the public footway on St Paul's Road, these would not address the visual impact of the development from Lower Adeyfield Road and would only provide limited mitigation when viewed from St Paul's Road because of the overall scale of the building. The potential for additional landscaping to the rear of the building to provide further mitigation would be significantly restricted because of the amount of space dedicated to off-road parking.

9. In view of the above factors, I have concluded that the building would dominate the area and create the impression of a development that has been tightly squeezed onto the site with insufficient space for soft landscaping. This would be harmful to the character and appearance of the area, and the public Appeal views of the proposal from Lower Adeyfield Road and St Paul's Road would intensify this negative impact.

10. The appellant states that the area has been extensively developed in recent years and has drawn my attention to a modern 2.5 storey development opposite the appeal site at the corner of Lower Adeyfield Road and Christchurch Road, and a modern 2 and 3-storey development at the corner of St Paul's Road and Lower Adeyfield Road. However, the cited schemes are not directly comparable to current proposal in terms of architectural style, scale, proportions, building lines, landscaping space and set-backs from the

highway. I am also not aware of the particular circumstances where planning permission was granted for these and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore justify the harm I have identified.

11. In view of the above, I have concluded that the development would be harmful to the character and appearance of the area. The proposal would as a consequence conflict with Policies CS11, CS12 and CS13 of the Core Strategy<sup>2</sup>, which collectively seek, amongst other things, to ensure that new development is of a high quality design that integrates with the streetscape and incorporates suitable trees and soft landscaping to improve the public realm.

12. The scheme would also fail to comply with the development principles for the St Paul's character appraisal, which state, amongst other things, that residential development will only be acceptable if it does not result in bulky buildings and follows prevailing building lines.

Highway and pedestrian safety

13. The development would result in the provision of 11 off-road parking spaces for a total of 9 apartments. The Council has not raised any concerns in respect of this figure, which I also consider to be appropriate given its urban location and access to other services and facilities by walking and public transport.

14. However, parking spaces 5, 6, 7 and 8 would be in close proximity to a number of pillars supporting the ground floor of the building and the Council states that a 6 metre reversal distance would not be possible from all of these. In the absence of tracking drawings demonstrating that cars could reverse from these spaces safely and turn around, drivers would be required to reverse through the car-park and over the public footway onto St Paul's Road, which would jeopardize the safety of pedestrians and give rise to dangerous road traffic conditions close to a junction. I therefore share the concerns of the Council that the development would be harmful to highway and pedestrian safety.

15. Although the appellant states that there should be some flexibility in the amount of parking to be provided, I must consider the scheme on the basis of the parking layout provided. The appellant also states that the Local Highway Authority has not raised any objections, but this in itself does not demonstrate a lack of harm.

16. In view of the above, I have concluded that the development would be harmful to highway and pedestrian safety. The proposal would not therefore comply with Policies CS12 and CS13 of the Core Strategy and Policies 51, 58 and Appendix 5 of the Local Plan<sup>3</sup>, which collectively seek, amongst other things, to ensure that new development provides satisfactory parking areas that do not have a negative impact upon vehicle, cycle and pedestrian routes, and contain spaces capable of independent usage.

17. The scheme would also fail to comply with the development principles for the St Paul's character appraisal, which state, amongst other things, that effective off-street parking should be provided to limit the need for on-street parking.

18. The appellant states that the development would result in an efficient use of the land and end the highway congestion and visibility problems brought about by commercial vehicles associated with the existing business. However, Paragraphs 56 and 64 of The Framework<sup>4</sup> state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused.

Living conditions of future occupiers

19. The Council states that the development would not accord with Appendix 3 of the Local Plan as it would constitute a residential development designed for multiple occupancy and not provide a private communal amenity area to the rear of the building. However, Appendix 3 also states that a reduced rear garden may be acceptable for small starter homes and development in close proximity to open land, public open space or other amenity land.

20. It is not clear if the scheme would constitute a development designed for multiple occupancy as the Local Plan does not provide a definition. Notwithstanding this, I am in any event satisfied that the proposed flats would constitute small starter homes, and that the provision of a private terrace or balcony for each unit, when considered collectively with the appeal site's close proximity to public open-space at Keen's field to the south-east, would result in satisfactory amenity space provision.

21. In view of the above, I am satisfied that the development would not be harmful to the living conditions of future occupiers, with specific regard to private amenity space. The proposal would as a consequence accord in part with Core Strategy Policy CS12 in this particular regard and Appendix 3 of the Local Plan, which seek, amongst other things, to ensure that future occupiers have sufficient access to functional amenity space. This does not however outweigh my findings in respect of the other main issues.

Other matters

22. The appellant has emphasized their attempts to address the concerns raised by the occupiers of No 5 Lower Adefield Road by reducing the number of units proposed. However, this does not in itself demonstrate a lack of harm and I must consider the appeal scheme on its own merits.

Conclusion

23. I have had regard to the appellant's comments concerning accessibility and agree the site is located in a sustainable location where the principle of development is acceptable. However, for the reasons set out above, I conclude that the harm to the character and appearance of the area, and to highway and

pedestrian safety, would significantly and demonstrably outweigh the modest amount of social and economic benefits that the development would contribute, namely, making an efficient use of land, a reduction in commercial vehicles parked on the road, and the provision of 9 additional dwellings.

24. I have found that the appeal proposal would be harmful to the character and appearance of the area, and to highway and pedestrian safety. All representations have been taken into account, but no matters, including the benefits of additional housing and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/01194/17/FHA

MR ANIL PATEL

LOFT CONVERSION TO FORM HABITABLE ROOM WITH REAR DORMER WINDOW

12 KITSBURY ROAD, BERKHAMSTED, HP4 3EG

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Procedural matter

2. Although the Council has referred to Policy CS25:Landscape Character of the Core Strategy<sup>1</sup> in its reason for refusal, I have concluded that this is not applicable as it is aimed at conserving the borough's natural landscape, whereas the reason for refusal relates to the impact of the development on the character and appearance of the host property and conservation area.

1 Core Strategy 2006-2031, adopted 25 September 2013, Dacorum Borough Council

2 Berkhamsted Conservation Area, designated 1969, revised 1994 and extended in 2009

3 Character Area 3: Charles Street, Paragraph 6.184, Character Appraisal and Management Proposals Document, Published 2015

#### Main issue

3. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be the effect of the development on the character and appearance of the host property and conservation area.

#### Reasons

4. The appeal site contains a narrow-fronted Victorian 2-storey mid-terrace house, which has access to its loft via an internal staircase and two rooflights to its rear roof slope.

5. Kitsbury Road lies within the Berkhamsted Conservation Area<sup>2</sup> and slopes upwards in a south-westerly direction. The area surrounding the appeal site is characterised by 2-storey Victorian and Edwardian terrace housing, some with single and double-height bay windows, together with 1920s semi-detached properties to its northern end set on more spacious plots

6. The proposed dormer extension would contain two sash windows and extend across most of the rear roof slope of the host dwelling. Although the appellant states that it has been realigned from that considered at the previous appeal<sup>4</sup>, it would, by reason of its bulk and scale, significantly alter the shape of the dwelling's original roof form, appear cramped and dominate its rear elevation. This would be clearly noticeable from the rear gardens of neighbouring properties in Kitsbury Road and Boxwell Road, which would intensify this harmful impact.

7. Although I agree with the appellant and previous Inspectors that the public elevations of properties in the area are of greater significance and that the rear elevations are less sensitive to alteration, this does not justify the harm identified to the character and appearance of the conservation area, which extends to the front and rear of the dwelling.

8. The appellant has drawn my attention to other rear dormer extensions granted permission by the Council and at appeal, but none appear to be directly comparable in size, shape and proportion or width of the host dwelling. In any event, the construction of other dormer window extensions does not justify the harm I have identified and I must consider the appeal scheme on its own merits.

9. In view of the above, I have concluded that the development would be harmful to design of the existing dwellinghouse and the character and appearance of the conservation area. As a consequence, it would also fail to preserve or enhance the character and appearance of the conservation area<sup>5</sup>. The scheme would therefore conflict with Policies CS12 and CS27 of the Core Strategy and Policy 120 of the Local Plan<sup>6</sup> which collectively seek, amongst other things, to ensure that the new development is of a high quality design, integrates with the streetscape, and conserves and enhances the character and appearance of conservation areas.

10. Although the proposal would be harmful to the character and appearance of the conservation area, I would consider this to be less than substantial because of the dormer extension's more obscure position, which would reduce the development's overall effect on the significance of the designated heritage asset.

11. I have accordingly assessed the scheme against paragraph 134 of The Framework<sup>7</sup>, which states that when a development leads to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.

12. The appellant states that the development would result in additional living accommodation to enable the occupants to live in a modern way and also enable the optimum viable use of the dwelling in accordance with Paragraph 134 of The Framework. However, it has not been demonstrated that the loft cannot be used without the dormer extension and in any event, the benefit of additional living accommodation in the roof would not outweigh the harm identified to the significance of the conservation area as a designated heritage asset.

13. The appellant has also referred to Paragraph 61 of the Framework which states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment, and that the proposal would also result in an efficient use of land. However, I have concluded that the development would fail to integrate into its historic environment and not accord with Paragraphs 56 and 64 of The Framework, which state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused.

#### Conclusion

14. No public benefits of the proposal have been found that outweigh the harm that would be caused to the significance of the conservation area, and the failure to preserve or enhance the character or appearance of the conservation area. All representations have been taken into account, but no matters, including the benefits of additional living accommodation and the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/03503/16/ENA

Todd

APPEAL AGAINST ENFORCEMENT NOTICE - EXTENSIONS  
BARNES CROFT, BARNES LANE, KINGS LANGLEY, WD4 9LB

[View online application](#)

Three appeals were conjoined into this decision. Appeal A was against the serving of an Enforcement Notice requiring the removal of the garage, link extension and sun room. Appeal B was against the refusal to vary Condition 3 of 4/00421/15/ROC, which related to the removal of permitted development rights. Appeal C was against the refusal of an application to alter and retain a detached garage block. All three appeals were dismissed.

The Council had previously granted a substantially increased dwelling in this Green Belt site and gave considerable weight to the extent the original house could have been extended using permitted development rights. In return the Council removed permitted development rights for extensions and outbuildings.

The Inspector dealt first with Appeal B. The Inspector considered that the Council had clear reasons for imposing the condition and that it had been consistent in doing so "to protect the visual amenity of the locality and the openness of the Green Belt". The Inspector also considered that the great importance the Government attaches to the Green Belt (para.79 of the NPPF) met the 'exceptional circumstances' test to justify the removal of PD rights in this case. Overall, the Inspector concluded that the condition meet the six tests in para.206 of the NPPF and there was no justification for its deletion.

The Inspector then moved onto Appeal A - the Enforcement Notice appeal. It should be noted that no appeal was made against the link extension or the sun room and therefore this solely related to the garage. The Inspector agreed with the Council that earlier Lawful Development Certificate and planning applications had not granted planning permission for the development concerned. As such the ground (c) appeal failed. The Inspector noted that the increase in floor area was 101% and in cubic volume was 50% and that this was material and one which must have an effect on the openness of the Green Belt. Being materially larger the Inspector concluded that the garage block constituted inappropriate development in the Green Belt. The Inspector then identified other harms (the incongruous appearance of the garage block detracting from the appearance of the dwelling; the garage contributed to a cramped appearance of development across the site). The existence of the new Kings Langley school in the surrounding landscape did not diminish these harms, whilst there were no very special circumstances to overcome the Green Belt and other harms. As such the ground (a) appeal failed. The Inspector considered that there were no lesser steps that would remedy the breach of planning control and therefore the ground (f) appeal also failed.



Finally, in terms of Appeal C, the Inspector stated that the same considerations applied as for Appeal A (a). The Inspector concluded that there were no other factors to take into account and therefore dismissed this appeal.

## **F. ALLOWED**

4/00829/17/FUL MR C ALLAND  
CONSTRUCTION OF 4-BED DWELLING  
BAG END, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3  
0PX  
[View online application](#)

### Decision

1. The appeal is allowed and planning permission is granted for a single detached dwelling at Bag End, Hogpits Bottom, Flaunden, HP3 0PX in accordance with the terms of the application, Ref 4/00829/17/FUL, dated 29 March 2017, subject to the conditions set out in the attached schedule.

### Procedural matters

2. Although the Council has referred to Policy CS4: The Towns and Large Villages in its reason for refusal, I have concluded that this is not applicable to the proposal as Hogpits Bottom and Flaunden are not defined as a town or large village in Table 1: Settlement Hierarchy of the Core Strategy<sup>1</sup>.

1 Core Strategy 2006-2031, adopted 25 September 2013, Dacorum Borough Council

2 Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2014] EWHC 683 (Admin) and Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195

3 National Planning Policy Framework, Communities and Local Government, March 2012

3. Although the Council and appellant agree that the appeal site falls within the parish of Flaunden, they do not agree as to whether it falls within the village of Flaunden. In view of the qualifying criteria in local and national policy that relate to inappropriate development in the Green Belt, it is necessary for me to adjudicate on this dispute between the Council and appellant and determine whether the appeal site falls within a village.

4. The Council has confirmed that the village of Flaunden does not have any designated boundaries identified by the Development Plan or shown on the Proposals Map. However, the Council and appellant are in agreement with case law<sup>2</sup> that; (a) whether or not a proposed development constitutes limited infilling in a village for the purpose of paragraph 89 of the Framework<sup>3</sup> is a question of planning judgment for the inspector, and that this would depend upon their assessment of the position on the ground; and (b) while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector's assessment of the extent of the village on the ground.

5. The historic core of the village contains a church, village hall, recreation area and public house (the 'Green Dragon') and is separated from the built-up area to the north (referred to on maps as 'Hogpits Bottom') by an undeveloped gap of open fields. The latter area, which also contains a public house, appears to have been subject to much greater growth over the last century than the historic core of the village and its buildings are generally younger. These characteristics have led me to conclude that Hogpits Bottom may have originally been a small pocket of isolated dwellings or hamlet outside the built-up area of the village, which would account for satellite mapping referring to both parts by their original (and different) names.

6. However, villages and their setting change and evolve over time and it does not automatically follow that outlying pockets of development will always remain separate or small in scale. The Framework does not define what constitutes a village or its built-up area, but having appraised the matter on the ground, I consider the built-up area of Hogpits Bottom to no longer constitute an outlying small pocket of dwellings or hamlet, particularly as it is of a comparable size to the historic core of the village. It is also in close proximity to the latter, being approximately 0.3 miles away, and I would envisage that its residents contribute similar levels of support to the church, village hall, recreation area and Green Dragon Public House.

7. Furthermore, the position of the Flaunden signs do not align with the parish boundaries, but with the built-up areas of the historic core and Hogpits Bottom, which suggests that the latter forms part of the village. I also have no evidence to indicate that the position or name used on the village signs adjacent to Hogpits Bottom is disputed by residents, which would suggest a general acceptance by the local population that Hogpits Bottom forms part of the village and that this is clearly intended to be conveyed to



visitors passing through it. Whilst I recognise that both built-up areas do not physically abut each other, I see no reason why a village may not be comprised of more than one built-up area separated by an undeveloped gap, just as the built-up areas of towns and cities are often subdivided by parks, the open countryside and other natural features such as steep hills and rivers.

8. Having considered all of the above factors collectively together with my on-the-ground assessment, I have concluded that Hogpits Bottom now forms part of the overall built-up area of the village of Flaunden and contributes to its overall character and function. However, even if the historic core was not in close proximity and the name on the signs referred to Hogpits Bottom, I am satisfied that it has grown to such a size that it has become a village in its own right and no longer constitutes a small isolated pocket of dwellings or rural Hamlet.

Main issues

9. The Council has raised no concerns regarding the design of the dwelling or its impact on:- (a) the character and appearance of the area; (b) the living conditions of neighbouring occupiers; (c) the local highway network and pedestrian safety; (d) existing trees and landscaping; and (e) ecology. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issues are:-

- whether the proposal would be inappropriate development in the Green Belt;

- the effect of the development on the openness of the Green Belt;

- whether the development would be in an appropriate location;

- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Appeal site context

10. The appeal site forms part of the existing side garden to the dwelling currently under construction at the site<sup>4</sup> and slopes gently upwards in a northerly direction. At the time of my inspection, the rear of the site was laid to gravel for construction parking, with the frontage laid to grass. It was enclosed by a mature hedge and Oak tree to its western boundary, a post and rail fence to its southern boundary and a stone Gabion wall with close-boarded fence to its northern boundary.

11. Hogpits Bottom is characterised by detached dwellings set on large spacious plots on both sides of the highway, varying in age, maturity and design. The area has a strong verdant character with a range of established trees and hedges lining the highway boundary together with grass verges. This part of the village also extends to the north with more detached housing on the western side of Flaunden Lane and the southern side of Venus Hill. The Bricklayers Arms Public House lies to the east of Flaunden Lane and the original historic core of the village lies approximately 0.3 miles to the south, separated from Hogpits Bottom by open fields. The village, which is washed over by the Metropolitan Green Belt, is therefore both partly-separated by the open countryside and wholly surrounded by it.

Whether the proposal would be inappropriate development in the Green Belt;

12. Policy CS5 of the Core Strategy states that small-scale development within the Green Belt will be permitted subject to a number of exceptions, which includes, amongst others, building for the uses defined as appropriate in national policy (exception 'a'). In view of there being only one dwelling proposed, I would consider the scheme to constitute small-scale development and have accordingly proceeded to assess the proposal against national policy in accordance with exception 'a' of Policy CS5.

13. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless, amongst other things, it would involve limited infilling in villages (bullet point 5). Although the Framework does not provide a definition of infilling, Paragraph 8.31 of the Core Strategy states that this should be taken to mean the infilling of small gaps between existing development. Given that the building would fall within an otherwise built up frontage between the dwelling currently under construction to the east and Rose Cottage to the west, I have concluded that the development would constitute infilling.

14. Despite the substantial size of the dwelling, it would nonetheless be small-scale in terms of number of units when compared with the overall size of the village. I have as a consequence also concluded that the extent of infilling proposed would be limited. This accords with the Council's view that if the appeal site were to fall within a village, it would constitute limited infilling.

15. In view of the above and my conclusion that the appeal site falls within the village of Flaunden, I have concluded that the scheme would fall within the exception category for limited infilling in villages identified by Paragraph 89 of the Framework (bullet point 5). The scheme would not therefore constitute inappropriate development in the Green Belt and would as a consequence comply with Policy CS5 of the Core Strategy.

16. Although the Council states that the development would compromise the openness of the Green Belt, case law<sup>5</sup> has determined that where development is found to be 'not inappropriate' when applying paragraphs 89 or 90 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. In view of this, there is no need for me to consider the effect of the development on the openness of the Green Belt.

Whether the development would be in an appropriate location

17. I observed from my site visit and the evidence in this case that the village has very few facilities and that its occupants would as a consequence be almost totally reliant on other settlements for their day to day leisure, service and shopping needs. In view of this, and the low frequency of the local bus service outlined by the Council, and the site's distance to the other settlements referred to by the appellant, I have concluded that future occupants of the dwelling would be heavily dependent on the private car.

18. Paragraph 8.8 of the Core Strategy states that guidelines are necessary to determine the appropriate scale of future development for the borough and ensure that it is provided in accessible locations with the minimum need to travel, and that when travel is necessary, there is a choice which includes public transport. This accords with Paragraph 17 (bullet point 11) of the Framework which states that planning should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus development on locations which can be made sustainable.

19. As a consequence, Policy CS1 of the Core Strategy states that decisions on the scale and location of development will be made in accordance with the settlement hierarchy in Table 1. On the basis that Flaunden has not been identified as a 'Large Village' (category 3); a 'Small Village within the Green Belt'; or a 'Small Village within the Rural Area' (category 4), I have concluded that it falls within category 5, which refers to 'Other Small Villages and the Countryside'.

20. Categories 4 and 5 of Table 1 are identified as falling within an 'Area of Development Restraint' ('ADR') on the basis that they are the least sustainable areas of the borough, where significant environmental constraints apply, such as the countryside between settlements.

21. Policy CS1 and Table 1 specifically refer to the need to conserve the rural character of the borough. Furthermore, the last paragraph of Policy CS1 also states 'Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.'

22. Despite my concerns that the development would be heavily car dependent and inconsistent with the aims of Paragraph 8.8 of the Core Strategy and Paragraph 17 (bullet point 11) of the Framework, I am satisfied that it would:- (a) provide additional support to the vitality and viability of the local community; (b) cause no damage to the existing character of the village and the surrounding area; and (c) is compatible with policies protecting and enhancing the Green Belt. In view of this, I therefore conclude that the proposal would comply with Policy CS1 of the Core Strategy and that the environmental harm arising from the scheme's reliance on the private motor car would not outweigh this.

Other matters

23. The Council states that the development would be contrary to the environmental and social aspects of sustainable development, as outlined in Paragraph 14 of the Framework, and that the development would not therefore accord with Policy NP1 of the Core Strategy. However, I see no conflict with either of these policies as I have concluded that the proposal complies with the development plan and that material considerations do not indicate otherwise. The Council also states that the proposal would fail to assist in urban regeneration by encouraging the recycling of derelict and other urban land, but in view of its limited scale, I am satisfied that the proposal would not compromise this.

24. Third party concerns have been raised in respect of loss of privacy to Rose Cottage to the west. However, given the extent of gap between the side elevation of the development and this property's garden, and the existence of a mature boundary hedge, I am satisfied that the scheme would not harm their privacy from any ground floor windows. I do nonetheless share their concerns in respect of first floor side elevation windows and have imposed a condition requiring these to be obscure glazed.

25. Third party concerns have also been raised that the scheme would constitute overdevelopment. However, it would be of a similar architectural style to the property currently under construction and be set well back from the road. There would also be generous open gaps between the dwelling and neighbouring properties, together with a satisfactory level of private amenity space. I am as a consequence satisfied that it would not be harmful to the spacious character and appearance of the area, and the wider landscape.

26. Further representations have been made that the development would not have its own garage. However, this is not a requirement of local or national policy and the scheme would benefit from a generous level of off-road parking provision. Concerns have also been raised that the proposed dwelling and neighbouring property under construction would be required to share a driveway because of land ownership constraints. However, even if this were the case, I would not consider this to be harmful to the character and appearance of the area or highway and pedestrian safety.

27. Representations have also been made raising concerns about the extent of development currently being constructed under permitted development rights. However, this has no bearing on the current scheme before me, which must be considered on its own merits.

28. Other representations have been made referring to Policy 4: The Green Belt, Areas of Development Restraint and Policy 6, but it is not clear which document these policies relate to. In any event, I am nonetheless satisfied that the development accords with the most up-to-date local policy contained in the

Core Strategy and the Framework.

29. Representations have also been made that the development would create an undesirable precedent. However, I have concluded that the development is acceptable in terms of development plan policy and the Framework, and in any event, I must consider the appeal scheme on its own merits.

30. Additional third party concerns have been raised about potential ecological harm. However, the appeal site is not designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) and no European Protected Species have been found on the site. Furthermore, the site does not benefit from any local designation of nature conservation importance and no rare or legally protected species of Flora and Fauna have been found. I am as a consequence satisfied that conditions to protect the existing tree and hedge together with the provision of a new landscaping scheme would ensure that any ecological impact is minimised.

Conditions

31. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance and comments by the appellant. I have made some amendments to clarify certain details, assign different trigger deadlines or where the submitted information is unclear.

32. In addition to the conditions referred to above, a condition requiring development to be in accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. A condition relating to external materials is necessary to ensure a high standard of development. Conditions are also needed to protect the existing Oak tree and boundary hedge during construction and require details of a hard and soft landscaping scheme.

33. In view of its location within the Green Belt, its limited rear garden space and the need to protect the spacious rural character of the village, I have imposed a condition withdrawing permitted development rights for all extensions, roof extensions, garages, buildings, other enclosures and front garden boundary treatments. However, I do not consider it necessary to remove permitted development rights for porches, roof alterations (other than roof extensions), hard surfaces, microwave antenna, means of access to a highway, exterior painting and the change of use to a House of Multiple Occupation (HMO).

Conclusion

34. I have found that the proposal would comply with the development plan and Framework as; (a) it would not constitute inappropriate development in the Green Belt; (b) it would conserve the rural character of the village and surrounding countryside. In view of this, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawing Nos LABE/02/17, LABE/03/17, LABE/04/17, LABE/05/17, LABE/06/17, the 1:1250 location plan and the Design and Access Statement dated March 2017 (Version 1).

3) No development shall take place above damp proof course level until details of all external facing materials and finishes have been submitted to and approved in writing by the local planning authority. The relevant works shall thereafter be carried out in accordance with the approved details.

4) No development shall take place until a tree and hedge protection plan has been submitted to and approved in writing by the local planning authority. No preparatory work or development shall take place until the approved tree protection measures have been installed and these shall remain in place until completion of the development and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

5) The dwelling hereby permitted shall not be occupied until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

a) soft landscaping to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of new trees, hedgerows and plants noting species, plant supply sizes and proposed numbers/densities;

b) an implementation programme for all soft landscaping works;

c) hard surfacing material samples for the access, driveway, parking, patios and any other hardstandings;

d) boundary treatments, to include design, materials, colours and finishes.

The hard landscaping and boundary treatment works shall be carried out in accordance with the approved details before the dwelling is first occupied.

6) Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with condition 5 shall be pruned or cut in any manner within 5 years from the date of the occupation of the dwelling hereby approved, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

7) The dwelling hereby permitted shall not be occupied until the west-facing first-floor side elevation windows have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions, garages, buildings or other enclosures, and fences, gates or walls forward of the south-facing front elevation, shall be erected within the curtilage of the dwelling hereby approved, other than any fences, gates or walls expressly authorised