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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 5 JULY 2018 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest (Chairman)
Councillor Bateman
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

For further information, please contact Katie Mogan or Member Support

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

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:

- deferred planning applications which have foregone a significant or material change since originally being considered
- resubmitted planning applications which have foregone a significant or material change
- 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

- 4/00589/18/FUL - CHANGE OF USE OF LAND AND BUILDINGS FOR THE STORAGE, SALE AND REPAIR OF CARS - CHEQUERS, LONDON ROAD, FLAMSTEAD, ST ALBANS, AL3 8HD (Pages 5 - 16)

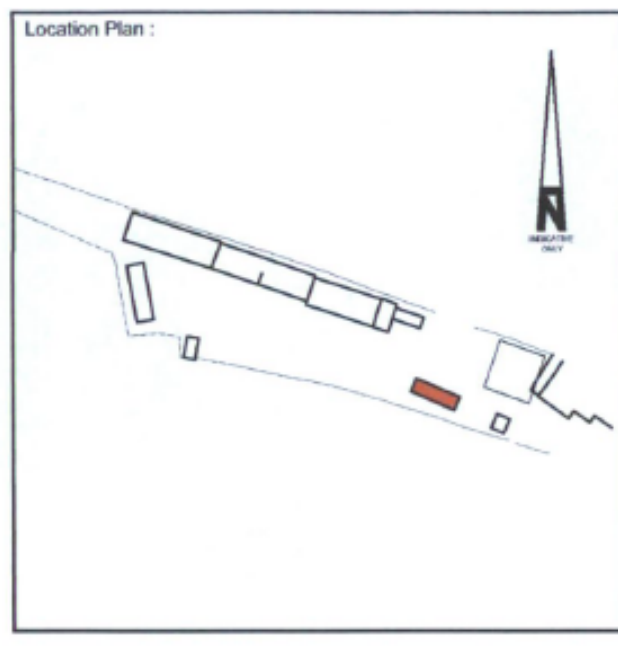
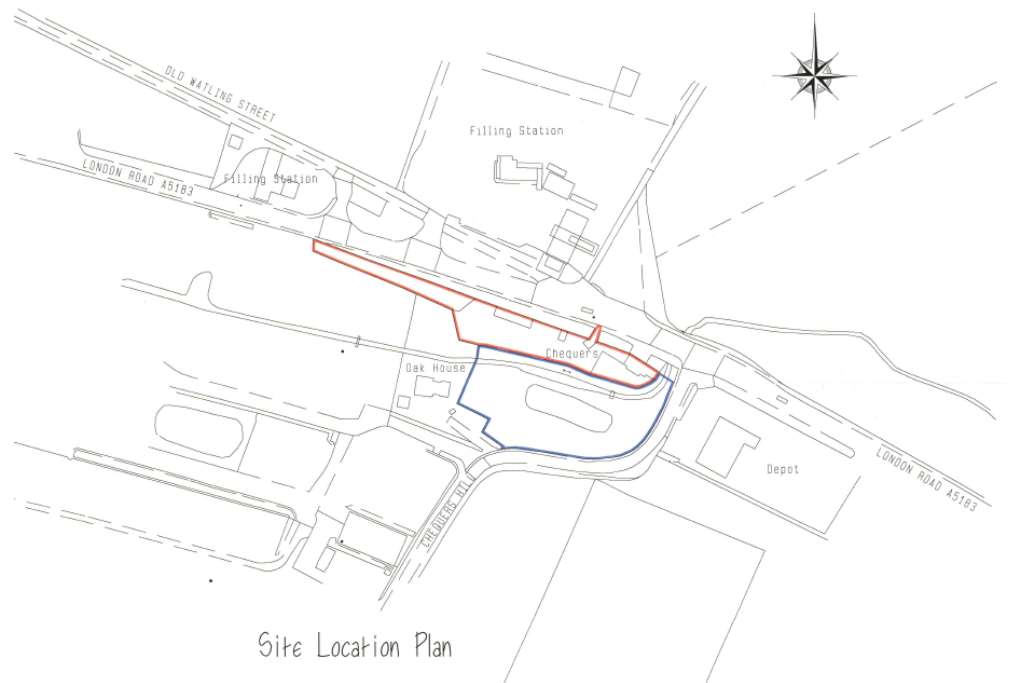
- (b) 4/01011/18/FHA - SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF SECOND STOREY REAR BALCONY - 1 MIDCOT WAY, BERKHAMSTED, HP4 3QB (Pages 17 - 21)
- (c) 4/00028/18/FHA - GLAZED STRUCTURE TO END OF PATIO AND FENCING. ADDITION OF THREE FLUES. INSTALLATION OF EIGHT CCTV CAMERAS. CHANGES TO DESIGN OF REAR CONSERVATORY. BASEMENT EXTENSION TO FORM GYMNASIUM, UTILITY ROOM, CINEMA AND WINE CELLAR WITH ADDITIONAL WINDOWS. ADDITION OF EXTERNAL COVERED BBQ STRUCTURE AND ALTERATIONS TO FENCING - 28 SILVERHTORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU (Pages 22 - 35)
- (d) 4/00872/18/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DETACHED 5-BED DWELLINGS - SYMONDSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT (Pages 36 - 50)
- (e) 4/00415/18/FHA - ROOF EXTENSION AND WINDOW ALTERATIONS - 7 CHESNUT CLOSE, POTTEN END, BERKHAMSTED, HP4 2QL (Pages 51 - 66)
- (f) 4/00478/18/FUL - DEMOLITION OF EXISTING BUILDINGS/STRUCTURES AND THE DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS - APPLIEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP (Pages 67 - 81)
- (g) 4/00784/18/FUL - PARTIAL DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND CONSTRUCTION OF THREE BEDROOM END OF TERRACE DWELLING - 22 WICK ROAD, WIGGINTON, TRING, HP23 6EL (Pages 82 - 97)
- (h) 4/01026/18/FHA - PROPOSED SINGLE STOREY OUTBUILDING WITH HABITABLE ACCOMODATION WITHIN REAR GARDEN. ALTERATION TO LANDSCAPING INCLUDING NEW RETAINING WALLS AND STEPS - 33 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PP (Pages 98 - 104)

6. APPEALS (Pages 105 - 108)

7. QUARTERLY ENFORCEMENT PERFORMANCE REPORT (Pages 109 - 116)

8. PROPOSED CHANGES TO THE COMMITTEE (Pages 117 - 128)

**5a 4/00589/18/FUL CHANGE OF USE OF LAND AND BUILDINGS FOR THE STORAGE, SALE AND REPAIR OF CARS.
CHEQUERS, LONDON ROAD, FLAMSTEAD, ST ALBANS, AL3 8HD**



4/00589/18/FUL	CHANGE OF USE OF LAND AND BUILDINGS FOR THE STORAGE, SALE AND REPAIR OF CARS.
Site Address	CHEQUERS, LONDON ROAD, FLAMSTEAD, ST ALBANS, AL3 8HD
Applicant	Mr Wright, CHEQUERS
Case Officer	Briony Curtain
Referral to Committee	Contrary views of Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The application seeks consent for the change of use of the land and existing buildings for the storage, sale and repair of cars. The application follows enforcement investigations. No new buildings are proposed.

2.2 Through the passage of time, all buildings and structures (timber workshops, portacabins and metal containers) currently occupying the site are immune from enforcement action and can therefore lawfully remain on the site in perpetuity. Within the Green Belt, the re-use of existing buildings is acceptable under paragraph 90 of the NPPF provided; they are permanent and substantial in their construction; and preserve the openness of the Green Belt. The use of the buildings for the storage of car parts would not alter their visual appearance and as such the openness test would be met. Moreover, the site is enclosed to all sides by close boarded fencing and mature trees / hedging such that, other than from the site entrance itself, the existing low level buildings and containers on the site are not readily visible. Their re-use will therefore preserve the openness of this part of the Green Belt. Turning to whether the structures are permanent and substantial, the timber workshop / lockup buildings are considered permanent and substantial so their re-use is acceptable and would not amount to inappropriate development. The portacabins and metal containers are not however permanent and their re-use would amount to inappropriate development. Similarly, the proposal to change the use of the land itself constitutes inappropriate development in the Green Belt as the use for 'storage, sale and repair of cars' is not an appropriate use identified in para 90 of the NPPF.

2.3 Whilst parts of the proposal represent inappropriate development, there are considered 'very special circumstances' to outweigh the limited harm. The following factors are considered to weight in favour of the proposals;

- All existing structures, are immune from enforcement action so can remain on the land, the use proposed, whilst inappropriate, would not alter their overall visual impact and as such any harm caused to the Green belt (or the purposes of including land within it) by the re-use of the temporary structures for car storage and repairs would be negligible.
- Some of the land included in the application site has lawfully been used for the storage of large plant and machinery associated with the owners' plant / utility company. The current proposal for the storage of cars for sale / repair would have a lesser visual impact than that of the much larger plant and machinery. The current proposal would therefore have a limited impact when compared to the lawful position.
- The restricted size and position of the application site means it is not suitable for the 'appropriate' uses specified in the NPPF; the application site is sited immediately adjacent to the busy A5 and next to the River Ver.
- The application site is surrounded by sites already in a similar use to that proposed. The change of use is therefore considered appropriate in the locality and acceptable given its compatibility with the surroundings.

2.4 The proposals are considered acceptable and would not cause significant visual harm to the Green belt or the purposes of including land within it.

2.5 Subject to the imposition of a condition ensuring no storage on the land to the east of the entrance, the proposals would not significantly harm the character, appearance or setting of the adjacent Grade II listed building. The limited harm to the listed building is outweighed by the public benefits; the regularisation of the commercial operations on the site may in time facilitate the repair of the listed building; the use supports employment. The proposal thus complies with Policy CS27 in this regard.

2.6 The proposals would not have an adverse impact on the safety or operation of the adjacent Highway. The site is accessed via an existing access on the A5 and It is not proposed to alter this as part of the proposal. A transport statement supports the application and it is clear that vehicle movements, hours of operation and the size of the vehicles entering the site would all be reduced. Subject to the inclusion of informatives Herts County Council have raised no objection.

3. Site Description

3.1 The application site is located within the Metropolitan Green Belt and within Flood Zones 2 and 3. The site itself is located to the southeast of the A5 and comprises a yard with numerous portacabins and containers around the periphery and cars stored for sale /repair in the centre and western 'finger'. The site is surrounded by high level fencing and hedging and access to the site is gained from the A5. There is a grade II listed building situated within the eastern most section of the site. The river Ver runs to the southern side of the site however the submitted plans do not include the river Ver within the applicant's ownership.

4. Proposal

4.1 Planning permission is sought for the change of use of the land and buildings (excluding the listed building) for the storage, sale and repair of cars. The application follows enforcement investigations.

5. Relevant Planning History

5.1 Planning History:

4/01173/10/FUL CONSTRUCTION OF NEW STORAGE BARN AND OFFICE
Refused
04/05/2011

5.2 In addition, the site has a substantial planning enforcement history.

5.3 Historically the application site (excluding the western 'finger' section) has been used in association with the owners plant and utility company to store large plant, and machinery. The containers and portacabins were bought onto the site in association with that lawful use and the hardsurface constructed to facilitate it. These elements are therefore through the passage of time now lawful.

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

NP1, CS1, CS5, CS8, CS27,

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 99

6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

Environmental Guidelines (May 2004)

7. Constraints

- A5 (200M BUFFER)
- 45.7M AIR DIR LIMIT
- GRADE 2 LISTED BUILDING
- AREA OF SPECIAL CONTROL FOR ADVERTS
- FLOOD ZONE 3
- FLOOD ZONE 2
- CIL2
- Former Land Use
- GREEN BELT

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 None received.

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Green Belt
- Impact on Listed Building
- Impact on Highway Safety
- Flood Risk

Policy and Principle

9.2 Paragraphs of the NPPF and the Core Strategy 2013 seek to protect Green Belt land.

9.3 The change of use proposed in this application is not identified as appropriate in paragraph 90 and is therefore inappropriate development in the Green Belt.

9.4 Through the passage of time, all buildings and structures (timber workshops, portacabins and metal containers) currently occupying the site are immune from enforcement action and can therefore lawfully remain on the site in perpetuity. Within the Green Belt, the re-use of existing buildings is acceptable under paragraph 90 of the NPPF provided; they are permanent and substantial in their construction; and preserve the openness of the Green Belt. The use of the buildings for the storage of car parts would not alter their overall visual appearance and as such the openness test would be met. Moreover, the site is enclosed to all sides by close boarded fencing and mature trees / hedging such that, other than from the site entrance itself, the existing low level buildings and containers are not readily visible. Their re-use will therefore have no greater impact. Turning to whether the structures are permanent and substantial, the timber workshop / lockup buildings are considered permanent and substantial so their re-use is acceptable and would not amount to inappropriate development. The portacabins and metal containers are not however permanent and their re-use would amount to inappropriate development.

9.5 The Framework notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.6 Core Strategy Policy CS5 indicates that the council will apply national policies to protect the Green Belt, local distinctiveness and physical separation of settlements. Any development acceptable under the policy should not have a significant impact on the character and appearance of the countryside and should support the rural economy and maintenance of the wider countryside.

9.7 With regard to the re-use of the existing structures the following weigh in their favour;

- All existing structures, including the temporary ones, already occupy the site and are immune from enforcement action. They can therefore remain on the land. Given they exist already; openness is not a consideration. What these buildings are used for would not alter their overall visual impact and therefore no actual visual harm would be caused by the re-use of the temporary portacabin and metal containers to store car parts and undertake repairs.
- The site is well screened by mature landscaping and as such the structures cannot be readily seen from public vantage points. Any harm caused is therefore minimal
- Several companies operate from the site and have done for many years. As such the use of these structures supports employment and the local economy.

9.8 With regard to the use of the land;

- Some of the land included in the application site has lawfully been used for the storage of large plant and machinery associated with the owners' plant / utility company. The current proposal for the storage of cars for sale / repair would have a lesser visual impact than that of the much larger plant and machinery. The current proposal would therefore have a limited impact when compared to the lawful position. The areas lawfully used for the storage of larger plant / machinery occupy the most prominent positions in the site such that those that form part of this change of use application would be concealed behind them. The narrow 'finger' of land to the very west would not be visible from public vantage points and when within the site the cars stored in that area are seen within the context of the cars stored lawfully on the larger central area.
- The restricted size; long and narrow, and the position of the application site; immediately adjacent to the busy A5, mean it is not ideally suited for the 'appropriate' uses specified in the NPPF; the application site is sited immediately adjacent to the busy A5 and next to the

River Ver, it is too small to provide valuable agricultural or forestry uses. In addition, it is surrounded by sites already in a similar use to that proposed. To the opposite side of the A5 is a petrol station, a truckers stop and to the east a commercial van hire centre. None of these similar uses are screened from view so have a much greater adverse impact than the use currently proposed which would barely even be visible.

9.9 The proposals are considered acceptable and the special circumstances set out above are considered to outweigh the harm caused by the inappropriate development in the Green Belt and all other harm (see below for assessment of harm to highways and impact on listed building). The proposal complies with the NPPF and Policy CS5 in this regard.

Impact on Street Scene

9.10 The application site is located to the southern side of London Road; the A5, in Flamstead and is sandwiched between the River Ver and the road. The northern boundary, aligning the A5 is enclosed by close boarded fencing and mature landscaping. Other than from the site entrance itself, the containers, buildings and cars stored on the land are not visible. As such the proposals have a very limited impact on the character, appearance or openness of the area. The wider area is almost entirely commercial with a petrol station and truckers stop immediately opposite and a commercial van hire centre the other side of Chequers Hill, further away are hotels and a restaurant with car parks to their frontages. None of the adjacent sites exhibit the same level of screening and as such the area has a built up commercial character. Notwithstanding the landscape screen the proposed use is considered to integrate with the street scene and complies with Policy CS5, CS11 and CS12 in this regard.

Impact on Listed Building

9.11 The NPPF and Policy CS27 of the Core Strategy place great weight on the conservation of heritage assets. The more important the asset, the greater the weight should be.

9.12 The application site comprises a Grade II listed building to the north-eastern corner. The building is currently unoccupied and derelict. It has in the past been damaged by flooding and its proximity to this busy highway. It is in need of repair. Whilst originally an imposing building in a very rural setting, over time the area has been developed and it now appears built up. Nevertheless, it is an important heritage asset that must be conserved.

9.13 A heritage statement has been submitted to support the application and sets out the significance of the heritage asset and as assessment of the impact of the development on this asset. It concluded that since being built as a roadside coaching inn, the building has undergone substantial changes to the building itself and its setting. It is therefore considered to be of 'Regional Importance'. The proposals are assessed as having a low, indirect adverse impact on the listed building. The significance of effects is assessed as 'minor or moderate'.

9.14 The Conservation Officer is satisfied with the recommendations and findings of the Heritage Statement and concluded that the proposals would result in relatively low level harm. The area of land for the proposed uses is to be contained to that on the west of the main entrance, furthest from the listed building. A condition ensuring the use does not extend to the land to the east of the entrance will be included to safeguard the immediate setting of the historic building. This would also allow the listed building and the land immediately surrounding it to be read as a separate parcel of land to that of the adjacent commercial area. The site entrance and gates would act as the divide between the two distinct sites. Given the limited height and simple form of the buildings, the fact they are lawful, and that they set away from the listed building the harm is considered limited.

9.15 In accordance with para 134 of the NPPF where a development proposal would 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, including securing its optimum viable use.

9.16 The limited harm caused by the proposal must be seen in the wider context of the need to preserve and restore the derelict listed building in the long term. It should be noted that the LPA continues to seek a way forward to safeguard the future of the building. The continuation of the commercial uses on the site and the finances generated would ultimately help secure the future of the listed building. In addition, the employment opportunities the commercial use generates is a public benefit. In this instance these outweigh the very limited harm identified. The proposal complies with Para 134 of the NPPF and Policy CS27.

Impact on Highway Safety

9.17 The proposals would not have a significant adverse impact on the safety or operation of the adjacent highway. A transport statement supports the application and sets out the previous site uses and the scale of operations undertaken and compares these to the existing / proposed use. The site is accessed via an existing entrance onto the A5, this is fairly wide and has reasonable visibility in both directions. This would not alter as a result of the proposals. The site has been used for many decades for commercial uses without significant adverse highway implications. The statement concludes that there would be a reduction in the total number of vehicle movements, reduced hours of operation, and smaller vehicles when compared to previous uses. The proposed use represents a less intense use and as such is considered acceptable in highway terms.

9.18 Herts County Council Highways have not objected to the development subject to the inclusion of informatives. and as such the proposal is considered acceptable and in accordance with Policies of the Core Strategy 2013.

Other Material Planning Considerations

Flood Risk

9.19 The site is situated within Flood Zone 3 and the site and surrounding area is known to flood. The listed building has been damaged in the past and it is understood that the applicant has been working with the Environment Agency to address some of these issues. Additional works are required but these do not fall to be considered as part of this application.

9.20 The Environment Agency have been formally consulted on the proposals. Having assessed the flood risk in relation to the current proposals only, they raise no objection subject to the inclusion of informatives. These have been included.

10. Conclusions

10.1 The proposed development would constitute inappropriate development in the Green Belt. However, there are very special circumstances, which outweigh the very limited harm to the openness and visual amenity of the Green Belt. These include the fact the existing structures are immune from enforcement action and can remain on the site; the small and narrow characteristics of the site making it unrealistic to be used for appropriate purposes (as defined in the NPPF), and the fact that the site is surrounded by commercial uses similar to the proposed use.

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

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><u>Reason:</u> 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.</p>
2	<p>The permission hereby granted for the use of the land and buildings for the storage, sale and repair of cars relates only to the land to the east of the entrance gates.</p> <p>The area of land to the west of the entrance gates shall permanently remain open and not be used for commercial storage. Other than the existing mobile home and Listed Building, no cars, vehicles, buildings or other structures shall be parked / stored /constructed on this land.</p> <p><u>Reason:</u> To safeguard the special character, appearance and setting of the adjacent listed building in accordance with Policy CS27 of the Core Strategy 2013.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>WRI/21802/SITE 1 24100 Sheet No. 2 - Portacabin 1 24100 Sheet No. 3 - Portacabin 2 24100 Sheet No. 6 - Container 24100 Sheet No. 7 - Timber Workshop 24100 Sheet No. 8 - Timber Workshops 24100 Sheet No. 9 - Container 2</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35:</u></p> <p>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.</p> <p><u>HIGHWAY INFORMATIVES:</u></p> <ol style="list-style-type: none"> 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.

2. 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

ENVIRONMENT AGENCY INFORMATIVES

Advice to applicant

We have reviewed the non-mains drainage assessment and recommend you implement the following pollution prevention measures.

1. Only uncontaminated surface waters can be discharged to any watercourse. Vehicle wash waters must be conveyed to a foul sewer (with the permission of the water undertaker). If no foul sewer is available then the wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off-site disposal. Wash water must not be discharged to any watercourse or soakaway.
2. Prior to being discharged into any watercourse, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
3. Detergents entering oil interceptors may render them ineffective. As such, detergents and vehicle washings should not discharge into the surface water drainage or via an interceptor.

Reasons

The Thames River Basin Management Plan (2015) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without these Measures, the impact could cause deterioration of the ecological status of the River Ver because it would:

- Result in the release of priority hazardous substances such as hydrocarbons and/or
- Result in the release of substances that would have a detrimental effect on the water quality of the receiving watercourse, such as vehicle wash detergents.

Advice to applicant - Flood Risk Activity Permit

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Ver, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at: PSO-Thames@environment-agency.gov.uk.

Appendix 1

Consultation responses

1. Flamstead Parish Council

The Council objects to this application for many reasons:

There has been no attempt to improve the state of the dwelling despite reassurances that the plant machinery/dredging equipment was on site for that purpose; the flooding is not under control; there are multiple omissions, numerous factual errors and scant regard has been given to the planning process to date. Further consideration needs to be given to the implications of the planned roundabout at the bottom of Chequers Hill and how the exit of the applicant's site (with its many daily vehicle movements) would impact on that. The Parish Council would like to meet with the Enforcement Officer to discuss the application in full.

2. Hertfordshire county Council – Highway Authority

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.

HCC as highway authority has no reason to object to the grant of approval, subject to the informative notes below.

INFORMATIVES:

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.

2. 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 retrospective application is for Change of use of land and buildings for the storage, sale and repair of cars.

PARKING

There are 10-15 unallocated visitor and employee parking spaces on site, with an additional 70 spaces for parking cars for sale.

ACCESS

Existing vehicular and pedestrian access is via a crossover on London Road. No new or altered vehicle access is proposed to or from the public highway and no works are required in the highway.

London Road is a classified principal road, the A5183, subject to a 50mph speed limit. There have been 14 accidents involving personal injury in the vicinity of the site within the last 5 years; one of these fatal and three serious. However, details given in the document "TRANSPORT STATEMENT" supplied as part of the application indicate that none of these can be directly attributable to use of this access.

TRIP GENERATION

The Transport Statement also states that previous use of the site involved 50 one way trips daily to and from the site, including both HGV's and lighter vehicles, and that the site was operational 24/7.

This change of use has been operational since 2014 and has reduced the number of daily trips, as well as the opening hours and the size of vehicles accessing the site.

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

3. Conservation

It was noted within the application that there is a drawing for the scaffolding storage structure adjacent to the listed building which has now been removed. This is not acceptable and is noted in the applicant's heritage assessment as not acceptable. It should therefore be removed from the application.

The chequers building is an interesting historic property which is grade II listed. Historically it was set back but adjacent to Watling St (this section is now the A5183) and located on a bend of the river Ver. However clearly in the latter half of the 20th century and the 21st century the area has become somewhat built up and in particular with the busy highway, service station, lorry park and commercial vehicle hire centre. It has therefore lost its more tranquil rural setting seen in the early photographs submitted with the heritage assessment.

Overall whilst not ideal we believe that the proposed new structures to the west of the entrance would have a relatively low level harm. This harm needs to be balanced against any public benefit as per paragraph 134 of the framework. However this should be seen in the wider context of the need to preserve and restore the listed building in the long term. It should be noted that we continue to seek a way forward to find a way forward to safeguard the future of the building in the long term.

We would recommend that if the officer were minded to grant the proposal that no car sales, repairs /storage/ customers parking be undertaken to the east of the entrance onto the site. This would be to preserve the setting of the listed building and protect the asset for the longer term. We would however not object to the location of the mobile home identified on the plan opposite to allow the site and businesses located there to function.

Recommendation We would not object to the proposals but would recommend that there either be a condition or the red line of the application altered to prevent the area immediately adjacent to the listed building having consent for the above change of use for car sales, repairs and storage.

4. Environment Agency

Thank you for consulting us on the above planning application. We acknowledge that the site falls within flood zone 3. After reviewing the flood risk of the proposed site along with the information submitted, we have **no objections** to the proposed development, but recommend the following advice.

Advice to applicant

We have reviewed the non-mains drainage assessment and recommend you implement the following pollution prevention measures.

1. Only uncontaminated surface waters can be discharged to any watercourse. Vehicle wash

waters must be conveyed to a foul sewer (with the permission of the water undertaker). If no foul sewer is available then the wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off-site disposal. Wash water must not be discharged to any watercourse or soakaway.

2. Prior to being discharged into any watercourse, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

3. Detergents entering oil interceptors may render them ineffective. As such, detergents and vehicle washings should not discharge into the surface water drainage or via an interceptor.

Reasons The Thames River Basin Management Plan (2015) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without these Measures, the impact could cause deterioration of the ecological status of the River Ver because it would:

☐ Result in the release of priority hazardous substances such as hydrocarbons

and/or

☐ Result in the release of substances that would have a detrimental effect on the water quality of the receiving watercourse, such as vehicle wash detergents.

Advice to applicant - Flood Risk Activity Permit Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Ver, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk.

**5b 4/01011/18/FHA SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF SECOND STORY
REAR BALCONY.
1 MIDCOT WAY, BERKHAMSTED, HP4 3QB**

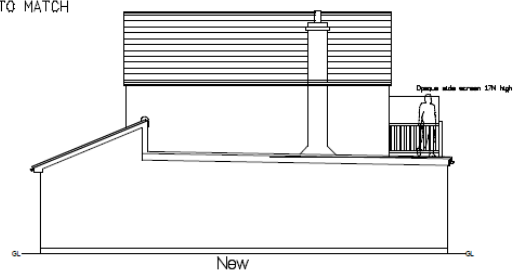


LOCATION PLAN SCALE 1:1250



NEW FRONT ELEVATION

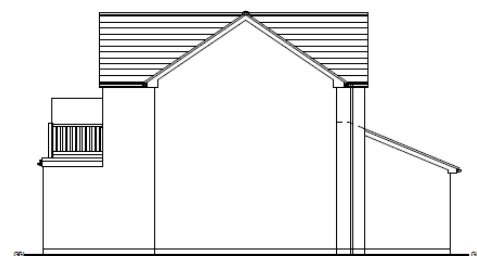
MATCHING GUTTER & FACIAS
CONTRAST BRICKWORK TO MATCH



NEW SIDE ELEVATION



NEW REAR ELEVATION



NEW SIDE ELEVATION

4/01011/18/FHA	SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF SECOND STORY REAR BALCONY.
Site Address	1 MIDCOT WAY, BERKHAMSTED, HP4 3QB
Applicant	Mr & Mrs Goodridge, 1 Midcot Way
Case Officer	Briony Curtain
Referral to Committee	Northchurch Parish Council Object to the balcony.

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The site is located within the urban area wherein residential development is encouraged in accordance with Policy CS4 of the Core Strategy. The extension proposed is appropriate in size and scale and respects the existing building. It would have little impact on the overall character and appearance of this part of the street scene and would not impact on the residential amenities of adjacent properties. The extension complies with Policy CS11 and CS12 in this regard. The application also seeks consent for the creation of a rear balcony to an existing flat roof area. A 1.7m obscure glazed privacy screen is to be erected to either side which would prevent oblique views into the garden areas of neighbouring properties. To the rear there would be no greater overlooking than from the existing rear facing first floor windows. In addition there is mature vegetation to the rear boundary. A condition requiring the permanent retention of the privacy screens will be imposed to ensure no loss of privacy. With the imposition of the condition, the proposal would not give rise to a loss of privacy, is considered acceptable and would comply with Policy CS12 of the Core Strategy.

3. Site Description

3.1 The application site is located within the residential area of Northchurch and comprises a two-storey detached dwelling on a plot opposite the entrance to Lochnell Road. The dwelling has a pitched to gable roof and a single-storey flat roof garage to the side. The dwelling has a large driveway to the front and fairly sizable gardens to the front and rear.

4. Proposal

4.1 Planning permission is sought for the construction of a single storey side extension to the front of the existing garage, and the construction of a balcony to the rear on an existing flat roof. The construction of the balcony would involve the erection of some railings to the side and rear of the flat roof, and glazed privacy screens to either side.

As part of the proposal the existing rear facing bedroom window would be reduced in width and a single door introduced, however these elements could be undertaken without the need for planning permission so do not form part of the proposal.

5. Relevant Planning History

None on record.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS12

6.3 Saved Policies of the Dacorum Borough Local Plan

Appendix 5 & 7

6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area

7. **Constraints**

- 45.7M AIR DIR LIMIT
- HALTON DOTTED BLACK
- CONSERVATION AREA
- TREE PRESERVATION ORDER
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- CIL1

8. **Representations**

Consultation responses

8.1 No objection from Conservation or Herts County Council Archaeology. Northchurch Parish Council object to the rear balcony. These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 None Received.

9. **Considerations**

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Building / street scene
- Impact on Neighbouring Properties
- Impact on Highway Safety

Policy and Principle

9.2 The application site is located within a residential area of Northchurch wherein, in accordance with Policy CS4 of the Core Strategy (2013) appropriate residential development is encouraged.

Impact on Street Scene / Appearance of Building

9.3 Policies of the Core Strategy and saved policies of the Local Plan seek to promote good design practices and state that extensions should harmonise with the original design and character of the house in terms of size, scale,

The proposed works would not significantly alter the overall character or appearance of the building or the wider street scene. The extension is single storey and relates well to the existing dwelling, the dummy pitch roof to the front of the side extension would appear as a natural continuation of the existing integral garage / porch area. Given the layout and spacing of the dwellings, the rear balcony area would not be visible in the Midcot Way street scene. There would be very limited views of the privacy screen and fenestration changes from the High Street and the development would not appear prominent or out of keeping.

As a result the proposal would not result in adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene. Accordingly the proposed complies with the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013).

Impact on Neighbouring Properties.

9.4 Given its position between two buildings, the fact the extension follows the existing front and rear build line, is single storey and predominantly flat roof, the side extension would not have an adverse impact on adjoining properties in terms of light, privacy or visual intrusion.

The rear balcony area would also not significantly adversely affect adjoining sites in terms of privacy or overlooking. The proposal includes the provision of 1.7m high glazed privacy screens to either side, which, providing a condition is imposed requiring its permanent retention would prevent views across and maintain an adequate level of privacy. To the rear, despite being slightly closer to the bungalows of The Meads, the balcony would not permit additional views compared to those possible from the existing first floor rear facing windows. In addition there is a mature landscape screen which is to be retained. The proposals comply with Policy CS12 in this regard.

Impact on Highway Safety

9.5 The proposal does involve the loss of one of the existing garages, however, the property is served by a generous sized driveway to the front and the second garage is being retained. As such there is more than sufficient off-street parking to serve the dwelling and there would be no adverse impact on the safety or operation of the adjacent highway.

11. 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 Policy Cs12 of the Core Strategy.
3	The proposed glazed privacy screens shall be erected fully in accordance with Drawing No.s Sheet 1 and sheet 4 and shall be thereafter permanently retained.

	Reason: To safeguard the residential amenity of adjacent properties in accordance with Policy Cs12 of the Core Strategy.
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Site Location Plan Block Plan Sheet 1 - Proposed Elevations Sheet 3 - Proposed Ground Floor Sheet 4 - Proposed First Floor</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</p> <p>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.</p>

Appendix 1

Consultation responses

Conservation;
No Objection

Herts Archaeology

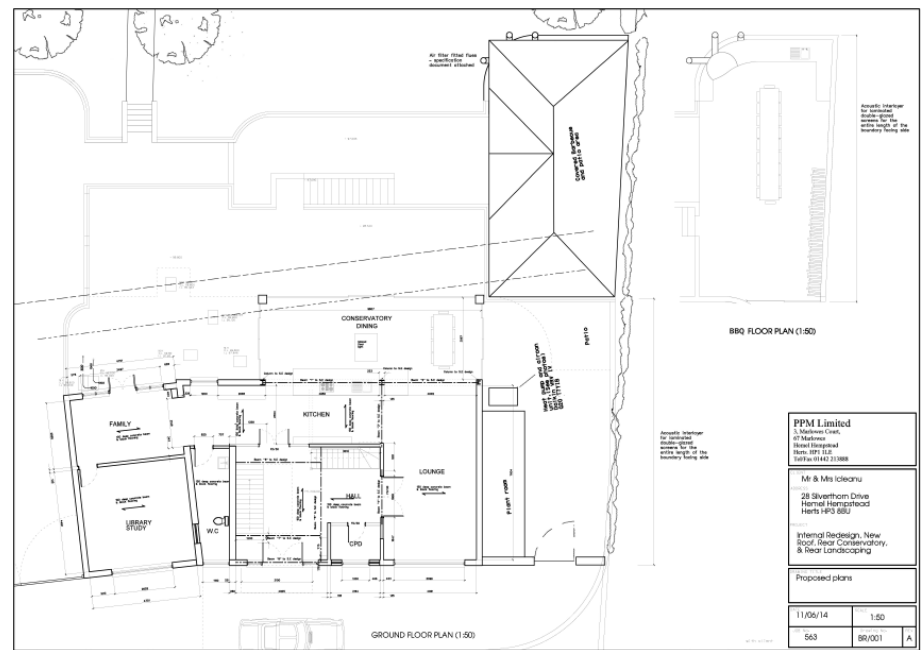
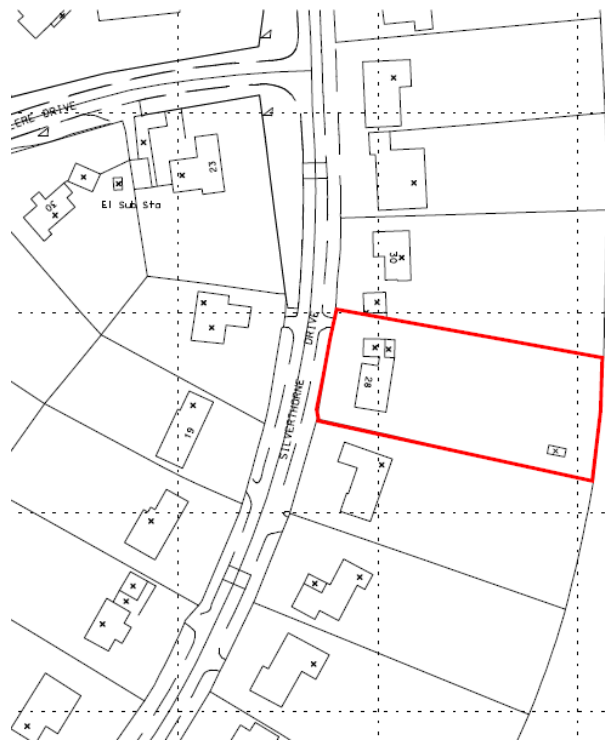
In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

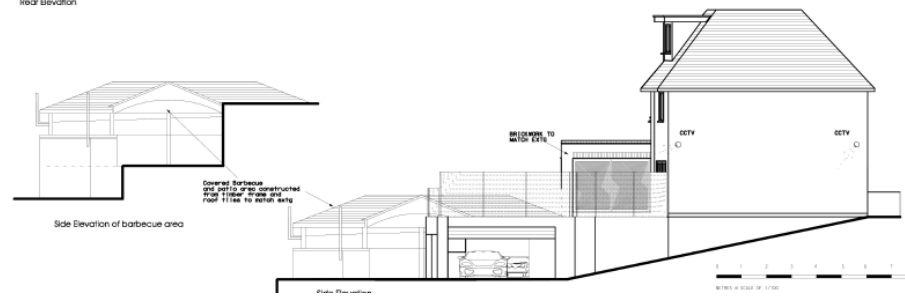
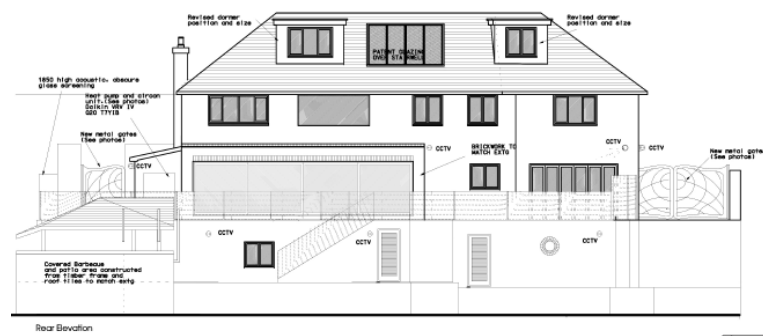
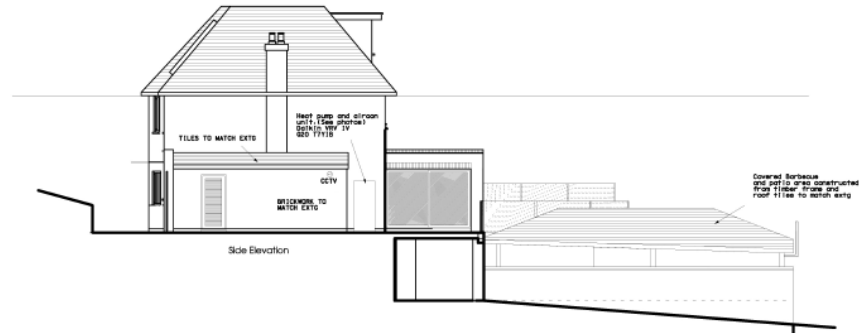
Northchurch Parish Council;

NPC: Northchurch Parish Council do not have any objection to the extension, however, the members object to the balcony for loss of privacy for the neighbouring houses.

Agenda Item 5c

5c 4/00028/18/FHA GLAZED STRUCTURE TO END OF PATIO AND FENCING. ADDITION OF THREE FLUES. INSTALATION OF EIGHT CCTV CAMERAS. CHANGES TO DESIGN OF REAR CONSERVATORY. BASEMENT EXTENSION TO FORM GYMNASIUM, UTILITY ROOM, CINEMA AND WINE CELLAR WITH ADDITIONAL WINDOWS. ADDITION OF EXTERNAL COVERED BBQ STRUCTURE AND ALTERATIONS TO FENCING.
28 SILVERTHORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU





4/00028/18/FHA	GLAZED STRUCTURE TO END OF PATIO AND FENCING. ADDITION OF THREE FLUES. INSTALLATION OF EIGHT CCTV CAMERAS. CHANGES TO DESIGN OF REAR CONSERVATORY. BASEMENT EXTENSION TO FORM GYMNASIUM, UTILITY ROOM, CINEMA AND WINE CELLAR WITH ADDITIONAL WINDOWS. ADDITION OF EXTERNAL COVERED BBQ STRUCTURE AND ALTERATIONS TO FENCING.
Site Address	28 SILVERTHORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU
Applicant	MR & MRS ICLEANU
Case Officer	Intan Keen
Referral to Committee	Contrary views of Nash Mills Parish Council and Councillor call-in

1. Recommendation

1.1 That planning permission be delegated with a view to **APPROVAL** subject to the expiration of the notification period and subject to conditions.

2. Summary

2.1 The proposed development would be acceptable in principle and would be satisfactory with respect to the impact on neighbouring properties in terms of visual intrusion, overlooking, loss of light and disturbance which shall be controlled through appropriately worded conditions. The proposed additions and alterations would not have an adverse impact on the appearance of the street scene, and would maintain acceptable levels of parking provision on the site. It follows the proposal would accord with the aims of Policies CS4, CS11 and CS12 of the Dacorum Core Strategy 2013.

3. Site Description

3.1 The application site is currently occupied by a two-storey detached dwelling recently subject to extensions, located on the eastern side of Silverthorn Drive within the residential area of Longdean Park. The street is characterised by large detached dwellings sited on large plots displaying generous spacing between buildings. Levels fall steeply in an easterly direction (towards the site's rear boundary from the street frontage) and also fall slightly north so that the adjacent dwelling at No. 30 is located on lower ground relative to the application site.

4. Proposal

4.1 The application seeks planning permission to regularise the following extensions and alterations to the existing dwelling:

- Covered structure to external bbq area - subject to amended plans enclosing the structure on the nearest boundary;
- Installation of three flues within bbq area;
- Installation of eight CCTV cameras on the main dwelling (three on the front elevation, two on the northern side elevation, one on the southern side elevation and two on the rear elevation);
- Glazing to end of patio and boundary fencing;
- Alterations to fencing;
- Basement (extension to basement approved under below-referenced application 4/00532/14/FHA) incorporating gymnasium, utility room and wine cellar ancillary to the dwelling and external openings;
- Rear conservatory (amendments to the conservatory under previous approval).

5. Relevant Planning History

5.1 This application follows the following approvals:

- Originally application 4/00532/14/FHA for replacement roof including partly raised ridge with two rear dormer windows, rear conservatory, alterations to openings, extension of rear terrace and installation of metal fence and gates to sides of dwelling was granted on 9 May 2014. This planning permission has been implemented and substantially completed at the time of the last site visit;
- Non-material amendment application 4/02626/17/NMA for revised side gates, repositioning of heat pump and revised rear dormer windows was granted on 4 December 2017. This application was made retrospectively and as such these works have largely completed.

6. Policies

6.1 National Policy Guidance

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

6.2 Dacorum Core Strategy 2013

Policies NP1, CS1, CS4, CS11, CS12, CS29, CS31, CS35

6.3 Dacorum Borough Local Plan 1991-2011

Saved Policies 13, 58, 99
Saved Appendices 3 and 5

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA25 Longdean Park

7. Constraints

- Residential area
- CIL Zone 3

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle

- Impact on neighbouring properties
- Impact on appearance of street scene
- Access and parking
- Community Infrastructure Levy (CIL)

Policy and Principle

9.2 The proposal for extensions and alterations associated with an existing dwelling within a designated residential area would be acceptable in principle under Policy CS4 of the Core Strategy.

Impact on neighbouring properties

9.3 It should be noted that an objection has been submitted on behalf of the neighbouring property located due south of the site at No. 26 Silverthorn Drive set out in full below. The various aspects of the proposal are set out below.

Covered barbecue area

A site visit was undertaken from both the application site and the neighbouring property at No. 26 at a time when the covered structure was substantially in place. The covered barbecue structure is located on lower ground, consistent with levels and topography of the immediate area, relative to the lowest windows of the neighbouring dwelling at No. 26. Although located on the boundary for a length of approximately 11.3m, the roof structure whilst visible, would not result in significant levels of visual intrusion from the neighbouring property with an eave height of 2.3m from the nearest point to the neighbour and its hipped roof rising up away from the common boundary. Its location on lower ground together with the substantial dimensions (approximately 27m width and 49m depth) of the rear garden of the neighbouring property, also noting that (lower ground bedroom and ground floor living room) rear-facing windows nearest the shared side boundary are not obscured on their far side by other structures. These conditions on the neighbouring property would provide sufficient visual relief from the covered bbq area proposed.

Concerns relating to noise are covered within comments from Dacorum Environmental and Community Protection below. As such, to address any impacts from the covered barbecue area relating to noise, a condition shall be imposed on any planning permission in line with this advice requiring the floor to ceiling to be completely enclosed along the boundary-side of the structure (shared with No. 26). The condition shall require further details to ensure this has been carried out to a satisfactory standard.

Installation of flues

In accordance with Dacorum Environmental and Community Protection department's advice any planning permission shall include a condition requiring further details to be submitted for approval to address the impact on the nearest neighbouring property with respect to cooking fumes.

CCTV cameras

The following is an extract from a document prepared by the Information Commissioner's Office 'In the picture: A data protection code of practice for surveillance cameras and personal information' Version 1.2:

The use of surveillance systems for limited household purposes can be exempt from the Data Protection Act (DPA) [1998].

The Court of Justice of the European Union (CJEU) issued its judgment in the case of Rynes on 11 December 2014. In this judgment, CJEU concluded that where a fixed surveillance camera faces outwards from an individual's private domestic property and it captures images of individuals beyond the boundaries of their property, particularly where it monitors a public space, the recording cannot be considered as being for a purely personal or household purpose.

This means that cameras attached to a private individual's home may, in certain circumstances, no longer be exempt from the requirements of the DPA under section 36. Those circumstances are likely to include where the camera monitors any area beyond the interior and exterior limits of that individual's home. This would include any camera to the extent that it covered, even partially, a public space such as the pavement or street. It would also cover cameras which captured areas such as neighbours' gardens.

The code of practice does not specify a limitation on the number of cameras installed. The perceived level of impact on neighbouring properties however should be taken into account and it would therefore be reasonable to limit the number of cameras to those shown on the submitted plans.

Additionally, based on the above guidance, it would be necessary to attach a condition requiring cameras to be directed to obtain a view only within the boundaries of the application site.

Fencing and other boundary treatment, and glazing to patio

These elements of the proposal would be acceptable in height terms relative to neighbouring main habitable room windows and would not raise any concerns with respect to visual intrusion, loss of light or overlooking. Whilst glazed panels along certain lengths of the patio are not typical of development in the area, they would not give rise to issues surrounding residential amenity.

Basement extension and rear conservatory

Similarly, these aspects of the development due to their siting and design would not raise concerns with respect to the impact on neighbouring properties noting the majority of openings would be directed to the rear and not within the direct line of sight of main windows of adjoining dwellings.

External lighting

Concerns have been raised with respect to the impact of external lighting installed at the application site. It is noted that the installation of external lighting comes outside of the remit of planning (it does not require permission) and would have little bearing on the consideration of the remaining aspects subject to this application.

It follows that the various elements of the proposal noted above would be satisfactory with respect to the impact on neighbouring properties subject to conditions to mitigate impacts with respect to noise and overlooking in order for the development to accord with the aims of Policy CS12 of the Core Strategy.

Impact on appearance of street scene

As noted above levels on the application site fall from the road frontage to the rear boundary and as such any extensions that would be visible in the street scene would be limited to ground level or lower and would not be unduly prominent in this residential location comprising typically large dwellings. Spacing between dwellings would be appropriately maintained to retain the spacious suburban setting within Longdean Park (HCA25). Proposed fencing would not raise any concerns with respect to the visual amenities of the area. As such, the proposal would accord

with the objectives of Policies CS11 and CS12 of the Core Strategy.

Access and parking

The proposed arrangements would ensure sufficient vehicle access to the site and the forecourt would be of an size that could accommodate up to three car parking spaces in accordance with maximum requirements set out under saved Appendix 5 of the Local Plan. The development would accord with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan in this regard.

Community Infrastructure Levy (CIL)

The site is located within CIL Zone 3 and if liable would be charged at a rate of £100 per square metre.

10. Conclusions

10.1 Based on the above assessment the proposal would be acceptable and accord with the aims of Policies CS4, CS8, CS11 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

11. RECOMMENDATION

11.1 It is recommended that the application is delegated to the Group Manager of Development Management and Planning with a view to approval subject of the expiry of the notification period and subject to conditions below.

- 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 CCTV installation hereby permitted shall not exceed more than eight cameras within the specified locations on the approved drawings. CCTV cameras shall not be directed to obtain a view other than entirely within the curtilage of the property at No. 28 Silverthorn Drive, Hemel Hempstead as outlined on Drawing Nos. 751 PL/008 (front and side elevations received 30 May 2018) and 751 PL/005 (side and rear elevations received 30 May 2018).**

Reason: In the interests of residential amenity and for the avoidance of doubt in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 3 **Within a period of six months from the date of this decision, the area labelled 'BBQ Floor Plan' on Drawing No. 563 BR/001 Rev A (ground floor plan and BBQ floor plan received 31 May 2018) shall be fully enclosed from floor to ceiling for its entire length along its southern side, and written confirmation and specifications including detailed elevations and sections (drawn to a metric scale) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.**

Reason: To reduce noise disturbance from the approved development in order to safeguard residential amenity in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 4 **Within six months following the date of this permission, further details on the location and specification of the three flues hereby approved shall be submitted and approved in writing by the local planning authority. The flues shall be installed, fixed or finished in accordance with the approved details prior to any cooking activity within the area labelled 'BBQ Floor Plan' on Drawing No. 563 BR/001 Rev A (ground floor plan and BBQ floor plan received 31 May 2018).**

Reason: To address and mitigate the impact on neighbouring properties from cooking fumes in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

**751 PL/006 (site location plan received 5 January 2018)
751 PL/001 (site plan received 30 May 2018)
563 BR/001 Rev A (ground floor plan and BBQ floor plan received 31 May 2018)
563 BR/002 Rev A (basement, first and second floor plan received 25 May 2018)
751 PL/008 (front and southern side elevations received 30 May 2018)
751 PL/005 (northern side and rear elevations received 30 May 2018)
751 PL/005 (site elevations received 25 May 2018)**

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 to seek an acceptable solution 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.

Environmental Health Informative

1). Construction Hours of Working – (Plant & Machinery) Informative

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

2). Construction/Demolition Dust Informative

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 the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

3). Noise on Construction/Demolition Sites Informative

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.

Appendix A - Consultation responses

Dacorum Environmental and Community Protection - Noise

I have reviewed the documentation in relation to the above listed application.

I note that this application is for a retrospective development and as such have concerns about the ability to effectively control what has already been constructed.

In this instance there are concerns in regards to potential levels of noise generated from the use of the new structures specifically the outdoor B.B.Q area.

With the design of the roof/ceiling the opening spaces surrounding may amplify the level of human voice and/or mechanically amplified noise being that of music or equipment and direct towards the neighbouring property at the boundary.

This would give rise to complaints that may be considered a statutory nuisance under the Environmental Protection Act 1990 Section 80.

I would normally request that the proponent demonstrate how this development would not contribute to factors that would cause a nuisance and submit to this department for review, unfortunately this has already been built in this instance and therefore a submission may not be possible.

It is therefore reasonable to request that the open air spaces be enclosed on the boundary facing sides to prevent or limit the impact on the neighbouring property and ensure that the construction material be of a type to effectively mitigate any noise potential. Should this not occur and a statutory nuisance be shown, enforcement action may be taken including forcing the enclosure of that section.

In regards to the flues from the cooking equipment, this also may give rise to a potential nuisance from odour/smoke and therefore details of how this would be limited would normally be requested.

In this instance, again being already constructed, information on type of flue is required to make a proper determination of whether this might occur. If the flues have a filter/scrubber installed, I would need these specifications to make a formal comment, failing this the relocation or installation of flue filters retrospectively could be undertaken.

Again if a statutory nuisance is identified then enforcement action would be taken and this may also be by effectively stopping the use of the equipment until it can be demonstrated that no further nuisance would be occur.

Dacorum Environmental and Community Protection - Contaminated Land

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/00028/18/FHA for the erection of a glazed structure to end of patio and fencing, addition of three flues, installation of three CCTV cameras, changes to design of rear conservatory, basement extension to form gymnasium, utility room, cinema and wine cellar with additional windows, external covered BBQ structure and alterations of fencing and I will like to advise that we have no objection in relation to Air Quality and Contaminated Land on the proposed application.

However, the following planning informative are recommend should planning permission be granted

1). Construction Hours of Working – (Plant & Machinery) Informative

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

2). Construction/Demolition Dust Informative

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 the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

3). Noise on Construction/Demolition Sites Informative

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.

Nash Mills Parish Council

The Planning Committee **object most strongly** to the above application, they state that the application doesn't comply with the DBC Core Strategy (see attached copy of relevant Core Strategy page) as follows:

- CS12 (Quality of Site Design)
 1. (C) - avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
 2. Respect adjoining properties in terms of (i) layout, (iv) scale, (v) height, (vi) bulk, (vii) materials, (viii) landscaping and amenity space.

Councillor Jan Maddern

Confirmation of call in if minded to approve.

Appendix B - Responses to neighbour notification

Longdean Park Residents Association

Further to our previous objection we would just like to reinforce the point of complete sealing up. We would like to see all glazing removed from the flank elevation, facing No. 26, and then the bricked up. This would provide privacy and sound insulation.

28 Silverthorn Drive

We reside at 26 Silverthorn Drive, have received and reviewed the Planning Application documents for 28 Silverthorn Drive ref 4/000/28/18/FHA and wish to **Strongly Object** to the application on the following grounds:

1. Impact on visual amenity

The external kitchen by its siting on the boundary, height and design represents an unneighbourly form of development that is detrimental to our amenities as occupiers of the adjacent residential property. It sharply contrasts with the natural character of its surroundings and doesn't fit with the scale of outdoor/covered areas of surrounding properties.

2. Loss of privacy and overlooking

The floor level has been raised, this is not shown on plan PL/005 This was originally a lavender garden, two steps down from the adjoining terrace area. The boundary wall has also been raised significantly between our two gardens to over 2 metres at the far end of the external kitchen. Giving the applicant adequate privacy but now overlooking our property, a bedroom and our two terraces so that we can no longer enjoy our amenities. This large external kitchen with large table is almost like a restaurant with a view of our garden.

The “acoustic obscure glass screening” is spaced apart negating any acoustic defence and CCTV overlooking our property.

3. Noise, smell and disturbance from use

Section 79 of the Environment Protection Act 1990 defines Statutory Nuisance as fumes or gases, dust, smell, smoke and noise emitted from premises so as to be prejudicial to health or a nuisance. This also contravenes Dacorum Council's own Core Policy C11 & C12.

With regard to the external kitchen, on 23rd August 2017 your own Environmental Health Officer stated “the roof appears to amplify the noise in this instance and given the size of the plot I would wonder why such a development had been sited right against the boundary with the neighbours? From a purely acoustic point of view a proper additional room would almost have been far better than what has been constructed.”

The three flues (two at present are upright and one horizontal) indicate how many people this external kitchen caters for and is operating at all times. It is a residential area, not industrial.

This area was used as an extension of the gym during the summer months with music playing.

The extensive artificial lighting in both front and back of the property is excessive, and is on at all hours of the day and night causing pollution and obtrusive light.

4. Visual Intrusion

Hedging has been taken out and our hedge harshly cut back leaving everything we do on view. The structure and extensive lighting allows it to be used throughout the year and is predominantly used for entertaining at all hours of the day in all weathers. This enables a large number of the applicant's guests to see us, our movements, and lends itself to looking directly into our property and garden. As a result, we have had to inform the police when we are away.

Two wall lights on the Plant Room, their intensity and direction into our family room/kitchen window are a nuisance.

CCTV Camera next to the door of the gym within this kitchen area overlooks our garden and invades our privacy (this is not shown on the plans submitted.)

CCTV Camera on the conservatory overlooks our property (not shown on plans submitted).

CCTV Camera parallel with our family room/kitchen on the Plant Room (not shown on plans submitted).

CCTV Camera on PL/008 to the far right of the house looks over our property. These are fish eye cameras and have wide angled lenses.

We have informed the Police of these cameras but again expected these to be dealt with as explained by your enforcement officer, Ramesh Depala. These cameras are a breach of our personal space. They are not allowed to view our property or us and we believe contravene

our rights under the Data Protection Act.

5. Design

We would once again like to draw your attention to the Environmental Health Officer's comments that state "the roof appears to amplify the noise in this instance and given the size of the plot I would wonder why such a development had been sited right against the boundary with the neighbours? From a purely acoustic point of view a proper additional room would almost have been far better than what has been constructed".

The "BBQ floor plan" as shown on plan BR/001 identifies the wall as constructed on the boundary between no's 28 & 26 as already existing. This is incorrect, this has been constructed as part of the "covered BBQ and patio area" This wall is not shown on plan BR/002 and forms part of the external kitchen. This external kitchen covers the area from the wine cellar, parallel with the side entrance to the gymnasium and beyond, this is not shown on plan BR/002 and is misleading.

It sharply contrasts with the natural character of its surroundings. The house and grounds are already sufficiently large to allow enjoyment and privacy between neighbours whilst leaving sufficient space between properties.

In addition to our objections we would like to add the following concerns:

1. These additional works which are being proposed did not commence in 2014, they began much later.
2. In a period of 11 months there have now been 3 planning applications for the same disputed works carried out without the correct planning permission including a Retrospective Planning Application submitted as 'a consequence of Enforcement Notice ref: E/17/00112' for 'Regularisation of Complete Works' subsequently withdrawn a week after submitting a Non Material Amendment for heat pump, dormer windows and brick pillar/wall over 2 metres, on October 17, some 3 months after your decision date.
3. These latest supporting documents are and have been inconsistent and inaccurate throughout and poorly presented that they are misleading and difficult to interpret to the layman. There are no existing plans shown to compare the property prior to and after the works carried out and no existing elevation plans submitted.
4. The proposal indicates - a householder planning application but these substantial proposals have already been carried out hence the Retrospective Planning Application back in May 2017 for regularisation of complete works, admittedly inaccurate but subsequently withdrawn. Our understanding was that a Retrospective Planning Application was the way forward considering the numerous breaches or an Enforcement Notice.
5. The proposal does not make clear the following:
 - i. Which glazed structures to end of patio or fencing is being referred to? There is no mention of the "acoustic obscure glass" on the boundary and with its inclusion raises the height to over 2m.
 - ii. There is no mention of the boundary wall constructed between Nos. 28 & 30 Silverthorn Drive which exceeds 2m in height.
 - iii. The addition of three flues – are these in the external kitchen?
 - iv. Installation of 3 CCTV cameras – as there are 10 on ground floor level, 1 of which covers a

360 degree circumference and 2 of which are not shown on the plans, and 4 on lower level (now referred to as basement level) – 1 of which is not shown on the plans it is again inconceivable to know which 3 are being referred to.

v. Changes to design of rear conservatory, we have to assume this refers to overall size and/or materials.

vi. Basement extension to form gymnasium, utility room, cinema and wine cellar with additional windows? This is not a basement extension – this is a complete new basement.

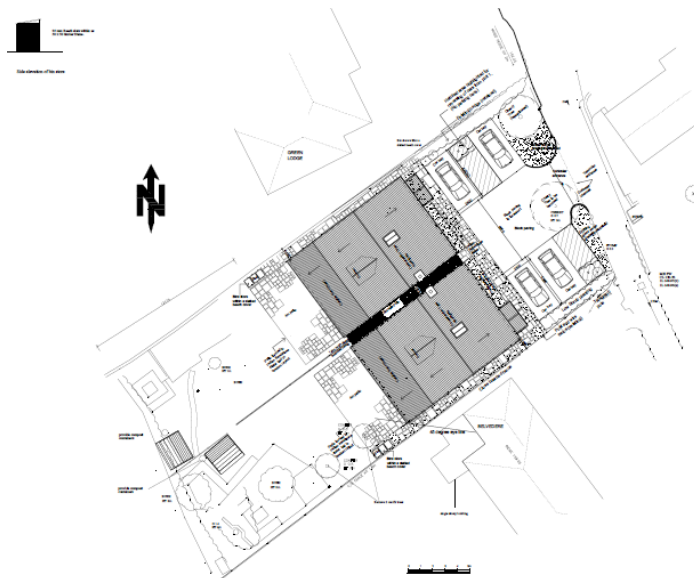
vii. The wine cellar is a separate entity at the back of the external kitchen/BBQ area.

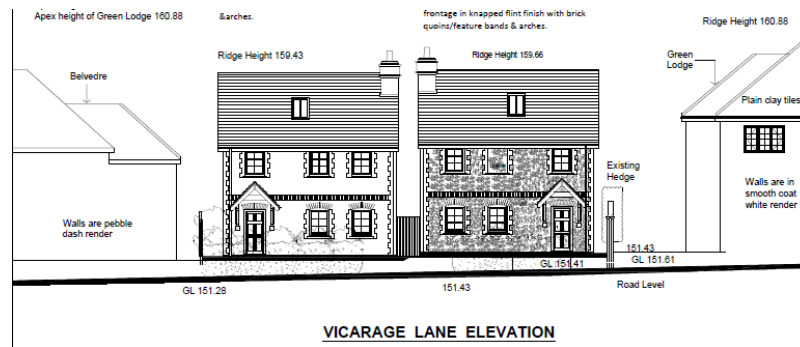
viii. Alteration to fencing is too ambiguous.

Given the applicant's complete disregard for the planning process and their continual changes to the design (which are still on-going) we do not believe that these plans will reflect the building when it is eventually finished, and we are concerned that even more regulations will be flouted.

Agenda Item 5d

**5d 4/00872/18/FUL DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DETACHED 5-BED DWELLINGS
SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT**





4/00872/18/FUL	DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DETACHED 5-BED DWELLINGS
Site Address	SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT
Applicant	Mr Basmadjian, KVB Architects Ltd
Case Officer	Intan Keen
Referral to Committee	Previous application refused by the Development Management Committee and subject to a Councillor call-in

1. Recommendation

1.1 That planning permission be delegated with a view to **APPROVAL** subject to the expiry of the notification period and the conditions set out below.

2. Summary

2.1 The application follows the recent appeal on the site for its redevelopment with two two-storey (five-bedroom) dwellings. The proposed development is acceptable in principle noting the site's location within a designated residential area within the village of Bovingdon. The two dwellings proposed on the site would represent an improvement compared with the appeal scheme in terms of their design, forms and proportions that would positively conserve and enhance the Bovingdon Conservation Area and would be acceptable within its street scene and respect the setting of nearby listed buildings. The development would not have an adverse impact on the residential amenity of surrounding neighbouring properties. Access and parking provision would be satisfactory.

2.2 The proposal would therefore accord with the aims of Policies CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS27, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013 and saved Policies 10, 13, 18, 21, 58, 99, 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

3. Site Description

3.1 The application site is currently occupied by a chalet bungalow located on the western side of Vicarage Lane, within the residential village and Conservation Area of Bovingdon. The street scene is varied in building character and also includes the listed building to the east of the site (opposite Vicarage Lane) at Little Madison, however has a semi-rural setting with the verdant and enclosed nature of the lane and surrounding green spaces. Green Belt land lies to the east of the site.

4. Proposal

4.1 Planning permission is sought for the demolition of the existing bungalow and construction of two two-storey detached dwellings. Each dwelling would be identical in footprint and size, containing five bedrooms in each. Maximum dimensions of the buildings would be 7.7m in width and 11.2m in depth, and 8.376m high to the ridge of their gable roofs.

4.2 The current proposal is based on amended plans which have altered elements of the front elevation including window and chimney relocation, window design and reduction in size of the front canopies which now feature bracket (instead of pole) supports.

4.3 Subdivision of the rear garden would result in private amenity areas for each dwelling a minimum of 16.8m long.

4.4 The dwellings would share access via a new crossover to Vicarage Lane with two car parking spaces for each dwelling located within the forecourt.

5. Relevant Planning History

5.1 There is another live application on the site, 4/00439/18/ROC for the removal of Condition 7 relating to contaminated land matters of planning permission 4/00022/17/FUL which is currently under consideration.

5.2 Application 4/00022/17/FUL sought planning permission for demolition of existing bungalow and construction of two five-bedroom dwellings. This application was refused by the Development Management Committee (decision date 19 June 2017) and was subsequently appealed and allowed on 21 December 2017.

5.3 The current application is identical to the appeal scheme with respect to building footprint (11.2m by 7.7m) and height (8.376m to ridge).

6. Policies

6.1 National Policy Guidance

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

6.2 Dacorum Core Strategy 2013

NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS27, CS29, CS31, CS32 and CS35

6.3 Dacorum Borough Local Plan 1991-2011

Saved Policies 10, 13, 18, 21, 58, 99, 119 and 120

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)

6.5 Advice Notes and Appraisals

- Conservation Area Character Appraisal for Bovingdon

7. Constraints

- Large village
- Bovingdon Conservation Area
- CIL Zone 2

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout and density
- Impact on heritage assets
- Impact on appearance of street scene and surrounding area
- Impact on neighbouring properties
- Access and parking
- Contaminated land
- Flood risk and drainage
- Ecology
- Community Infrastructure Levy (CIL)

Policy and principle

9.2 The application site lies within the designated village boundary of Bovingdon (large village) where the provisions of Policy CS4 of the Core Strategy apply and residential development is acceptable in principle. Additionally, the principle of redevelopment of the site with two dwellings has been established under the recent appeal.

Layout and density

9.3 The proposed layout remains largely unchanged from the allowed appeal scheme, noting building footprint and site coverage would be acceptable in its context, commensurate with the scale of buildings and the established pattern of development on the western side of Vicarage Lane.

9.4 Rear garden depths would exceed the average minimum garden depth of 11.5m which would be similar in size to neighbouring properties either side.

9.5 On-site parking would be conveniently located adjacent to their respective dwelling entrances with sufficient area within the forecourt for refuse storage and retention of the landscaped bank to the site's frontage.

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

Impact on heritage assets

9.7 The proposal should be considered with respect to its impact upon the setting of the Bovingdon Conservation Area and nearby listed buildings, including the dwelling to the east at Little Madison. It is acknowledged that the current proposal would be similar to the allowed appeal scheme with respect to building profile, bulk and height. Following Conservation and Design comments below, suggestions were made to improve the principal elevations of the dwellings and how these would relate to the neighbouring listed building. Amended plans have been submitted which have incorporated all suggestions and as such the detailed design to the dwelling's front elevations (including materials schedule) would be satisfactory and therefore the proposal would perform satisfactorily against Policy CS27 of the Core Strategy and saved Policies 119 and 120 of the Local Plan.

Impact on street scene and surrounding area

9.8 The proposed dwellings would be well-proportioned and their traditional-pitched gables

would allow the buildings to achieve a suitable degree of compatibility within the diverse street scene along this section of Vicarage Lane. Their principal elevations would be appropriately balanced with lean-to front porch entrances and chimneys. Design detail including brick banding and quoining would add further interest and the submitted materials schedule would be acceptable.

9.9 Eave and ridge heights of the dwellings and spacing to the neighbouring properties (2.1m distance to Belvedere and 4.2m to Green Lodge) would provide an appropriate transition between buildings in the street scene, noting the slight fall in levels to the south. The proposal would be acceptable when considered against Policies CS11 and CS12 of the Core Strategy.

9.10 The development would be viewed in the context of adjacent dwellings where buildings are prominent rising above the bank from Vicarage Lane and therefore would not compromise the open characteristics of the adjacent Green Belt land (which includes Little Madison to the east of the site) and would not conflict with the objectives of Policy CS5 of the Core Strategy.

Impact on neighbouring properties

9.11 The application site has two directly adjoining properties including the dwellings either side at Green Lodge to the north and Belvedere to the south. It is acknowledged that the siting of the two dwellings, their footprint and height remains largely unchanged from the approved scheme.

9.12 The proposed dwellings would not project significantly beyond the rear line of the adjacent properties either side and the submitted site layout plan demonstrates that the proposal would not breach the 45° taken from the nearest ground floor living rooms of neighbouring dwellings. On this basis the proposal would not give rise to concerns relating to visual intrusion or loss of light.

9.13 All windows within both side elevations of the two dwellings shall be conditioned to be obscure-glazed and non-opening below a height of 1.7m from finished floor level to prevent unreasonable levels of overlooking if planning permission is granted.

9.14 It follows the development would accord with the provisions of Policy CS12 of the Core Strategy in this respect.

Access and parking

9.15 The proposed vehicle crossover to be centrally located on the site's frontage to Vicarage Lane has been found satisfactory by the highway authority in their comments below subject to conditions.

9.16 It was considered in the recent appeal decision that parking provision of two cars for each five-bedroom dwelling, while technically short of the maximum standard (total six spaces for the whole development) would represent an adequate level of provision and would not give rise to highway safety concerns.

Contaminated land

9.17 Standard conditions have been recommended by the Council's Environmental and Community Protection department to address any concerns relating to contamination so that the proposal accords with Policy CS32 of the Core Strategy.

Flood risk and drainage

9.18 As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable under Policy CS31 of the Core Strategy in this regard.

Ecology

9.19 The application site is not located within a designated wildlife site and the previous application (and subsequent appeal) noted no records of roosting bats at the site following submission of a Bat Survey Preliminary Roost Assessment. It is acknowledged that the application must halt all development (including demolition) if protected species are encountered at any stage and appropriate mitigation implemented. It is therefore considered that the proposal would not result in significant harm to biodiversity at the site and the proposal would satisfy Policy CS29 on these grounds.

Community Infrastructure Levy (CIL)

9.20 The development is CIL liable at a rate of £150 per square metre within CIL Zone 2 subject to any applicable exemptions or reductions in accordance with Policy CS35 of the Core Strategy.

10. Conclusions

10.1 It is concluded that the proposed development would be satisfactory with respect to the impact on designated heritage assets and the street scene, the impact on the residential amenity of neighbouring properties and would not lead to highway safety issues noting access arrangements have raised no objection from the highway authority and a sufficient level of parking provision would be provided on the site.

10.2 The development is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS27, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013, saved Policies 10, 13, 18, 21, 58, 99, 119 and 120 of the Dacorum Borough Local Plan 1991-2011 and the National Planning Policy Framework.

11. RECOMMENDATION

11.1 It is recommended that the application is delegated to the Group Manager of Development Management and Planning with a view to approval subject to the expiration of the final notification and subject to the conditions set out below.

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>Prior to the construction of the buildings hereby permitted, details including a full schedule of all materials to be used externally in the construction of the development hereby permitted shall be submitted to 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.</p>

	Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of designated heritage assets in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.
3	<p>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:</p> <p>means of enclosure; proposed finished levels or contours relative to neighbouring properties and Vicarage Lane including levelling works to the bank; planting plans, including specification of species, sizes, planting centres, planting method and number and percentage mix; details of all external hard surfaces, including the car parking area and drainage detail.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The approved parking areas shall be retained thereafter and available for that specific use.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 and to ensure the permanent availability of the parking area in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.</p>
4	<p>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.</p> <p>Reason: To ensure a satisfactory appearance to the development and to positively conserve and enhance the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.</p>
5	<p>Prior to the construction of the roofs of the dwellings hereby approved, full specifications of the roof lights shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.</p>
6	<p>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.</p> <p>For the purposes of this condition:</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
7	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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.</p> <p>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.</p> <p>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.</p>
8	<p>Vehicular access and egress associated with the development hereby permitted shall be limited to the access shown on approved Drawing Nos. 112 and 113 only. Any other accesses or egresses shall be permanently closed and the highway verge shall be reinstated in accordance with the approved details under Condition 3 concurrently with the bringing into use of the approved access.</p> <p>Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p>
9	<p>Vehicular visibility splays of not less than 2.4m by 43m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.</p>
10	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p>

Site Location Plan
 112 Rev B (proposed layout)
 111 Rev B (proposed site plan)
 101 Rev A (proposed ground floor plans)
 102 Rev A (proposed first floor plans)
 103 Rev A (proposed loft floor plans)
 104 Rev A (proposed roof plans)
 105 Rev A (proposed front elevations)
 106 Rev A (proposed rear elevations)
 107 Rev A (proposed side elevation Plot A)
 108 Rev A (proposed side elevation Plot B)
 109 (proposed section)
 113 Rev A (proposed street scene)
 Recommendations set out within Bat Survey - Preliminary Roost Assessment

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 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.

Highways Informative

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

	<p>http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>Contaminated Land Informative</p> <p>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.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p> <p>Ecology Informative</p> <p>The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) 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, works should stop until the birds have left the nest.</p>

Appendix A - Consultation responses

Hertfordshire 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:

CONDITIONS

1. Prior to the commencement of the use hereby permitted vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the access shown on drawing numbers 111 and 112 only. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

2. Prior to the commencement of the use hereby permitted a visibility splay measuring 0.6m for a distance of 0.65m metres shall be provided to each side of the access where it meets the highway 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.

3. Prior to the first occupation of the development hereby permitted the proposed on-site parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking area, in the interests of highway safety.

I should be grateful if you would arrange for the following notes 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.

COMMENTS

This application is for the Demolition of existing house. Construction of two new semi-detached dwellings

ACCESS

A new access central to the plot is proposed. There is an existing vehicular access onto Vicarage Lane which is required to be stopped up and reinstated.

Vicarage Lane is an unclassified local access road, with a 30mph limit so vehicles are not required to enter and leave the site in forward gear. There have been no collisions resulting in personal injury in the last 5 years.

PARKING

Each new property will be provided with two off-road parking spaces.

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

Dacorum Conservation and Design further comments

Definite improvements here - well done.

Option B is certainly preferable.

Pity we couldn't get the fenestration back to sashes.

Dacorum Conservation and Design further advice

It was recommended that the following amendments are incorporated to improve the appearance of the dwellings from the street scene and relative to the neighbouring listed building:

- Reversal of the chimney and entrance to Plot B;
- Relocation of front hallway window on both plots to their respective flank elevations;
- Replacement of lean-to canopy with narrower flat hood canopy or gable canopy with bracket supports over the front doors;
- Front doors to be six-panelled.

Dacorum Conservation and Design

The proposed changes to the plans allowed on appeal were significant and fundamentally affected the appearance of the original proposed design. The approved scheme produced a balanced pair of handed houses incorporating 12 paned sashes, plat band above the arched windows, 6-panelled door with restrained flat hoods, etc, all helping to break up the facades.

The rear elevations were less successful and on balance have been improved under the current design.

The loss of symmetry, the addition of large porches (no longer handed), loss of 6-panelled door and replacement with a plank door, the fusion of the plat band and window arches and the change from 6 over 6 paned sashes to 4 paned windows all reduce the proportionate design of the former plans. These would have provided a balanced pair of houses forming robust additions to the street scene, strengthening the edge of the Conservation Area and complementing the listed building opposite; whereas the reworking of the front detailing has resulted in a repeat pattern of two, weakly detailed buildings.

Dacorum Trees and Woodlands

According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved in full.

Hertfordshire Environmental Records Centre

Thank you for sending me the bat report for this application – *Preliminary Roost Assessment (Arbtech, May 2017)*. A daytime inspection of two buildings (Bungalow and separate garage) was undertaken on 4 May 2017 and no bats or evidence of them was found. The property was assessed to have negligible potential to support roosting bats and no further surveys are considered necessary. On this basis, bats should not be regarded a constraint to these development proposals and the buildings can be demolished without risk of harm to bats.

No nesting birds were recorded in the buildings or within the garden; however a precautionary approach to any tree removal or severe pruning is recommended and I advise the following **Informative** is added to any permission granted:

“The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) 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, works should stop until the birds have left the nest.”

I welcome the proposal to install bat and bird boxes to enhance biodiversity at the site and to ensure no net loss of biodiversity in line with aspirations of NPPF.

Hertfordshire 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.

Bovingdon Parish Council

Support although there is concern that the parking proposals do not meet the National Parking Standards. Neighbours have requested that if the scheme is approved that a condition is attached requesting that the opening and closing times of work on the site are restricted to reduce the noise and disruption to neighbours. The owner of the neighbouring property at Belvedere is concerned that the visibility from accessing his drive will be reduced.

Appendix B - Neighbour notification/site notice responses

Councillor Stewart Riddick

Having looked at this (latest!) application for the above, I have a number of concerns!

1) Parking is totally inadequate:

According to the National Planning Portal Parking Standards - Annex A....a (minimum) of 4.5 Spaces / Residential Property is required. Therefore, a MINIMUM of 9 SPACES are required for these Two Properties.

2) There is no on-site provision for the (inevitable & obvious) Visitor Parking that will be required for each property.

3) Mature Cherry Tree:

This should not be removed. N.B. In previously approved application, assurances were given and great care was taken to ensure this tree would not be removed!

4) There is no provision for the minimum of (3) 'Wheelie Bins' that will be required for each property. N.B. They cannot be located in the contrived 'Turning Spaces' indicated...and they cannot be located on the grass verges fronting onto Vicarage Lane.

They already have a valid Planning Approval (Incorporating [reduced] access and parking arrangements) which they can build. Therefore, this application which is merely for a 'modification' of those arrangements should not be acceptable.

If you are minded to Refuse under delegated powers, that is fine.

However, if not, please ensure this comes before the DMC Committee for a final decision.

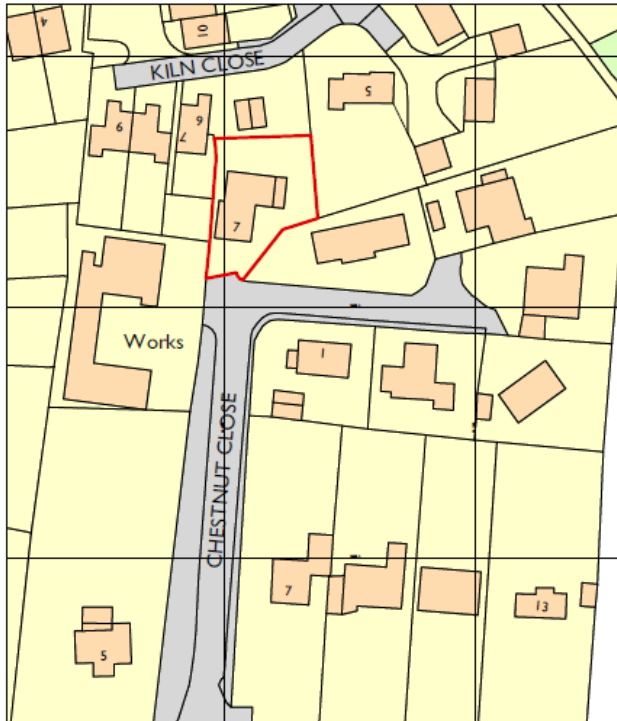
Green Lodge, Vicarage Lane

On balance the changes to the plans look OK. Although access onto Vicarage Lane is now proposed at it's narrowest point. Visibility in both directions should be retained for the new development and it's neighbours. Access should also allow for larger vehicles to turn onto the property to prevent the lane being blocked for deliveries. The turning space should therefore allow larger vehicles to turn around. The planning inspector approved application on the basis that vehicles leave the development in forward gear. Therefore the turning space should never be used for parking. It is unclear on the plans how this is going to be enforced. Spacing between and the position of each new building must be as per the current plans. Due to the close proximity to neighbouring houses and the residential area of the development I would respectfully request a limit to allowable work hours of 8am to 6pm Mon to Fri and 8am to 1pm on Sat. No deliveries or building work allowed outside these hours.

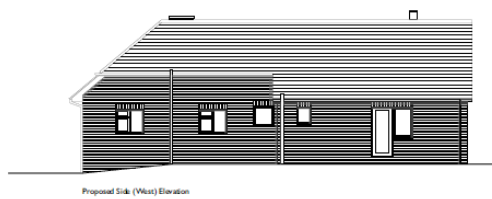
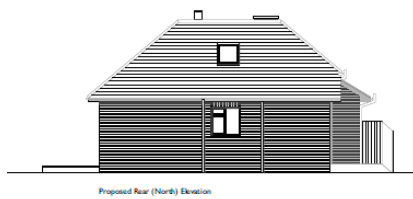
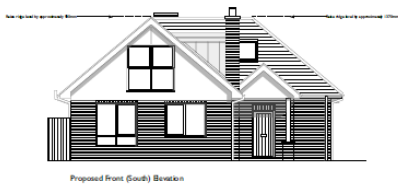
Belvedere, Vicarage Lane

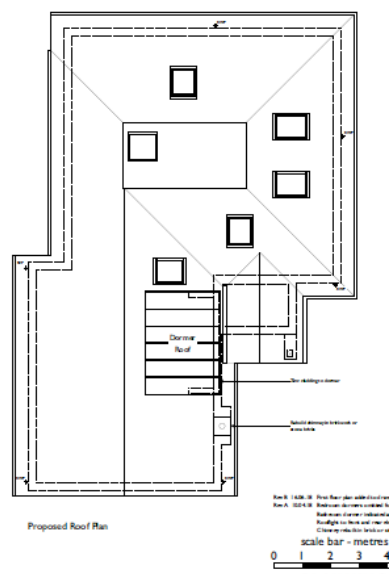
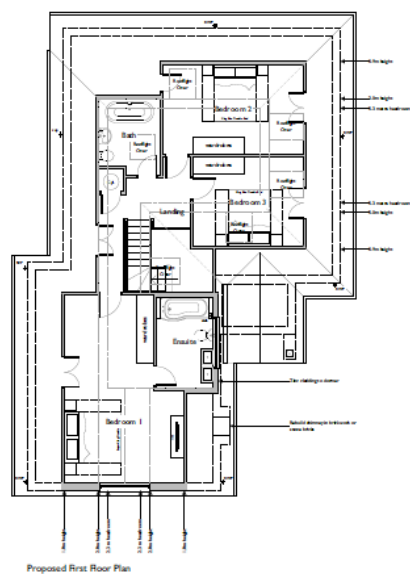
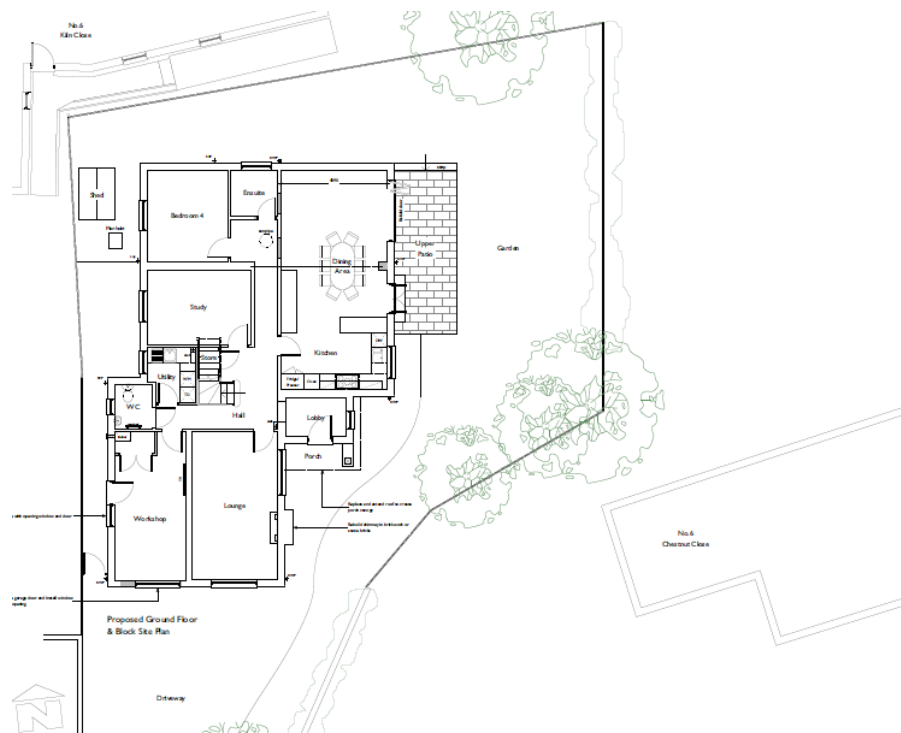
Reference to the proposed car parking arrangement at Symonsdown, since 1933 both Belevedere and Symonsdown, have had clear views of traffic, pedestrians and cyclists, coming up for Symonsdown, and down for Belvedere, thanks to the clear wire fence between the properties, however, with the new proposal of siting a vehicle in front of the telegraph pole on my property, exiting out of my drive, has given me grave concerns, as this siting of a vehicle will seriously impede my line of sight of vehicles, pedestrians and cyclists also for family and visitors. The same, in my opinion, will apply to residents of Symonsdown for vehicles coming up Vicarage Lane, and this lack of sighting could lead to a serious accident, safety must come first. Vehicles tend to "bomb" down the lane, as only recently, one vehicle went clean through the churchyard wall. One solution, in my opinion that would solve this, is to scrap the hutching area on the Belvedere side put the second vehicle there, and myself Symonsdown residents will all have a better view on exiting our properties, safety must come first. i must mention that the proposed planting of low shrubs wil also impede my sighting as my drive goes down a slope at the critical point of vehicle sighting. I have lived here almost 70 years and have a lot of knowledge of traffic movement

**4/00415/18/FH ROOF EXTENSION AND WINDOW ALTERATIONS.
A 7 CHESTNUT CLOSE, POTTEN END, BERKHAMSTED, HP4 2QL**



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4/00415/18/FHA	ROOF EXTENSION AND WINDOW ALTERATIONS.
Site Address	7 CHESTNUT CLOSE, POTTEN END, BERKHAMSTED, HP4 2QL
Applicant	Mr & Mrs Guile, 7 CHESTNUT CLOSE
Case Officer	Rachel Marber
Referral to Committee	Contrary views of Nettleden with Potten End Parish Council

1. Recommendation

- 1 That planning permission be **GRANTED**

2. Summary

2.1 The proposed loft conversion by way of porch canopy and roof extension, associate dormer window and roof lights through size, position and design would not adversely impact upon the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 Policies 57 and 58 of the Dacorum Local Plan (2004), Policies CS6, CS8, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

3. Site Description

3.1 The application site is located to the North side of Chestnut Close and comprises a detached bungalow located within Potten End which is a designated small village in the Green Belt.

3.2 Chestnut Close comprises a small cluster of detached bungalows of varying architectural detailing, size, height and build line.

4. Proposal

4.1 The application seeks permission to raise the properties ridge height by 1.4 -1.8 metres in order to accommodate a loft conversion. One side dormer and six roof lights are proposed. A porch canopy is also proposed.

4.2 The proposed plans have been amended in order to overcome concerns raised by neighbouring residents. The following amendments have been made:

- Removal of two side dormers and replacement with roof lights.
- Change to material detailing of the proposed dormer and chimney alteration.

5. Relevant Planning History

4/02008/08/FHA SINGLE STOREY REAR EXTENSION, FRONT PORCH AND ALTERATIONS (AMENDED SCHEME)
Granted
01/12/2008

4/01672/08/FHA SINGLE STOREY REAR EXTENSION, FRONT PORCH AND ALTERATIONS
Withdrawn
29/09/2008

6. Policies

- 6.1 National Policy Guidance (2012)

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

6.2 Adopted Core Strategy – (2013)

CS6 – Selected Small Villages in the Green Belt
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

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

57 - Provision and Management of Parking
58 - Private Parking Provision
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

7. Constraints

- Small village in the Green Belt

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene
- Impact on Residential Amenity
- Impact on Highway Safety
- Community Infrastructure Levy

Policy and Principle

9.2 The application site is located within a selected small village in the Green Belt, wherein accordance to Policy CS6 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Impact on Street Scene

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, 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.

9.4 Chestnut Close is a private road and due to heavy landscaping treatment along the north side of Hempstead Lane the application site would not be overtly visible from this principle street scene aspect. Moreover, the application site is not overtly visible from Chestnut Close, due to set back built line, situ of the dwelling within the plot and boundary treatment. It is also important to note the varied design and heights of properties within Chestnut Close, where several properties have also undergone loft conversions; the proposed loft conversion, raise in property ridge height and associated fenestrations would therefore not appear harmful within the street scene.

9.5 The proposed plans have been amended subsequent to neighbours' comments. A change made relates to the material detailing of the dormer window and chimney alterations. This amendment would ensure the new extensions would satisfactory assimilate with the parent dwelling, reducing the perception of the additional bulk added.

9.6 The proposed garage conversion into a workshop can commence without formal planning consent under Class A of the GDPO.

9.7 As such, the proposed works would not result in adverse impact upon the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene.

Impact on Residential Amenity

9.8 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 neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

9.9 It is appreciated that the application site sits within a relatively constrained location, within close proximity to neighbouring properties both within Chestnut Close and Kiln Close. Taking the relationship of the application site and that of neighbouring residents into consideration it is not thought that an approximate average raise in ridge height of 1.5 metres would result in significantly further loss of outlook serving the rear windows of neighbouring properties due to maintained pitch which would set the height increase away from neighbouring residents. No loss of daylight or sunlight to neighbouring residents on Chestnut Close during prime sunlight hours would result from the proposed roof extension due to the northern orientation of the application site in relation to these properties. It is further considered that this increase in ridge height would not be perceived from properties at Kiln Close due to the pitch of roof and land levels. A daylight sunlight assessment has been submitted alongside the planning application demonstrating daylight and sunlight levels to No.6 Kiln Close would remain within the acceptable limits.

9.10 Moreover, the proposal has been amended to omit any dormer windows which would have resulted in a further loss of privacy or overlooking to neighbouring residents. Two dormer windows have therefore been replaced with roof lights, which would provide light into the rooms with a visual aspect to the sky only. The one remaining dormer window would serve the bathroom and therefore be fitted with an obscure glazed window which would not result in a loss of privacy to neighbouring residents; this has been secured by recommended condition. The roof lights proposed would provide sky aspect only and would not result in a loss of privacy or overlooking

to neighbouring residents.

9.11 Thus, the proposed extension work would not detrimentally impact the residential amenity of neighbouring properties, beyond existing site circumstance.

Impact on Highway Safety

9.12 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.

9.13 The application would increase the dwellinghouse size from a three bed into a four bed property. This would require an increase in 0.75 off street parking spaces. In addition, the proposal would result in the conversion of the single garage, resulting in the loss of one further off street parking space. Nonetheless, the existing driveway would have sufficient provision for three domestic cars, which would meet the maximum policy standard.

9.14 Due to off street parking provision meeting maximum standard and no further driveway alterations being proposed, the property size increase would not result in significant impact to the safety and operation of adjacent highway.

Community Infrastructure Levy

9.15 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 100m² of additional floor space.

10. Conclusions

10.1 The proposed porch canopy and loft conversion by way of roof extension, associate dormer window and roof lights through size, position and design would not adversely impact upon the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 Policies 57 and 58 of the Dacorum Local Plan (2004), Policies CS6, CS8, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

11. RECOMMENDATION

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

Conditions

No	Condition
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

	<p>following approved plans/documents:</p> <p>227 pa2.05 Rev B 227 pa2.04 Rev A 227 pa2.03 Rev A Submitted Application Form</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The dormer window at first floor level in the side east elevation of the extension hereby permitted shall be permanently fitted with obscured glass.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).</p> <p>Hours of work Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>Highway Informative</p> <p>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.</p> <p>Article 35 Statement</p> <p>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.</p>

Appendix A

Comments received from consultees:

Environmental Health

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/00415/18/FHA for roof extension and window alterations and we will like

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

Construction Hours of Working – (Plant & Machinery) Informative

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

Nettleden with Potten End Parish Council

Objection

Under policy CS12 of the councils core strategy 2013 it states that a development must be sensitive to neighbouring properties on various counts.

Both neighbouring properties would suffer a large visual intrusion, loss of light and a sense of enclosure with the applicants house being so near to the boundary line. This would result in a loss of privacy.

There would also be issues with parking in Chestnut Close.

Address	Comments
7 <u>Kiln</u> <u>Close</u> <u>e</u> , <u>Potten</u> <u>End</u>	<p>Reference above application for extension. This property has a side entrance which adjoins my garden. From the plans the extension should not affect me except the increase in size of the building on a small plot. However I am concerned that the narrow side entrance could be a problem while the build takes place. What is the position on this as the overall effect of such a large extension would not become clear until later.</p>
6 <u>Chestnut</u> <u>Close</u> <u>e</u>	<p>We are writing in relation to the proposed development to construct a roof extension and window alterations at 7 Chestnut Close, Potten End HP4 2QL (the Application Site).</p> <p>We are the owners and occupiers of 6 Chestnut Close (the Property), which is immediately adjacent to the Application Site.</p> <p>The Property would be directly and adversely affected by the development proposed at the Application Site, in the event the Council is minded to grant planning permission and the proposed development goes ahead.</p> <p>This letter therefore contains reasons why in our view, the Application should be refused.</p> <p>We do not object, in principle, to the redevelopment of 7 Chestnut Close - note that we did not object to the development of 7 Chestnut Close when changes were carried out in 2008. Our objections relate to this particular development proposal, given the proximity of the Application Site to our house and garden, and to the unacceptable elements of the proposed development which will have a materially detrimental impact upon our residential amenity and the amenity of our garden, as set out below.</p> <p>Our detailed objections are as follows:</p> <p><u>1. Impact on amenity of the Property</u></p> <p>The Application Site is directly adjacent to our Property and is separated by only approximately 11 metres from our house. This is a small separation distance, especially given the particular layout of the two properties (i.e. the Application Site and our Property).</p> <p>The size, bulk and proximity of the proposed roof extension, in particular the large dormer structure proposed on the first floor of the east elevation (labelled 1 on the enclosed application plan), would be overbearing, dominating and intrusive to our Property and garden.</p> <p>The Application Site is clearly constrained by virtue of its location being so close to the Property. Any design work should accommodate and be sensitive to the site's location. Instead, the Application as currently drawn seems to disregard the site's constraints and location and we are unclear why. For example, the planning harm is not justified or outweighed by need: the proposed dormer window (1) is located in an ensuite bathroom. The same function (ensuite bathroom) could be accommodated if the dormer window were replaced with a velux window. This change would materially reduce the adverse impact on our Property and is therefore preferable in planning terms and overall, in our view, would deliver a more sensitively designed scheme in keeping with the street scene.</p> <p>Therefore the application does not comply with Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid visual intrusion, (point f) integrate with streetscape character and (point g) respect adjoining properties in terms of 'layout', 'scale', 'bulk' and 'amenity space'.</p> <p><u>2. Increased sense of enclosure</u></p>

The separation distance between the Application Site and our house is approximately 11 metres. This is a small separation distance, especially given the particular layout of the two properties (i.e. the Application Site and our Property). Consequently, the proposed development (in particular the bulk of the dormer window labelled 1 on the enclosed application drawing and the increase in ridge height) will result in a significant and harmful sense of enclosure to our Property. The use of the living-space inside and outside the Property would be affected, particularly the living room, the dining room and the garden area to the south and the west of the Property.

Therefore the application is contrary to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid visual intrusion and (point g) respect adjoining properties in terms of 'layout', 'scale', 'bulk' and 'amenity space'.

3. Loss of privacy

The proposed development will result in a loss of privacy for the Property. Overlooking from the first floor of the proposed development through large patio doors at the ground floor of the Property into habitable space (living room and dining room) and in to the garden of the Property is a real concern.

Therefore the application does not comply with Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid loss of privacy.

Again the principal source of this problem is the large dormer window on the east elevation (labelled 1 on the enclosed application drawing), although the two smaller dormer windows also on the east elevation (labelled 2 and 3 on the enclosed application drawing) will also have an adverse impact in privacy terms (given that they are located within proposed bedrooms). We would therefore argue that planning permission cannot be granted for the proposed development as currently presented.

4. Design

The design and scale of the proposed development cannot be comfortably accommodated on the Application Site. The proposal represents a significant over development of the Application Site and, consequently, it undermines surrounding residential design. There are, in our view, too many dormer windows on a relatively small elevation (east) creating a cramped and overdeveloped appearance. The proposal to render in white the dormer windows and the large chimney flue to the east elevation (which is a large structure in relation to the rest of the building) is, in our view, inappropriate and again would increase the adverse visual impact of the building on the Property and in particular the bulky appearance of the design.

Therefore the application does not comply with Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point g) respect adjoining properties in terms of 'layout', 'scale' and 'bulk' and 'amenity space', and (point f) integrate with the streetscape character.

Furthermore, the Application does not include sufficient information or certainty in relation to the external treatment of the proposed development. The pallet of materials proposed to the elevations is clearly an essential component of a detailed planning application, particularly given the sensitive location of the proposed development. However the application form provides little certainty in this regard. Will the bi-fold doors be white or grey? Will the roof be concrete or slate effect tiles i.e. will the tiles match existing? This suggests, in our view, that the design proposal has not been thought through in sufficient detail, notwithstanding the Application Site is the gateway property to Chestnut Close and the obvious and significant impact that any extension of the Applicant's property will have on ours.

Also it is not clear from the proposed drawing (enclosed) or the application form whether the windows are obscured glazed and whether or not they open. This information is essential in order to properly assess the impact of the design of the proposed development in relation to our Property.

Therefore, in light of Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point g) respect adjoining properties in terms of 'materials', we respectfully request, if the Council is not minded to refuse the planning application, that the Applicant should be required to provide further information in relation to the external treatment and examples of material prior to determining the application.

5. Car Parking

We note that the proposed development includes demolition of the existing garage. This would mean that the Application Site could only accommodate one car, meaning that any additional cars (and we are aware of a current total of two cars) would need to park on Chestnut Close. This would put further pressure on what is a narrow and small private road with an already hazardous blind bend and we are concerned that there is simply not the capacity within Chestnut Close to accommodate permanent on-street parking without materially compromising the amenity and safety of other residents and visitors.

We raise these concerns in relation to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point a) provide a safe and satisfactory means of access for all users and (point b) provide sufficient parking and sufficient space for servicing.

6. Impact on daylight/sunlight

It is our understanding that no daylight/sunlight or overshadowing report was submitted with the Application. In our view the proposed development could have a significant adverse effect to our Property (inside and in the garden) in daylight/sunlight and overshadowing.

Therefore, if the Council is not minded to refuse the application, we respectfully suggest that they should not determine this application without sight of a proper and accurate BRE compliant daylight and sunlight report that also includes overshadowing, prepared by the Applicant.

We raise this in relation to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid loss of sunlight and daylight.

7. Conclusion and planning conditions

As set out above, the development proposed in the Planning Application is in breach of Policy CS12 of the Council's Core Strategy 2013 on a number of fundamental points, and in particular will have a severe impact on the amenity of the Property in terms of an increased sense of enclosure, design and privacy.

We therefore respectfully request that planning permission should be refused.

In the event that, despite the above representations, the Council is minded to grant planning permission, the Council is respectfully requested to attach the following conditions to the grant of planning permission to regulate the development and mitigate its impact:

1. The fenestration at first floor level on the East Elevation should all be obscured glass and compliant with relevant building regulations
2. Hours of work – no construction work to be carried out at weekends or between the hours of 4.30

pm and 8.30 am

Amended Comments

We are the owners and occupiers of 6 Chestnut Close (the Property), which is immediately adjacent to the Application Site.

We previously submitted an objection to the Application on 09/03/18.

Subsequently, the applicant submitted amended drawings to the Council on 11/04/18 and it is in response to these drawings and the revised proposal that we are writing to you now.

While the proposed amendments address some of our concerns, fundamental issues remain.

The development proposal, as amended, would still have an unacceptable impact on our residential amenity, as set out in detail below.

We note that since the applicant submitted the amended drawings, objections to the scheme have also been submitted by the Parish Council of Potten End and Nettleden on 27/04/18 and by the new owner/occupier of 6 Kiln Close, Potten End on 17/04/18, both on the grounds that the development proposal would have a materially detrimental impact on the residential amenity of adjoining properties. The Parish Council also highlight the fact that the proposal is contrary to material aspects of Policy CS12 of the Council's Core Strategy 2013.

We would therefore respectfully request that the scheme, as currently drawn, is refused and, if the principle of an extension is pursued, that the applicant should be required to prepare a scheme that is more sensitive to and considerate of the impact on the residential amenity of adjoining properties. The scheme must comply with all relevant planning policies and, at the moment, it does not.

Before we set out our objections in detail, it is relevant to note please that it seems to us that the Site Location Plan submitted by the applicant may be inaccurate. It appears that it doesn't take into account the 2008 ground floor extension to No 7 Chestnut Close (we refer to historic planning application Ref 4/02008/08/FHA single storey rear extension, front porch and alterations). We respectfully request that all those consulted or involved in the determination of this Application, who might have had regard to this plan, be made aware of this potential discrepancy as we believe this Site Location Plan may not be an accurate representation of the proximity of neighbouring properties.

Our detailed objections are as follows:

3. Impact on amenity of the Property

The Application Site is directly adjacent to our Property and is separated by only approximately 11 metres from our house. This is a small separation distance, especially given the particular layout of the two properties, as you observed during your site visit of 12/03/18.

We note that some attempt has been made in the amended drawings to reduce this impact at first floor level (east elevation), specifically the replacement of the two single dormer windows with velux windows. However the main issue for us remains: the proposed dormer structure on the east elevation which dominates the east elevation is overbearing and intrusive to our Property. The proposed use of zinc on this dormer structure would not, in our view, mitigate the impact - in fact the use of a shiny, metallic material might emphasise rather than reduce impact.

Therefore the application does not comply with Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid visual intrusion, (point f) integrate with streetscape character (point g) respect adjoining properties in terms of "layout", "scale", "bulk" and "amenity space".

In our view, the planning harm is not justified or outweighed by need: the proposed dormer window is located in an ensuite bathroom. The same function (ensuite bathroom) could be accommodated if the dormer window were replaced with a velux window (as is the case in our own house). This change would materially reduce the adverse impact on our Property and is therefore preferable in planning terms and overall, in our view, would deliver a more sensitively designed scheme in keeping with the street scene.

Given that the applicant was prepared to replace the two single dormer windows with velux windows on the east elevation, it seems unreasonable not to replace the larger dormer window with a velux window, given that this large dormer would have a much greater impact in visual and amenity terms on our adjoining property and is therefore clearly contrary to Policy CS12. In our view this change could be accommodated within the design without a material impact on function inside the house. We are therefore surprised and disappointed that this change has not been proposed in the amended drawings.

4. Increased sense of enclosure

The proposed development (in particular the bulk of the dormer window on the east elevation and the increase in ridge height) will result in a significant and harmful sense of enclosure to our Property. The use of the living-space inside and outside the Property would be affected, particularly the living room and the garden area to the south of the Property. Again, this is in large part because of the close proximity of the Application Site to our Property.

Therefore the application is contrary to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid visual intrusion and (point g) respect adjoining properties in terms of "layout", "scale", "bulk" and "amenity space".

5. Design

The design and scale of the proposed development cannot be comfortably accommodated on the Application Site.

While we acknowledge that the amended drawings demonstrate that some further thought has been given to design, the proposal overall still represents a significant over development of the Application Site.

The dormer window at first floor level is, in particular, overbearing and bulky and does not take account of or respect its relationship to or impact on our Property or other adjoining properties. We have taken time to carefully consider the change of materials on the dormer from white to zinc cladding but have concluded that this will not mitigate the impact on us for the reasons set out above.

Therefore the application does not comply with Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point g) respect adjoining properties in terms of "layout", "scale" and "bulk" and amenity space and (point f) integrate with the streetscape character.

6. Car Parking

We note that the proposed development includes demolition of the existing garage. This would mean that the Application Site could only accommodate one car meaning that any additional cars (and we are aware of a current total of two cars) would need to park on Chestnut Close. This would put further pressure on what is a narrow and small private road with an already hazardous blind bend and we are concerned that there is simply not the capacity within Chestnut Close to accommodate permanent on-street parking without materially compromising the amenity and potentially safety of other residents and visitors.

We raise these concerns in relation to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point a) provide a safe and satisfactory means of access for all users and (point b) provide sufficient parking and sufficient space for servicing.

Please note that this policy does not only apply to adopted public highway, but also applies to private roads, such as Chestnut Close, over which people have a right of access. It is therefore a material consideration for the purposes of the determination of the Application.

We have also contacted Hertfordshire County Council as highway authority to express our concerns in this regard. In the event that planning permission were granted for this development and the principle of on-street parking were established (because the Application Site is too small to accommodate the household's vehicles), it would establish an unhelpful precedent because Chestnut Close simply cannot safely accommodate any more parked cars. This could also have implications for the adjoining public highway and capacity there.

7. Impact on daylight/sunlight

It is our understanding that no daylight/sunlight or overshadowing report has been submitted with the Application, despite the request we made in our first objection letter. We maintain our position that the proposed development could have a significant adverse effect to our Property (inside and in the garden) in relation to daylight/sunlight levels and overshadowing.

Therefore, if the Council is not minded to refuse the application, we respectfully suggest that they should not determine this application without sight of a proper and accurate BRE compliant daylight and sunlight report that also includes overshadowing, prepared by the Applicant.

We raise this in relation to Policy CS12 of the Council's Core Strategy 2013 which requires that new development should (point c) avoid loss of sunlight and daylight.

8. Conclusion and planning condition

As set out above, the development proposed in the Planning Applications is in breach of Policy CS12 of the Council's Core Strategy 2013 in several fundamental respects. The amended drawings still do not go far enough to mitigate impact of this very intrusive design on our Property and others in the surrounding area.

We therefore respectfully request that planning permission should be refused.

In the event that, despite the above representations and those of 6 Kiln Close and the Parish Council, the Council is minded to grant planning permission, the Council is respectfully requested to attach the following condition to the grant of planning permission to regulate the development and mitigate its impact:

1. Hours of work – no construction work to be carried out at weekends or between the hours of 4.30 pm and 8.30 am

~~We have written separately to the Council's Environmental Health department to request this same condition. We await their response.~~

5 Kiln Close	We moved to number 5 Kiln Close in Potten End and have just become aware of the above planning application which would have been submitted to you after our searches were carried out. We are very concerned that two proposed dormer windows on the east elevation at the north end of the property will overlook our garden and conservatory. We would not object to these windows if they were either in obscure glass or velux, but clear glass dormer windows will cause us a loss of privacy.
6 Kiln Close	<p>I have just purchased my maisonette which is on the boundary of 2 sides of the bungalow applying for a roof extension which is at very close proximity as it has already had a large extension taking it very close to the boundary fence of my property (a couple yards). I oppose to this roof extension due to the extreme extra height which will block light from the rear of my property and both my back and side gardens. All I will see from my kitchen and my bedroom is a continuous huge roof of tiles up to the sky.</p> <p>The plans also show a skylight which will overlook my property and side garden. The property is elevated higher than mine as they have been built on a hill which makes putting a roof at such height and so close behind my maisonette unacceptable.</p> <p><u>Amended Comments</u></p> <p>Objection (as summarised) Daylight and Sunlight Assessment referred to old 1991 Guidance which has since been superseded by a 2011 Edition.</p> <p>Loss of light into bedroom, bathroom and rear garden will have a huge impact and is unacceptable.</p> <p>Any additional windows or roof lights along my boundary will overlook both my property and garden and will take away any privacy and will be intrusive and overbearing.</p> <p>If the roof light showing on the rear North Elevation does receive approval it would have to be fixed shut.</p>
Agent's Response to Objections	<p>I have spoken to T16 Design who have assured me that the Daylight Sunlight assessment has been based on the current 2011 edition of the BRE guidance. I have been through the report myself and can find no reference to 1991 so we are unclear of how they have reached this conclusion.</p> <p>With regards the revised objection from No.6 Chestnut Close we would note that this is not really a list of new objections but more a re-statement of what they have said before. This is disappointing considering that we have worked closely with the Planning Officer to try to address all of their concerns.</p> <p>We have been required to omit the bedroom dormer windows on the grounds of overlooking and we have had to compromise on floor area and views of the applicants own garden by replacing these with rooflights.</p>

We have been required to change the materials of the bathroom dormer to a zinc finish which is a grey colour and more sympathetic to blend in with the proposed slate effect roof tiles. In addition the bathroom window will be obscured glass with no opening above 1.7m so does not create an overlooking issue.

We have compromised again by proposing that the chimney is re-built in a brick or stone when the applicant originally wanted the chimney to be rendered.

In summary, we feel that the applicant has made a lot of compromises to satisfy the adjoining owner and we feel that we have worked closely with the Planning Officer to find an acceptable solution to all of the issues.

6 Kiln Close sits on lower land than the applicants and this serves to make the issues of light and privacy more important.

The dormer window that would overlook 6 Chestnut Close is very intrusive and it would be better if the permission is granted that this window was a skylight instead.

Consultation responses

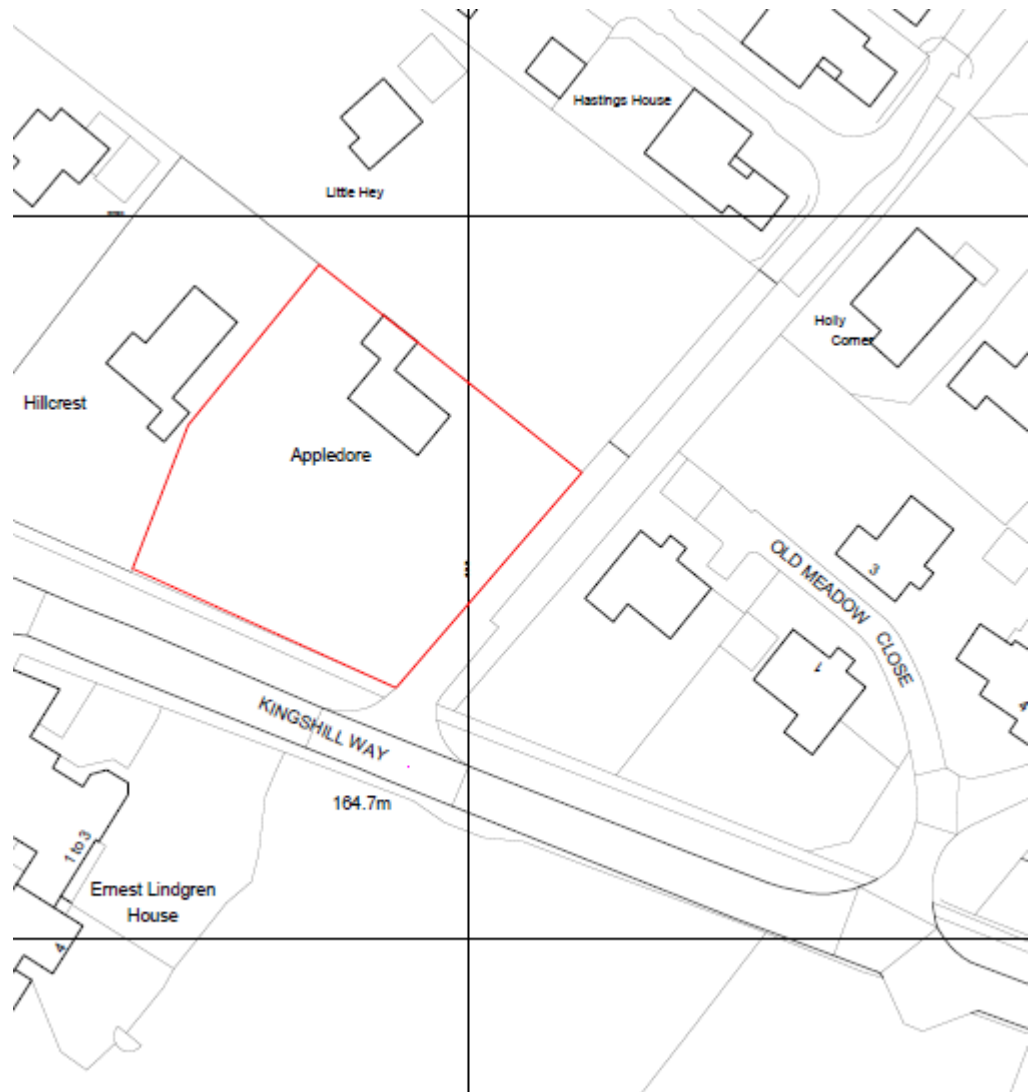
[Delete any salutation, disclaimer or other additions that are not part of analysis and advice. Do not include conditions – where necessary and appropriate to be added at end of report]

Appendix B

Neighbour notification/site notice responses

Objections

**4/00478/18/FUL DEMOLITION OF EXISTING BUILDINGS / STRUCTURES AND THE
DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS
APPLEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP**





4/00478/18/FUL	DEMOLITION OF EXISTING BUILDINGS / STRUCTURES AND THE DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS
Site Address	APPLEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP
Applicant	Mr Haydon, Appledore
Case Officer	Elsbeth Palmer
Referral to Committee	Due to contrary view of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 This application seeks full planning permission for demolition of existing dwelling and the development of the site to provide three new four bedroom detached dwellings with attached double garages and off street parking for one vehicle.

2.2 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013).

2.3 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.

2.4 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would be in character with the area which is already diverse.

3. Site Description

3.1 The site lies on the northern side of Kingshill Way, a residential area of Berkhamsted and comprises a large two storey detached dwelling set back from the main road, on a large plot of land. The site is located approximately 100 m from the junction with Kings Road and Shootersway. Access is gained via a private road off Kingshill Way.

3.2 The site is bounded by well established trees and a tall hedge line between the site and Hillcrest on the western side. The plots immediately to the west and north contain large houses on large plots but the private road leads onto a more modern and higher density residential area containing large dwellings on much smaller plots.

4. Proposal

4.1 The proposed development is for demolition of existing buildings/structures and the development of the site to provide three new four bedroom detached dwellings with attached double garages and off street parking for one vehicle.

4.2 The proposed dwellings will have access from the private road with a new access constructed to the north of the site near to the boundary with Little Hey. The new houses will have their rear gardens facing Kingshill Way. Each dwelling will have parking for

5. Relevant Planning History

None.

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS28, CS29, CS30, CS31, CS32 and CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 58 and 111

Appendices 3,5 and 7.

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA12 Shootersway
- Water Conservation & Sustainable Drainage (June 2005)

6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

7. Constraints

- HALTON DOTTED BLACK
- 10.7M AIR DIR LIMIT
- CIL1

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 There were none.

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, Design and Scale
- Amenity Space
- Impact on neighbours

- Impact on Street Scene
- Impact on Trees and Landscaping
- Ecology
- Impact on Highway Safety and Parking
- CIL

Policy and Principle

9.2 Core Strategy (2013) Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.3 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.

9.4 Policy CS 18 states that new housing will provide a choice of homes which will comprise a range of housing types and sizes.

9.5 The application site is located within an urban area in the existing town of Berkhamsted. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.

9.6 The site is approximately 0.2 hectare which is similar to the plots to the west of the site. The National Film Archive across the road to the south has been redeveloped into flats with cottages fronting Kingshill Way. Little Hey to the north is a much larger plot. The land further to the north and east comprises large dwellings on much smaller plots.

9.7 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). As such, the development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposal is in accordance with Policies CS1, CS4 and CS17, CS18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2012).

Layout, Design and Scale

9.8 The proposed development will be three, two storey detached dwellings with attached double garages facing north-east. The dwellings will have a large rear garden which will be bounded by the well established tree line along Kingshill Way.

9.10 The access to the site will come off the existing private road which serves a fairly recent residential development north-east of the site.

9.11 The design of the development will be contemporary with reference to traditional forms and materials. The houses have been designed to allow abundant natural light and low carbon footprint in fabric and services.

9.12 The layout of the proposed development is linear following the line of the Little Hey boundary, not the main road boundary. This follows the alignment of 1 and 2 Old Meadow Close to the east of the site and the recent development down the cul-de-sac to the north of the site.

9.13 The site is located in an area where there is a range of densities and architectural types. The Nation Film Archive across Kingshill Way and the cottages that front the main road are all

traditional in design. The existing houses to the west of the site are more modern large detached properties on large plots. To the east of the site are large modern detached two storey dwellings on much smaller plots (Old Meadow Close) and then the most recent development to the north where the dwellings are similar to the current development in that they are large two storey detached dwellings with smaller plots.

9.14 The proposed development will be in character with the surrounding area in terms of layout, design and scale and will therefore comply with CS 11 and CS 12.

Amenity Space

9.15 Each dwelling has a large garden to the rear of the property which more than meets the 11.5 minimum depth.

Impact on Neighbours

9.16 In order to ensure that there will be no loss of privacy for the existing neighbour Hillcrest and the residents of the proposed development a condition will be set requiring that all first floor windows in side elevations are obscure glazed or above eye level.

9.17 The distance between the front elevation of the new dwellings and Little Hey to the north well exceeds the 23m minimum depth and is a front to side relationship.

9.18 There will be no significant loss of sunlight and daylight for the adjacent neighbour.

Impact on Street Scene

9.19 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*

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

9.21 Core Strategy (2013), Policies, CS1, CS4, CS10, CS11 and CS12 highlight the importance of good 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' of 10, 18 and 21.

9.22 Size, mass, height and appearance have been discussed in the previous section.

9.23 The site falls within residential character area BCA12 Shootersway which is characterised by mainly very low density development (< 15 dph but typically 6-8 dph) dominated by informal heavy landscaping. The layout in this area is largely informal, often in cul-de-sacs and houses tend to be large and of varied design.

9.24 The proposed design and layout is consistent with the recently approved residential development to the north-east of the site, as well as other residential sites in the area around Kings Road. The development of the site for 3 dwellings would result in a net site density of 15 dph which although greater than the density range set out in the Development Principles for this

character area and less than that set out in Policy 21, it is nevertheless compatible with the actual density for the area and would not cause harm to its character. The site to the NE has a density of 10.5 dph. The proposal would optimise the use of the site in accordance with Policy 10 and would not prevent further development opportunities in the area.

9.25 As this site is located in an area of wide variety in terms of density it is considered that the proposed density is acceptable.

9.26 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.

9.27 Based on the above the proposed development complies with the relevant sections of the NPPF and Saved Policy 10 of the Local Plan (2004).

9.28 The proposed development will only be just visible from Kingshill Way with the set back from the frontage and the well established tree line along this main road providing a visual buffer between the street scene and the development. The development will not have a negative impact on the street scene of Kingshill Way.

Impact on Trees and Landscaping

9.29 The trees along Kingshill Way are significant and well established. They will be maintained as part of the development and protected during construction. The existing trees along the northern boundary will also be maintained. The vegetation along the private access road is to be removed and replanted and additional landscaping will be placed to the front of new plot numbers 2 and 3 and an additional tree between new plot numbers 1 and 2.

9.30 Comments from Trees and Woodlands is outstanding but will be either added to the addendum or reported to the members at the meeting.

Ecology

9.31 A Bat Survey - Emergence and Re-Entry was requested by Hertfordshire Ecology who are now satisfied that the proposal will not have a detrimental impact on local ecology.

Impact on Highway Safety and Parking Provision

9.32 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, 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.

9.33 Appendix 5 of the Local Plan lists Parking Standards for the Borough. A four bedroom dwelling requires 3 spaces. The proposal includes provision for 3 car parking spaces per dwelling.

9.34 The proposal meets the parking standards, it is not therefore considered that the scheme would have a significant impact upon local parking provision. As such, it is considered that the parking provision is acceptable and in accordance with Core Strategy Policy CS12.

9.35 The County Council as Highway Authority have raised no objection to the proposal subject

to conditions. The Highway Authority are satisfied that the car movements associated with the development would not result in an adverse impact on the existing road network and is unlikely to have an adverse impact on the safety or operation of the junction.

CIL

9.36 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 development of 3 new dwellings will be CIL liable.

Response to Neighbour comments

9.37 There were no neighbour comments.

10. Conclusions

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees. The proposal is considered acceptable in terms of design, impact on street scene and neighbours.

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

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>11026-L-00-LP site location plan 11026-L-00-20 existing block plan 11026-L-00-28 site plan- landscaping 11026-L-00-21 proposed block plan 11026-L-00-23 proposed plot 1 elevations 11026-L-00-25 proposed plot 2 elevations 11026-L-00-27 proposed plot 3 elevations 11026-L-00-22 plot 1 floor plans 11026-L-00-24 plot 2 floor plans 11026-L-00-26 plot 3 floor plans design and access statement Bat Survey - Preliminary Roost Assessment Bat Survey - Emergence and Re-Entry CIL</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.</p>

	<p>Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:</p> <ul style="list-style-type: none"> a) Construction vehicle numbers, type, routing b) Traffic management requirements c) Construction and storage compounds (including areas designated for car parking) d) Siting and details of wheel washing facilities e) Cleaning of site entrances, site tracks and the adjacent public highway f) Timing of construction activities to avoid school pick up/drop off times g) Provision of sufficient on-site parking prior to commencement of construction activities h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway. <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.</p>
4	<p>Notwithstanding the details shown on the approved plans the windows at first floor level in the west elevation of plot 3 hereby permitted shall be permanently fitted with obscured glass or have a cill height of not less than 1.6 m above internal floor level unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to comply with CS 12.</p>
5	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
6	<p>No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>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);</p>

	<p>retained historic landscape features and proposals for restoration, where relevant.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
7	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A, B, C, E, F and G Part 2 Classes A and B</p> <p>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 to comply with CS 11 and 12.</p>
	<p>Informatives:</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Ecology</p> <p>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 roost / nesting sites.</p> <p>In the unlikely event that badgers are discovered during construction works, works should stop immediately and advice sought from an appropriately qualified and experienced Ecologist as to how to proceed.'</p> <p>To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.</p> <p>Any excavations that need to be left overnight should be covered or fitted with mammal ramps (a reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework must be covered at the end of each working day to prevent animals entering / becoming trapped.</p>

	<p>Environmental Health</p> <p>Un-expected Contaminated Land Informative In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p> <p>Construction Hours of Working – (Plant & Machinery) Informative In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>Construction/Demolition Dust Informative 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 the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>In addition, the applicant must ensure any concern with an asbestos release during demolition work where this is applicable is adequately addressed.</p> <p>Noise on Construction/Demolition Sites Informative 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.</p> <p>Highways</p> <p>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.</p> <p>2. 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.</p>
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Appendix 1

Consultation responses

Berkhamsted Town Council

Objects to the proposal.

The site is situated in Berkhamsted Character Area 12: Shootersway. In this part of Kingshill Way housing density is low and the Committee is of the view that the proposals would compromise the low density, spacious, semi-rural features described in BCA12.

Hertfordshire Ecology

Comments dated 18/6/18

Following identification of potential roosting features during a daytime inspection on 28 March 2018, and the assessment of the property to have moderate potential to support roosting bats, two nocturnal surveys were undertaken on 31 May and 15 June to determine presence or likely absence of bats in the building proposed for demolition. No bats were recorded emerging or re-entering the buildings on site; however Common Pipistrelle bat flight activity was recorded across the site.

As no roosts were confirmed at the property, it can be demolished without risk of harming bats.

I consider the LPA now has sufficient information on bats to determine this application prior to determination, and satisfy their obligations under the Conservation of Habitats and Species Regulations 2017. As bats are known to be in the area, they may be affected by increased lighting from the new dwellings.

Consequently, I would recommend a further **Informative** is added to any permission granted: *“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 roost / nesting sites.”*

Comments dated 21/5/18

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which is a detached two storey residential dwelling with large garden. The property is located in an area of low density housing with plenty of mature trees, hedgerows and fields in close proximity. There are records of badgers in the area (mainly road casualties from the A41 315m to the south).

As well as protected species (for example badgers), Priority species (such as hedgehogs) should also be considered if they are likely to be present and affected by the development. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

Native planting

I am pleased to see that trees and hedgerows will be retained where possible. Ten new trees and native beech hedgerows are proposed.

Badgers and Hedgehogs

It is possible that badgers and hedgehogs will be in the area and I advise a precautionary approach to site clearance works is adopted. Consequently, I advise the following **Informatives** are added to any permission granted:

“In the unlikely event that badgers are discovered during construction works, works should stop immediately and advice sought from an appropriately qualified and experienced Ecologist as to how to proceed.”

“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.”

“Any excavations that need to be left overnight should be covered or fitted with mammal ramps (a reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework must be covered at the end of each working day to prevent animals entering / becoming trapped.”

Bats

A bat report has been submitted in support of this application – *Preliminary Bat Roost Assessment* by Arbtech, 3 May 2018. A daytime inspection on 28 March 2018 found no bats or evidence of bats; however, the building had potential bat roosting features amongst raised flashing on the porch roof and chimney and a gap under a ridge tile. Consequently, the house was assessed to have *moderate* potential to support roosting bats. Following Bat Conservation Trust best practice guidelines, 2 follow-up dusk emergence / dawn re-entry surveys are recommended to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard bats if present and affected.

Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Ideally, they should be at least two weeks apart. We are now within the optimum time of year to undertake these nocturnal surveys and consequently they can start now.

Until the follow-up surveys are undertaken, the LPA does not have enough information regarding the impact on bats in a building identified to have moderate bat roosting potential. As bats are European Protected Species (EPS) this information is required to be submitted to the Local Planning Authority *prior to determination*, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017.

It should be noted that if bats will be affected by the proposals, appropriate mitigation measures must be carried out under the legal constraints of an EPS development licence obtained from Natural England. I have no reason to believe that a licence will not be issued. Natural England will require a number of nocturnal activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

Currently there is insufficient information on bats to determine this application. Once the requested information has been provided, I can advise the LPA as necessary.

Herts and Middlesex Wildlife Trust

Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection will be withdrawn provided any required actions are applied in the planning approval.

The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

Environmental Health

Please be advised that we have no objection to the proposed development in relation to Air Quality and Land Contamination subject to a condition requiring a Construction Management Plan and several informatives.

Conservation and Design

Overall, the scheme involves a reasonably balanced approach to this site, with a clean, relatively simple design approach and the tree screen being fully retained. It is slightly odd that the houses face away from the road, when it is argued that the houses sit comfortably with the neighbours. The attic storeys are not shown on the plans and the use of the winged gables implies more usage than just 'storage'; however the introduction of the gables does help to the enliven the 'rear' elevations.

HCC - Development 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 1 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.

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.

not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the setting of several informatives.

Building Control

No comment.

Trees and Woodlands

There are two rows of mixed trees and shrubs along boundaries with Kingshill Way and on South Eastern boundary. These trees have considerable amenity value and help screening the site and also can act as a noise barrier against the noisy and busy Kingshill Way. These trees are worthy of retention and I recommend that the applicant submits a tree survey report to include a full tree survey and tree protection measures.

Appendix 2

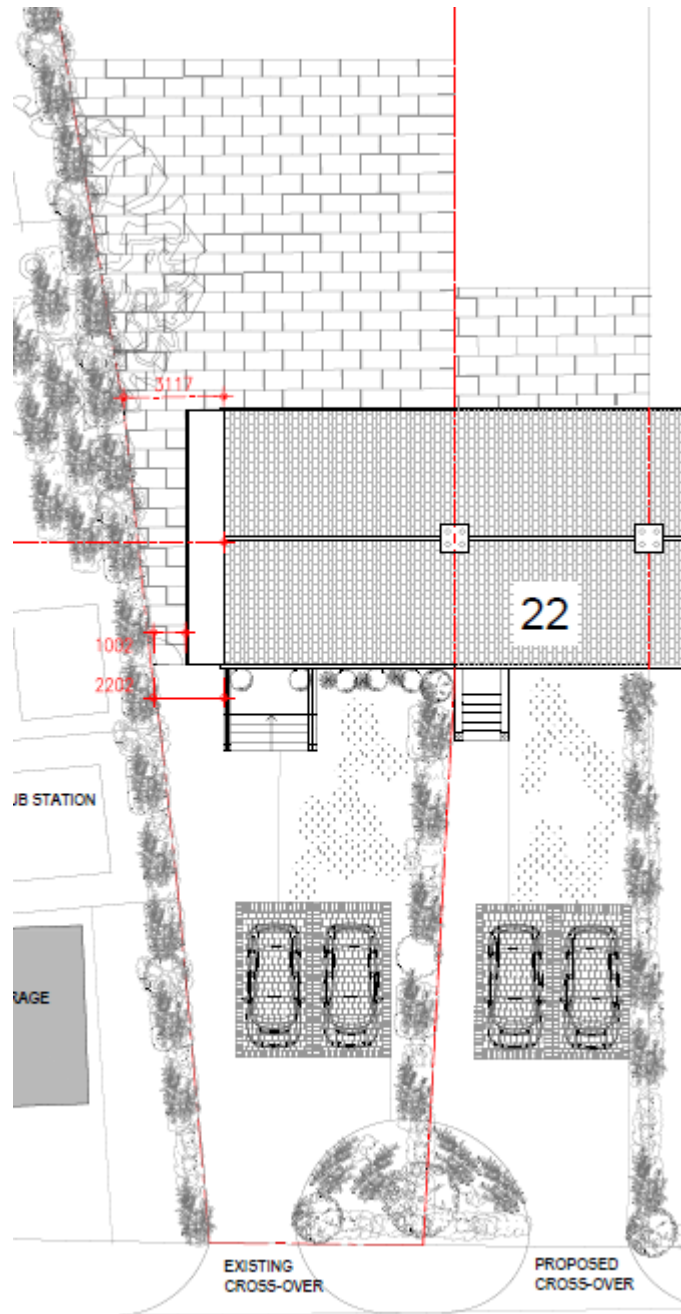
Neighbour notification/site notice responses

None.

Agenda Item 5g

**4/00784/18/FUL PARTIAL DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND CONSTRUCTION OF THREE BEDROOM END OF TERRACE DWELLING.
22 WICK ROAD, WIGGINTON, TRING, HP23 6EL**





4/00784/18/FUL	PARTIAL DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF THREE BEDROOM END OF TERRACE DWELLING.
Site Address	22 WICK ROAD, WIGGINTON, TRING, HP23 6EL
Applicant	Ms Willenczyc
Case Officer	Elsbeth Palmer
Referral to Committee	As requested by Councillor Stan Mills

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The application seeks full planning permission for the demolition of existing single storey side extension and construction of a three bedroom end of terrace dwelling. The new dwelling will be served by the existing access and a new access is proposed for the existing dwelling No. 22 Wick Road.

2.2 The site is located within a small village in the Green Belt where in principle an additional single dwelling (infilling) is acceptable in accordance with CS6 of the Core Strategy.

2.3 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.

2.4 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety. The design and form of the development would have be in character with the area and not have a detrimental impact on the CAONB.

3. Site Description

3.1 This site relates to a modest semi-detached house (formerly local authority owned) being the end one in a row of similar properties, fronting onto the narrow road, Wick Road, fronting onto open countryside in the Green Belt and AONB. The house has a brick built single storey side extension which take up the whole of the width of the site. The site slopes gently up from the road through the site to the rear. There is an electricity sub station on the adjoining land. The front boundary has a hedge but provides a relatively open frontage and aspect to the road and beyond.

The site lies just within the designated village of Wigginton, within the Green Belt and AONB.

4. Proposal

4.1 The application seeks full planning permission for the demolition of existing single storey side extension and construction of a three bedroom end of terrace dwelling. The new dwelling will be served by the existing access and a new access is proposed for the existing dwelling No. 22 Wick Road.

5. Relevant Planning History

4/00301/04/FHA REAR CONSERVATORY, DEMOLITION OF DETACHED GARAGES TO BE REPLACED WITH SINGLE STOREY SIDE EXTENSION
Granted

18/05/2004

4/01067/03/OUT CONSTRUCTION OF FOUR BEDROOM DETACHED HOUSE
Refused
10/07/2003

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

NP1, CS1, CS5, CS6, CS10, CS11, CS12, CS17, CS24, CS25 and CS32.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 58.
Appendices 3,5 and 7.

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Chilterns Buildings Design Guide (Feb 2013)

6.5 Advice Notes and Appraisals [include only those relevant to case]

- Sustainable Development Advice Note (March 2011)

7. Constraints

- CIL1
- 10.7M AIR DIR LIMIT
- HALTON DOTTED BLACK
- AREA OF SPECIAL CONTROL FOR ADVERTS
- CHILTERNS AONB
- SMALL VILLAGE
- Former Land Use
- GREEN BELT

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout Design and Scale
- Impact on Street Scene and CAONB
- Trees and Landscaping
- Impact on neighbours
- Impact on Highway Safety and parking provision
- Contamination and Air Quality
- Other

Policy and Principle

9.2 Policy CS6: Selected Small Villages in the Green Belt is the key policy for this proposal.

CS6 states amongst other things that within Wigginton limited infilling with affordable housing for local people will be permitted. "Each development must:

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

This Policy however, is now applied in the context of Ministerial Statement of 28 November 2014 (House of Commons Written Statement), combined with the associated changes to the national Planning Practice Guidance (PPG).

The Council has thus adopted the "Affordable Housing SPD - Clarification Note Version 2: July 2016".

With regard Policy CS6 sites:

Infilling within the villages of Chipperfield, Flamstead, Potten End and Wigginton, Policy CS6: Selected Small Villages in the Green Belt allows for limited infilling, provided that this is for affordable housing for local people.

Wigginton is within the PPG defined 'Rural Area' which is land within the AONB. The SPD advises that, new dwellings within the 'Rural Area' will only need to be affordable where the scheme creates 6 or more units. As infilling is defined as schemes of 2 units or less (see paragraph 8.34 of the Core Strategy), this means that the requirement for infill development to comprise affordable units set out in clause (B) of Policy CS6 no longer applies. Such development can now be offered for open market occupation. In all other respects, Development schemes that do not meet the criteria for 'infill' development are not normally acceptable under Policy CS6: Selected Small Villages in the Green Belt.

So, in principle an additional single dwelling (infilling) is acceptable in this small village location in the green belt subject to it complying with the above criteria and other relevant Council Policies such as CS 11 and 12.

Layout, Design, and Scale

9.3 The proposed development will be a two storey end of terrace dwelling similar in design and scale to the other dwellings along Wick Road. The layout of the site will also be similar to

the attached neighbour and others along Wick Road in that it will be well set back from the frontage with off street parking with retention of the landscaping to the front and side of the site.

Impact on Street Scene and CAONB

9.4 The proposed development will not have a detrimental impact on the street scene or the CAONB as it will be in character with the other dwellings along Wick Road in terms of location on the plot, scale, design and materials and will be within the village envelope so not detract from the character of the CAONB.

Impact on Trees and Landscaping

9.5 The hedge has been identified as having historical significance and will be protected during construction and enhanced as part of the application. There is a large tree in the rear/side garden of the site. The agent has confirmed that the foundations supporting the single storey structure have been put in place for a 2 storey dwelling already. The original structural engineer was briefed to design the foundations to take 2 storeys in-case a future planning application was approved.

Impact on neighbours

There will no loss of privacy as a result of this development as the rear elevation is well in excess of the 23m distance away from the nearest neighbour to the rear. The window in the side elevation facing No. 21 Osborne Way will be obscure glazed and non opening.

There will be no significant loss of sunlight and daylight as a result of the development as the nearest neighbour is over 20 metres away. The new dwelling will be in line with the attached neighbour so will have no impact in terms of sunlight and daylight.

Neighbours living in the bungalows adjacent to the site had expressed a feeling that the development would be overbearing and result in loss of sunlight and daylight. Amended plans were requested setting the two storey flank elevation away from the boundary to reduce this effect.

Based on the distances involved between the new dwelling and the bungalows it is considered that there will be some change to their aspect but that it will not be overbearing in nature.

Impact on Highway Safety and Parking

HCC - Highways are satisfied that the proposed development will not impact on highway safety.

9.6 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, 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.

9.33 Appendix 5 of the Local Plan sets out the Parking Standards for the Borough. 2.25 spaces are required for a 3 bedroom dwelling. The proposal provides for two parking spaces which is considered adequate in this instance.

Other Material Planning Considerations

9.7 The previous outline application in 2003 for a new dwelling on this site as mentioned in the History section of this report was refused on the following grounds:

This is an outline application for a four bedroom detached dwelling with all matters reserved. As a consequence the plan fails to demonstrate that such a dwelling can successfully be assimilated into the site in terms of size, siting and design. Furthermore, no evidence has been provided with regard to this development meeting a local need of the village or adjoining countryside. It therefore fails to comply with criteria under Policy 4 of the adopted Dacorum Borough Local Plan and Policy 4 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft.

This application was for a detached dwelling and contained no details showing how such a development could be assimilated into the site nor how parking and access were to be achieved. The policy requirement for a local need to be evidenced is now no longer required as the policies are now compliant with the NPPF.

CIL

9.9 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 development of one new dwelling will be CIL liable.

Response to Neighbour comments

9. These points have been addressed above.

10. Conclusions

10.1 The impacts of the proposal have been taken into consideration, along with representations made from consultees and the neighbouring properties. The proposal is considered acceptable in terms of design, impact on street scene and neighbours.

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

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
3	<p>No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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</p>

	<p>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.</p> <p>For the purposes of this condition:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
4	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 above 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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).</p>
5	<p>No part of the development shall begin until a means of access has been constructed in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition.</p> <p>Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access and to comply with CS12.</p>
6	<p>The development shall not be brought into use until a new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.</p> <p>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 and to comply with CS12.</p>
7	<p>Prior to the commencement of the use hereby permitted the proposed onsite</p>

	<p>car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan drawing no 0186_107 P01 and retained thereafter available for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking area, in the interests of highway safety and to comply with CS12.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>PLANS 1,2,3,4,5 101 P06, 102 P06, 103 P06, 104 P06, 105 P06 DESIGN AND ACCESS Proposed Vehicle Crossover details 107 P01 CIL</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Informatives:</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Environmental Health</p> <p>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</p> <p>2). Construction Hours of Working – (Plant & Machinery) Informative In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>3). Un-expected Contaminated Land Informative In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p> <p>4). Construction/Demolition Dust Informative 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)</p>

should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

In addition, the applicant must ensure any concern with an asbestos release during demolition work where this is applicable is adequately addressed.

5). Noise on Construction/Demolition Sites Informative

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.

I hope the above clarify our position on the submitted application?

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 547872.

Highways

As you are aware the installation of a dropped kerb for vehicular crossover off unclassified road and the provision of hard surfacing to create a front driveway does not require planning permission in itself subject to the hard surfacing being made of porous materials or provision being made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. However, the provision of a new dropped kerb would require the formal approval of the Local Highway Authority – which in this case is Hertfordshire county Council (HCC).

New or amended crossover – construction standards

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular 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 works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Storage of materials

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 <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

AN3) 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.

	<p>Mud on highway</p> <p>AN4) 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.</p>
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Appendix 1

Consultation responses

Amended Plans

Wigginton Parish Council

The Parish Council objects to the proposal for the following reasons:

- loss of privacy;
- the mid property will have no rear access; and
- loss of value of property No.21 Wick Road.

(These comments were given verbally by the Parish Clerk)

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 conditions.

The application site is located 22 Wick Road. Wick Road is an unclassified local access road. In terms of accessibility the proposal is a partial replacement to the existing dwelling. The application site is within a residential area and the properties are set well back from the carriageway.

The highway authority has no fundamental objection to the proposal. It is not appropriate for the highway authority make a positive recommendation to the planning authority without appropriate information to support the planning application.

Conservation and Design

Good to see the chimney added. No other comment.

Environmental Health

Please be advise that we have no objection to the proposed development in relation to Air Quality and land contamination.

However, with the proposed development directly on a former contaminated land use i.e. sewage filter bed, a planning condition and informative are recommend should planning permission be granted.

Building Control

I have taken a look my only comments are below:

- Approved document M disabled Access to the proposed property.

Trees and Woodlands

I've been out to this site and looked at this tree. I'm afraid it's been heavily reduced in the past and isn't a particularly good specimen, which is why I hadn't included any specific comments relating to its protection.

Original Plans

Wigginton Parish Council

No comment.

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 recommends that permission be refused for the following reasons:

Reasons for refusal:

1. Inadequate information on the proposed vehicle crossover. This is a planning application seeking full permission. In view of inadequate information the highway authority recommend the planning application to be refused.

Any revised application should contain:

- a. Vehicle Crossover Details to scale, the location and its relationship to parking arrangement.
- b. On-site parking arrangements, access ramp gradient
- c. Visibility splays due to existing on-street parking
- d. Proposed arrangements for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

The highway authority has no fundamental objection to the proposal. It is not appropriate for the highway authority make a positive recommendation to the planning authority without appropriate information to support the planning application.

Conservation and Design

I have no objections from a design perspective, except that the new dwelling would benefit from having a chimney added to complement the adjacent houses.

Building Control

No comment.

Appendix 2

Neighbour notification/site notice responses

Objections

Amended Plans

20 Osborne Way - Commenting

Should this Planning Application be passed I would need the Boundary line between our Properties to be established and maintained ,
it is at the moment virtually almost non existent as you saw in your visit to us a few weeks ago.

21 Osborne Way - Objects

The revised plan does little to alleviate the problems associated with the first proposal. Although the second floor is set back one metre the problem of loss of light will not be reduced to at significant degree and the inclusion of a dining room window facing 21 Osborne way will present a loss of privacy. The dimension given between the proposed dwelling and 21 Osborne way is misleading as the build as a whole is no further away than the first plan and the overall size has increased.

6 Grimsdyke Road - Objects

I would like to object to the development of a 3 bedroom detached house directly behind my property, 6 Grimsdyke Road, Wigginton, Tring.

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

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

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

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

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

Osborne Lodge - Objects

The revised planning application still impacts on Osborne Lodge as the proposal is still applying for a two-storey building towering above a bungalow which is built at a much lower elevation to start with. The application if approved would

1. Reduce the light from the North East impacting on the garden, lounge and conservatory
2. Reduced privacy as both 2nd floor front windows would overlook the garden, lounge and conservatory

In addition, the proposed middle dwelling is an impractical design as it will have no separate rear access and hence garden waste from a medium size garden with a lot of trees, garden machinery and recycling bins would either have to be trekked through the house or alternatively all garden/recycling/storage would be stored in the front garden. This is not acceptable as Wick Road is a gateway for cyclists, riders, ramblers accessing the Chilterns, it

overlooks the park is in an area of natural beauty.

21 Wick Road - Objects

I would like to object to the proposed development of an end terrace development at 22 Wick Road. I live at 21 Wick Road which has always been a semi-detached house attached to 22 Wick Road. The proposed development will totally change the description of my property to that of end terraced and will significantly decrease the value and desirability of my property. An estate agent has indicated between 5% and 10% in decrease in value if it were to change to end terrace.

Currently both 21 and 22 Wick Road have side access to the rear gardens. By turning this into a block of three there will be no separate access to the rear for the middle dwelling. All other terraced blocks in Wick Road have alley ways allowing access to the rear. Wick Road has a pleasant outlook over the park, is on a recognised bridal and cycle/walk way and it would be detrimental to the beauty of the area by encouraging recycling bins, sheds, greenhouses and such like in the front garden.

I have lived in this village all my life and 46 years in this house and although I recognise the need for development and new homes it should not be at the detriment of the villagers and surrounding area. My home is integral to funding my future care plan and with a chronic illness, requiring the intake of Oxygen permanently I can ill afford to have my home transferred from a semi to an end terraced.

Original Plans

20 Osborne Way - Objects

With regards to the above planning we are very concerned about the Boundary Hedge between us and 22 Wick Road which is shown on the plans: At the moment this is non-existent and should this planning be accepted we would need the boundary to be physically reinstated.

21 Osborne Way - Objects

The proposed development would present my bungalow namely 21, Osborne Way, with a wall centre to house and garden eight metre wide, nine metres high and only sixteen metres from the rear of my home. The excessive height is a result of a 1.8 metre fall in the slope of the land between properties and the desire on the part of the architect to follow the ridge height of the existing properties. Consequently this will have a material impact on the light entering my home at the rear. Being on the eastern boundary it would drastically reduce the amount light particularly during winter months casting a shadow over my house and garden to an unacceptable level. The development will ruin my enjoyment of my garden and conservatory which will no longer have a rural feel created by being in an AONB.

The proposal given its size and close proximity to the boundary coupled with the fact that there is already a large mature tree to the rear would create an over whelming sense of imprisonment.

Osborne Lodge - Objects

I would greatly appreciate if you would take our comments, concerns and objections into consideration prior to making any planning decisions. We will fully support any final decisions the Planning Department decide upon.

Points to note

1. Within the proposal it states "Wick Road itself overlooks open agricultural land towards

the front". This is inaccurate! Wick Road overlooks the Recreation ground/sports field/children play area.

2. The proposal does not mention that directly opposite the driveway of No 22 is an access/entrance to the Recreation area constantly used by children, dog walkers, ramblers and villagers. This access has been used by the public constantly for over 27 years
3. Wick Road is a very narrow road with the pavement at its minimum width and the road at its narrowest at the frontage/driveway of No 22
4. The existing site location plan does not portray Osborne Lodge accurately. Planning approval was applied for and granted for a conservatory at Osborne Lodge. The conservatory was built and extends to area between the bungalow and garage, reducing the distance between the proposed new build and Osborne Lodge.

Concerns by the owners of Osborne Lodge

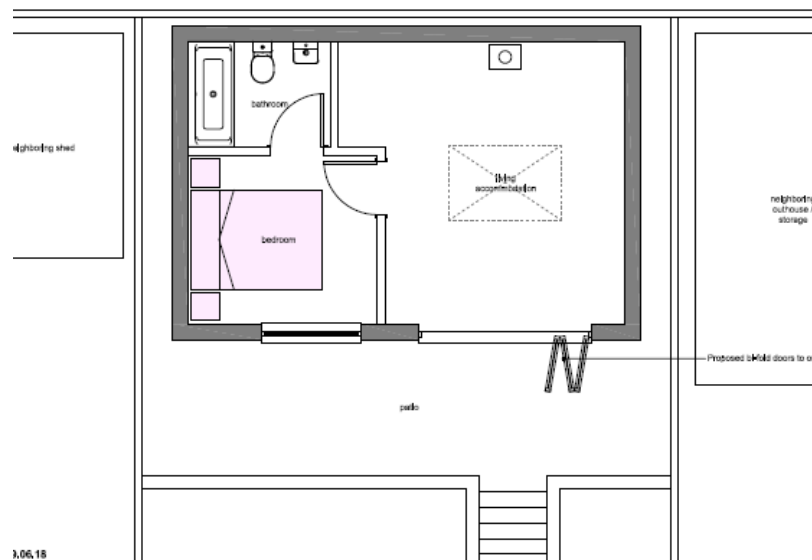
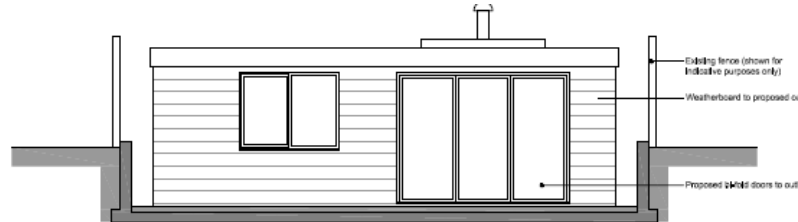
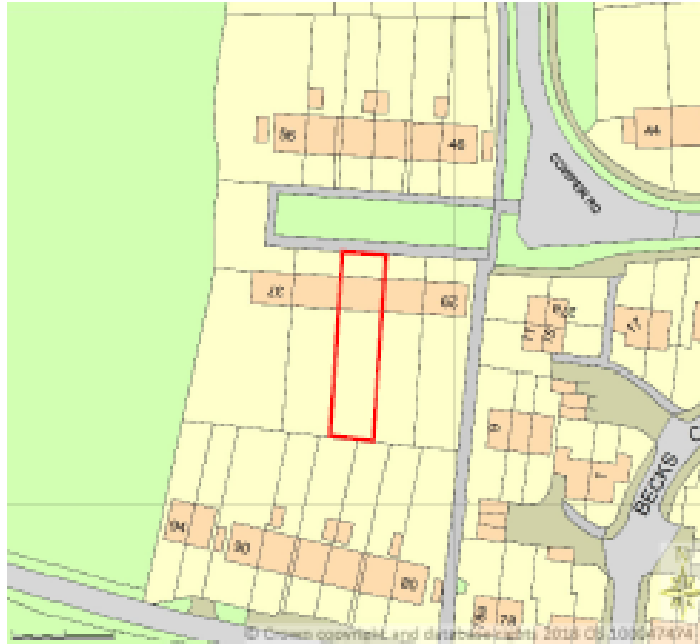
1. Osborne Lodge is at a lower elevation than 22 Wick road hence any two-storey building, built a meter away from the hedge line will be a visible eye sore and tower above to the NE side of the gardens and conservatory blocking both view and light.
2. The increased traffic from the new distribution Centre at Wick Farm, existing traffic and parking of visitors/ramblers along the pavements of Wick Road makes the whole of Wick Road potentially a hazard for walking, parking and getting past the parked cars. I am concerned that another dwelling despite it has parking allowance will increase the hazards of Wick Road and the potential of an accident at the access to the Recreation Area.
3. The existing houses along Wick Road are predominantly older style local authority dwellings either terraced or semidetached. This proposal for a detached house is not in keeping with the existing houses along Wick Road
4. All the old local authority dwellings, terraced or semi – detached houses have at least a 5-metre gap between the dwelling blocks. This proposal allows for only 1 metre gap between the houses which will make it look very squashed, tightly packed and on the two side elevations very difficult to access the height for maintenance.
5. The proposed upper floor frontage of the detached house, although it states a glazed window/bathroom, it is still felt that Bedroom 1 will tremendously reduce the privacy of the conservatory and garden

Suggestions

1. Would the owners and planners give consideration to:-
 - a. A bungalow so as not to destroy the several adjoining properties light/impact/visibility/privacy on neighbours
 - b. An end terrace house or extension but with further distance between the hedge boundary and the new build so as to try and reduce the impact on several adjoining properties in respect of light/visibility/privacy on neighbours.

Agenda Item 5h

**4/01026/18/FHA PROPOSED SINGLE STOREY OUTBUILDING WITH HABITABLE ACCOMMODATION WITHIN REAR GARDEN. ALTERATION TO LANDSCAPING INCLUDING NEW RETAINING WALLS AND STEPS
33 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PP**



334/01026/18/FHA	PROPOSED SINGLE STOREY OUTBUILDING WITH HABITABLE ACCOMMODATION WITHIN REAR GARDEN. ALTERATION TO LANDSCAPING INCLUDING NEW RETAINING WALLS AND STEPS
Site Address	33 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PP
Applicant	Mr Dear, 33 Cowper Road
Case Officer	Rachel Marber
Referral to Committee	Contrary views of Markyate Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The proposed ancillary outbuilding through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene, or the residential amenity of neighbouring residents or highway and pedestrian safety. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 of the Core Strategy (2013), and the NPPF (2012).

3. Site Description

3.1 The application site comprises a mid-terraced property located off Cowper Road Markyate accessible from a pedestrian footpath. The property was built as part of a wider road of similarly designed terraced properties; there is an evident character to the immediate area.

4. Proposal

4.1 This application seeks permission for single storey outbuilding with habitable ancillary accommodation for elderly relatives. Alterations to rear landscaping including retaining walls and steps are also proposed.

5. Relevant Planning History

4/00379/18/FHA PROPOSED SINGLE STOREY FRONT AND REAR FULL WIDTH
EXTENSIONS WITH PITCHED ROOF
Granted
16/04/2018

6. Policies

6.1 National Policy Guidance (2012)

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

6.2 Adopted Core Strategy – (2013)

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
6.3 Saved Policies of the Dacorum Borough Local Plan (2004)
57 - Provision and Management of Parking
58 - Private Parking Provision
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

6.4 Supplementary Planning Guidance / Documents

Markyate Urban Design Assessment (2010)

7. **Constraints**

- Established residential area of Markyate

8. **Representations**

Consultation responses

8.1 Markyate Parish Council

Objection. Infilling and Over-development of Site. No Parking facility and No Access

Neighbour notification/site notice responses

8.2 No neighbour representations received.

9 **Considerations**

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene
- Impact on Residential Amenity
- Impact on Highway Safety
- Community Infrastructure Levy

Policy and principle

9.2 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of Building and Street Scene

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, 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.

9.4 The application site is located within the semi-rural zone in accordance with the Markyate Urban Design Assessment (2010) which is a coherent estate consisting primarily of terrace houses and semi-detached houses with private front and rear gardens. The zone is of generally low to medium density. The morphology is primarily curvilinear through routes. Car parking includes individual on-site and shared on-site, and there is also considerable unplanned parking on the grassy verges.

9.5 The nature of the outbuilding will remain ancillary to the parent dwelling by remaining dependent on the primary living accommodation for use of a kitchen, garden, access and parking.

9.6 Due to low lying nature of the outbuilding proposed (2.55 metre height) coupled with the existing outbuildings within both neighbouring rear gardens the proposed outbuilding would not be overtly visible from the street scene of Cowper Road, Buckwood Road or the parallel public footpath.

9.7 Similarly, due to the sloping nature of the application site the proposed rear landscaping works and associated retaining wall would not be overtly deleterious within the street scene. As a result there would be no adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene in accordance with the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013).

Effect on Amenity of Neighbours

9.8 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 neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

9.9 Due to the marginal scale of the proposed outbuilding (2.55 metres in height) it is not considered that significant loss of outlook, privacy or daylight and sunlight would result to neighbouring rear facing windows. Furthermore, the proposed outbuilding would be located on a lower land level and situated 18 metres away from neighbouring residents at numbers 35 and 31 Cowper Road. The proposed outbuilding would also not result in a significant loss of outlook or daylight to neighbouring residents at Nos. 86 and 84 Cowper Road due to being located an approximate 22 metres away from their rear habitable windows.

9.10 It is also important to note that the proposed outbuilding would be of a size permitted without formal planning consent under Class E of the GDPO (2015).

9.11 An 18 metre (approximately) deep garden would be preserved as a result of the proposed; adhering to the 11.5 metre standard external amenity provision outlined in Saved Appendix 7 of the Local Plan (2004).

9.12 Thus, the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact on Highway Safety

9.13 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.

9.14 The application would increase the dwellinghouse size from a three bed into a four bed property which would require an increase in 0.75 off street parking spaces. The application site does not have any provision for off street parking, nonetheless on-street parking provision is available on Cowper Road and Cavendish Road. Moreover, DBC parking standards outline maximum provision only and the application site would be located within a sustainable area; a 5 minute walk from Markyate high street and Cavendish Road bus stop which serves four bus routes.

9.15 As such, the proposal would not result in significant impact to the safety and operation of adjacent highway; in accordance with Policies CS12 and CS8 of the Core Strategy (2013) and Saved Policies 57 and 58 and Appendix 5 of the Local Plan (2004).

Community Infrastructure Levy (CIL)

9.16 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 Liabe due to resulting in less than 100m² of additional floor space.

10. Conclusions

10.1 The proposed ancillary outbuilding through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene, or the residential amenity of neighbouring residents or highway and pedestrian safety. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 of the Core Strategy (2013), and the NPPF (2012)

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

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><u>Reason:</u> 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.</p>
2	<p>The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 33 Cowper Road.</p> <p><u>Reason:</u> To ensure that the detached garage is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of policies CS11 and CS12 of the Core Strategy (2013).</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>sk-1035-141 dated 21.04.18 sk-1035-142 dated 21.04.18 sk-1035-143 dated 21.04.18 sk-1035-144F dated 19.06.18 sk-1035-145F dated 19.06.18 sk-1035-146 dated 21.04.18</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35 Statement</u></p> <p>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.</p>

6. APPEALS

A. LODGED

- 4/00401/18/FHA Mr Wilks
TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY
REAR EXTENSION AND REAR DORMER
132 GEORGE STREET, BERKHAMSTED, HP4 2EJ
[View online application](#)
- 4/02813/17/FUL MR BANNISTER
20M X 40M MANEGE AND RETENTION OF STATIC CARAVAN,
SMALL POLE BARN AND SINGLE STABLE
HARESFOOT GRANGE, CHESHAM ROAD, BERKHAMSTED, HP4
2SU
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

- 4/02889/17/ENA IVOR GREGORY
APPEAL AGAINST ENFORCEMENT NOTICE - USE OF LAND FOR
COMMERCIAL/RESIDENTIAL PURPOSES AND CONSTRUCTION OF
STORAGE AREAS AND CONCRETE PAD
THE RICKYARD, ASTROPE LANE, ASTROPE, TRING, HP23 4PN
[View online application](#)

D. FORTHCOMING HEARINGS

- 4/03082/16/ROC Drift Limits and Cathy Leahy
REMOVAL OF CONDITION 1 (TWO-YEAR TEMPORARY PLANNING
PERMISSION) OF PLANNING INSPECTORATE DECISION
(APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION
4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND
ASSOCIATED STORAGE/PARKING)
- LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER
BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR
[View online application](#)

4/03283/16/MFA

Grace Mews LLC
DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF
31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES
INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION
AND STAFF OFFICES WITH ASSOCIATED ACCESS,
PARKING, SERVICING AND AMENITY SPACE.
SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL,
TRING, HP23 5EE
[View online application](#)

E. DISMISSED

4/02283/17/FUL

Mrs & Mrs Lane
NEW DWELLING TO REAR OF KERITY
LAND RO, KERITY, NORTHCHURCH COMMON, BERKHAMSTED,
HP4 1LR
[View online application](#)

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:

Whether the proposal is inappropriate development in the Green Belt;

The effect of the proposal on the openness of the Green Belt;

The effect of the proposal on the character and appearance of the surrounding area and whether the site would cause harm to the living conditions of adjacent residents, with regard to noise and disturbance;

If the proposal is inappropriate, whether any 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 it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 89. One of the exceptions is limited infilling in villages. Policy CS5 of the Core Strategy¹ states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

4. The appeal site consists of part of the rear garden of the property of Kerity, which lies in Northchurch Common. This area lies to the north of Northchurch/Berkhamsted and is clearly separated from these more built up areas by a wide strip of fields and woodland. Northchurch Common itself is based on 2 roads, which are accessed via a steep, twisting road through dense woodland leading to the junction of the roads, which head north east and south east respectively. Kerity is located towards the end of the south easterly road, which is unmade. A range of houses

are sited on the north side of the road. The houses are primarily set in large rectangular shaped plots with generous front and substantial long back gardens. To the south of the road lies the aforementioned strip of land separating the area from the built up settlements.

5. Kerity is the penultimate house on the road, and an access track to a house to the rear of the property runs along the eastern boundary of the plot. On the far side of this track is the last property on the road, which appears to have a further building/barn to the rear of it. A rear garden lies to the west of the site. Development in the area, other than the linear development along the two roads of the Common, despite some backland development is sporadic and inconsistent. Based on the evidence provided, and all that I have read and seen I am not convinced that the proposal, which seeks to construct a bungalow, would constitute infilling; furthermore, even if it were so, I do not consider that Northchurch Common would constitute a 'village'. The settlement appears to primarily consist of the two unmade roads, with no facilities or services.

6. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt, and as such conflicts with the Framework and Policy CS5 of the Core Strategy.

Openness

7. The proposal seeks to construct a single residential dwelling of a bungalow with a pitched roof. A new access drive would be sited on the west side of Kerity, which would arch around the property and provide a parking area to the rear of the bungalow.

8. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. While the proposal would not be particularly large, the scheme would create a 2 bedroom detached property on a currently open garden, and therefore the proposal would have an impact on the openness of the Green Belt in spatial terms.

9. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The site is largely enclosed within the mature garden by thick hedges and fences. The height of the dwelling would not be especially visible within the area and I therefore consider that any effect on the visual dimension of the Green Belt would be minimal.

10. I therefore consider that in spatial terms the proposal would have an adverse impact on the openness of the Green Belt.

Character and appearance, and effect on living conditions

11. The proposal would take the form of tandem development. The area surrounding the proposal remains characterised primarily by linear development, although there are some existing tandem developments in evidence. The proposal would shift the balance slightly from linear towards tandem development, but given the presence of other similar developments in the area and various large scale outbuildings within rear gardens, I am not convinced, particularly given the size and height of the proposal that this would cause material harm to the character of the area.

12. The proposal would involve the creation of a new access between Kerity and the adjacent property to the west, Brimbles. At present this gap, of some 6m according to the appellant, has a shingled side drive with double gates sited on it. The construction of a new access would have the potential to cause noise and disturbance to the occupants of both properties. However, the level of traffic accessing a 2 bedroom bungalow would be low and, with the imposition of suitable screening and landscaping conditions, and considering the width of the existing gap, would not cause significant harm in my view to these residents.

13. The Council refer to two appeal cases in their consideration. However, both appear to be set in different areas of the Borough and have differing characteristics. Furthermore, each case must be considered on its own merits.

14. I therefore conclude that the proposal would not have a material adverse effect on the character and appearance of the surrounding area or to the living conditions of adjacent residents, with regard to noise and disturbance. The proposal would comply with policy CS12 of the Core Strategy, and saved policies 10, 13 and appendix 3 of the Local Plan2. When taken together these policies state that development should integrate with the streetscape character, be compatible with the character of the surrounding area, avoid disturbance to surrounding properties, respect adjoining properties in terms of layout and site coverage, with planning conditions used to control and meet the adverse impacts. Appendix 7 of the Local Plan refers to

small scale house extensions and so is not strictly relevant in this case.

2 Dacorum Borough Local Plan 1991-2011, 2004

Other considerations

15. The proposal would generate economic and social benefits through the construction of 1 dwelling and the future activities of the residents of the property, and I am led to understand that the property may be for an elderly relative, although I have little evidence in this regard.

16. Various examples of backland development within Northchurch Common are submitted by the appellant. Above, I have concluded that the scheme would not cause harm to the character and appearance of the area. With respect to the Green Belt, many of the cases submitted appear to constitute replacement dwellings or conversions of outbuildings which may fall within differing exceptions to inappropriate development in the Green Belt under paragraphs 89 and 90 of the Framework. As such I do not consider that they constitute precedents on this matter.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also a minor harmful effect on openness, which is an essential characteristic of the Green Belt. While acknowledging the lack of harm that the scheme would cause to the character and appearance of the area I do not consider that the limited economic and social benefits of 1 dwelling, would clearly outweigh the harm that the scheme would cause, to which I am obliged to give substantial weight to. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal would also be contrary to Policy CS5 of the Core Strategy.

18. The appellant considers that the proposal would be sustainable development. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development; however the Framework also states that paragraphs 18 to 219 constitute the Government's view of what sustainable development consists of, and by virtue of the harm that I have found the scheme would cause to the Green Belt, in my view the proposal would not constitute sustainable development.

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F. ALLOWED

None

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (JUL 2018)

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/03/00029	Doone Brae Farm, Windmill Road, Markyate	Log Cabin and Garage	16 Mar 04	20 Apr 04	20 Aug 04	Yes, appeal dismissed		Partly Complied	Garage has been removed. Log cabin now fully demolished. Huge flytipping, preventing closure of file.
2	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place.
3	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	None of the requirements have been met. *Mr & Mrs Pitblado prosecuted and fined for non-compliance, but have appealed to Crown Court. New planning application refused and appealed.
4	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
5	E/09/00128	The Granary, 49 New Road, Wilstone	The installation of uPVC windows and doors	11 Jan 11	18 Feb 11	18 Feb 13	Yes, appeal dismissed 17 Jun 11	17 Jun 13	Not complied	Further action has not yet been taken due to health of occupiers. Property now for sale. Compliance will be sought from new owners.
6	E/08/00390	Land at Pouchen End Hall, Pouchen End Lane, Hemel Hempstead	Construction of wooden external staircase	04 Apr 11	13 May 11	10 Jun 11	Yes, appeal dismissed 28 Oct 11	28 Jan 12	Not complied	No further action taken yet – legal opinions received.
7	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted – need to consider next steps.
8	E/11/00462	11 Bank Mill, Berkhamsted	Construction of two semi-detached dwellings.	10 Jul 12	17 Aug 12	17 Dec 12	Yes, as built scheme refused, alt. scheme allowed.	22 Oct 14	Partly complied	An amended scheme was granted p/p but not fully implemented. Latest application to regularise matters (2389/16) refused. Appeal submitted.
9	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
10	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building dependant on action at Gable End. Review of other breaches needs to take place.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
11	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
12	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Need further action if bund still there and land not restored to its previous condition.
13	E/14/00505	99 High Street, Markyate	Insertion of uPVC window and door to Listed Building.	11 Mar 16	11 Apr 16	11 Apr 21	No	N/A	Not complied	Still within compliance period.
14	E/16/00173	17 Tannsfield Drive, Hemel Hempstead	Conversion of one dwelling into two dwellings; raising of roof; construction of rear dormer; and external rendering.	08 Aug 16	08 Sep 16	08 Mar 16	Yes, appeal split decision	27 Oct 17	Not complied	*Planning application 3498/16 seeking to make changes to internal layout and rear dormer to regularise matters has been granted with 6 months to complete works*.
15	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Not complied	Compliance period has passed. Most vehicles removed from the land though no works taken in respect of raised hardsurface. Next steps to be decided in conjunction with Legal.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
16	E/14/00053	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Breach of condition (failure to remove gate and reinstate grass bank).	30 Aug 16	30 Aug 16	01 Dec 16 (for all steps)	N/A	N/A	Partly complied	*Gate has been taken down but not removed. Bank needs proper reinstatement. Case ultimately not taken to Court*.
17	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	N/A	*Rear sun room has been demolished. Still within compliance period for other works.*
18	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
19	E/16/00052	Land at Hill&Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	<u>Partially Complied</u>	EN has been broadly complied with – no longer used as commercial yard. Still need land restoration.
20	E/16/00072	Land at Bovingdon Airfield, Chesham Road, Bovingdon	Breach of Condition (failure to submit Landscaping, Litter, Traffic Plans)	23 Mar 17	23 Mar 17	23 Apr 17	N/A	N/A	Complied	*Application to discharge conditions (1086/17/DRC) granted on 20/06/18. Need to check compliance.*
21	E/17/00019	Land west of Bobsleigh Hotel, Hempstead Road, Bovingdon	Construction of area of hardstanding	14 Jun 17	13 Jul 17	13 Oct 17 (for all steps)	No	N/A	Partly complied	Compliance period has now passed. Spoil that was left by gate now largely removed. No land restoration works at present.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
22	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property.
23	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property.
24	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, <u>appeal dismissed</u>	<u>12 July 18 (for all steps)</u>	N/A	*Appeal decision received on 13 April 2018. Still within compliance period*.
25	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes	N/A	N/A	*Appeal started by PINS on 08/05/18. Appeal still being heard.*
26	E/16/00342	Land adj. 124 Hempstead Road, Kings Langley	Creation of raised hardsurface.	18 Sep 17	18 Oct 17	18 July 18 (for all steps)	No	N/A	Partly complied	*First attempt cleared 95%. Site meeting arranged for 05/04/18 to discuss final compliance*.
27	E/17/00382	Markyate Cell Park, Dunstable Road, Markyate	Excavation / landscaping works at Historic Park. Storage of tyres and cement mixers.	21 Sep 17	21 Sep 17	N/A	N/A	N/A	N/A	Temporary Stop Notice period expired. Some remedial work undertaken – need to consider next steps.
28	E/16/00423	Land adj. 1 Gregorys Field, Astrope, Tring	MCOU to mixed agriculture / commercial / residential. Construction of metal storage areas and concrete pad.	11 Oct 17	09 Nov 17	09 May 18 (for all steps)	Yes	N/A	N/A	*Appeal against Enforcement Notice submitted on 06 Nov 17. Start Letter from PINS received on 03/04/18. Public Inquiry in August 2018*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
29	E/17/00266	Land at Red Lion Lane (Sappi), Nash Mills, Hemel Hempstead	Untidy land, left over from building works.	24 Nov 17	24 Dec 17	24 Jan 18	N/A	N/A	<u>Partly complied</u>	*Site cleared. Some grass seeding work required*.
30	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes	N/A	N/A	*Appeal started by PINS on 08/05/18. Appeal still being heard.*
31	E/17/00403	191 Bennetts End Road, Hemel Hempstead	Installation of shipping container in front garden.	12 Dec 17	12 Jan 18	12 Jul 18	No	N/A	N/A	*The Enforcement Notice has now taken effect. Compliance period has passed. A further 3 months agreed due to personal circumstances*.
32	E/17/00290	Land adj. Two Bays, Long Lane, Bovingdon	MCOU to a commercial yard, siting of shipping container and portacabin, and construction of open-fronted building.	14 Dec 17	12 Jan 18	12 May 18	<u>Yes</u>	N/A	N/A	Appeal against Enforcement Notice submitted on 11 Jan 18. Awaiting Start Letter from PINS. STOP NOTICE in respect of importation of materials served on 20 Feb 18.
33	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes	N/A	N/A	Appeal against Enforcement Notice submitted on 15 Feb 18. Awaiting Start Letter from PINS.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
34	E/17/00551	"Glendale Farm", Flaunden Bottom	Untidy site containing a large multitude of items, such as materials, fencing and furniture, in various piles across the site.	26 Jan 18	26 Feb 18	26 Mar 18	No	N/A	N/A	*s.215 Notice served. Period for compliance passed. Large piles removed / burnt, but many requirements of Notice not met. Attempts to take Direct Action postponed. Need to consider next steps*.
35	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	N/A	*Enforcement Notice compliance period has passed. Cars have been removed from the site. Need to check compliance with requirement to remove hardstanding*
<div> <div>Page 115</div> <div>THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME</div> </div>										
36	E/18/00151	14 The Coppins, Markyate	Construction of raised parking pad.	26 Apr 18	26 May 18	26 Aug 18	Yes	N/A	N/A	Appeal against Enforcement Notice submitted on 17 May 18. Awaiting Start Letter from PINS.
37	E/18/00031	26 Park Street, Tring	Construction of conservatory and other works to this Listed Building.	27 Apr 18	27 May 18	27 Sep 18	Yes	N/A	N/A	Appeal against Listed Building Enforcement Notice submitted on 18 May 18. Awaiting Start Letter from PINS.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
38	E/18/00244	Long Lane Farm, Long Lane, Bovingdon	Barn not being built in accordance with approved plans. Pre-commencement conditions not discharged.	22 Jun 18	22 Jun 18	N/A	No	N/A	N/A	Temporary Stop Notice served. All works to cease for 28 days to allow contamination and design issues to be resolved.
39	E/18/00160	Garage No.12 Stevenage Rise, Hemel Hempstead	Untidy condition of garage.	22 Jun 18	22 Jul 18	22 Oct 18	No	N/A	N/A	s.215 Notice served required improvements to condition of garage. Notice not yet taken effect.
40	E/18/00162	Garage No.8 Stevenage Rise, Hemel Hempstead	Untidy condition of garage.	22 Jun 18	22 Jul 18	22 Oct 18	No	N/A	N/A	s.215 Notice served required improvements to condition of garage. Notice not yet taken effect.



Report for:	Development Management Committee
Date of meeting:	05 July 2018
Part:	1
If Part II, reason:	

Title of report:	Proposed changes to Development Management Committee
Contact:	Andrew Horner, Group Manager for Development Management Katie Mogan, Member Support Officer
Purpose of report:	To approved the revised recommendations following the previous report to the committee on 18 th January 2018.
Recommendations	<p>That the committee recommend to Council the following amendments to the Constitution:</p> <ol style="list-style-type: none"> 1. To change the time limit of speakers from five minutes to three minutes and allow only one speaker per category. 2. If an application is recommended for approval, only objectors can invoke public speaking and then supporters can present their case. Applicants can only invoke speaking rights where the application recommended for refusal. 3. Reduce Ward Councillors time limit from 10 minutes to five minutes. 4. Stop the questioning of speakers after their allocated time. 5. Change the deadline to register to speak from 12 noon on the day of the meeting to 5pm the day before the meeting. 6. Stop members of the public distributing material at the meeting. 7. Planning officers must keep their presentations to 5 minutes for major applications and 3 minutes for all other applications.
Corporate objectives:	<p>Delivering an efficient and modern council -</p> <p>The changes will make the committee more efficient and bring into line with other surrounding Council's planning committees.</p>
Implications:	There are no financial implications arising directly from the recommendations in this report.

'Value For Money Implications'	By making the suggested changes proposed, all business on the agenda can be dealt with at the meeting reducing the need for extra meetings which takes up more of officers' and member's time.
Risk Implications	Currently, there is a risk of challenges from members of the public regarding unequal treatment of speakers.
Consultees:	<p>Jim Doyle, Democratic Services Group Manager</p> <p>Mark Brookes, Solicitor to the Council</p> <p>Cassy O'Neil, Corporate Support Team Leader</p> <p>Christopher Gaunt, Legal Governance Team Leader</p> <p>Councillor Andrew Williams, Leader of the Council</p> <p>Councillor Graham Sutton, Portfolio Holder for Planning and Regeneration</p> <p>Councillor Fiona Guest, Chair of DMC</p> <p>Councillor C Wyatt-Lowe, Vice-Chair of DMC</p>
Background papers:	DMC Report – 18 th January 2018
Glossary of acronyms and any other abbreviations used in this report:	DMC – Development Management Committee

Background

- 1.1 Officers presented a report to this committee on 18th January 2018 regarding proposed changes to DMC.
- 1.2 Members decided to send in their comments on each proposed change to officers.
- 1.3 Currently, 10 of the 14 members have responded.
- 1.4 Having incorporated members' comments, the following changes to the committee will be presented to Full Council for approval.

Change 1: To change the time limit of speakers from five minutes to three minutes and allow only one speaker per category.

Six of the ten councillors that responded disagreed with this change so this proposal has been dropped and timings will remain as currently stated in the Constitution.

Change 2: If an application is recommended for approval, only objectors can invoke public speaking and then supporters can present their case. Applicants can only invoke speaking rights where the application recommended for refusal.

Eight of the ten councillors that responded agreed with this change.

Therefore the following changes proposed are:

- If an application is recommended for approval, public speaking can only happen if an objector registers to speak and then a supporter has the right to reply.
- It is considered that in order to ensure equal treatment applicants should only speak where an application has been recommended for refusal; this would then trigger an opportunity for objectors to speak. It is very rare for an application recommended for refusal with such cases normally being delegated to officers.

Change 3: Reduce Ward Councillors time limit from 10 minutes to five minutes.

Seven of the ten councillors that responded agreed with this change.

This change would bring the time limit for councillors in line with the five minutes at Full Council.

Change 4: Stop the questioning of speakers after their allocated time.

Six of the ten councillors that responded disagreed with this change.

However, the current Constitution does not allow for questioning of speakers and states that the public participation element is only for the allocated time. The public participation elements of a meeting is not designed to be a question and answer session. Speakers are given their permitted time slot to speak and by members questioning them, they are getting more time to present their case which is not fair to the opposing speakers.

It is proposed that questions from members will be directed to the case officer. The Chair will have discretion to ask the public speaker if the case officer cannot provide clarification.

Change 5: Change the deadline to register to speak from 12 noon on the day of the meeting to 5pm the day before the meeting.

Six of the ten councillors that responded agreed with this change.

This change would not affect the running of the meeting but this would allow for a completed list of speakers to be considered at the Chair's briefing on the morning of the meeting.

This would also allow planning officers to reorder the agenda to allow for those applications with speakers to be heard first.

It is proposed that members agree this change.

Change 6: Stop members of the public distributing material at the meeting.

Eight of the ten members that responded agreed with the change.

It is not considered fair that members must take on extra information and listen to the speaker at the same time. This has happened at previous meetings and members have decided to defer the application as they have not received all the information. Also, opposing speakers do not get sight of this new information.

It is proposed that if speakers wish to distribute material to members then this must be done before 5pm on the Wednesday before the meeting, in line with the speaker deadline, so this material can be distributed alongside the addendum and can be accessed by all on the website.

Change 7: Planning officers must keep their presentations to 5 minutes for major applications and 3 minutes for all other applications.

Eight of the ten councillors that responded agreed with this change.

Officers would be timed similar to public speaking via a digital countdown.

Report for:	Development Management Committee
Date of meeting:	18 January 2018
Part:	1
If Part II, reason:	

Title of report:	Proposed changes to Development Management Committee
Contact:	Andrew Horner, Group Manager for Development Management Katie Mogan, Member Support Officer
Purpose of report:	To consider amendments to the Constitution and the general running of the committee to change the rules of the Committee to ensure they are more time efficient and all business can be determined prior to the 10.30pm cut off time.
Recommendations	To agree the amendments proposed and recommend to Council for approval.
Corporate objectives:	Delivering an efficient and modern council - The changes will make the committee more efficient and bring into line with other surrounding Council's planning committees.
Implications: 'Value For Money Implications'	There are no financial implications arising directly from the recommendations in this report. By making the suggested changes proposed, all business on the agenda can be dealt with at the meeting reducing the need for extra meetings which takes up more of officers' and member's time.
Risk Implications	Currently, there is a risk of challenges from members of the public regarding unequal treatment of speakers.
Consultees:	Jim Doyle, Democratic Services Group Manager Mark Brookes, Solicitor to the Council Christopher Gaunt, Legal Governance Team Leader Councillor Andrew Williams, Leader of the Council

	<p>Councillor Graham Sutton, Portfolio Holder for Planning and Regeneration</p> <p>Councillor Fiona Guest, Chair of DMC</p> <p>Councillor C Wyatt-Lowe, Vice-Chair of DMC</p>
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	DMC – Development Management Committee

1. Background

- 1.1 This report contains proposed changes to the running of the DMC to ensure it is more time efficient and fairer for members of the public.
- 1.2 Council approved the last round of changes on 22nd February 2017. The number of meetings was reduced from 17 to 12 a year and a 10.30pm cut off time was implemented.
- 1.3 Since the cut off time was introduced and the reduced number of meetings begun in May 2017, five out of seven meetings have gone beyond 10.30pm by up to 30 minutes.
- 1.4 Research has been undertaken into surrounding councils to find out the rules of their planning committees.
- 1.5 Some of these changes will require a change to the Constitution whereas others are changes to the running of the committee.
- 1.6 In order to make sure all business on the agenda is determined before the cut off, the following changes are being proposed:

2 Change 1: To change the time limit of speakers from five minutes to three minutes and allow only one speaker per category.

- 2.1. Currently, the Constitution states that:
For each planning application, which is subject of consideration at the meeting, a maximum period of five minutes will be allocated for each of the following to address the meeting, on a 'first come first served' basis:

Town/Parish Council and Neighbourhood Associations
Objectors to an application
Supporters of the application

- 2.2. This change would mean reducing the speaker time to three minutes and only allowing one speaker per each of the categories above.

- 2.3. At the moment, if all speaker slots were taken both for and against an application, the total time given to speakers would be 23 minutes. By reducing the time to three minutes and only allowing one speaker per category, this would reduce the maximum speaker time to 14 minutes.
- 2.4. It is not uncommon to have three people speaking and sharing five minutes meaning the same arguments are often repeated. The time is not used efficiently and this could be improved by asking speakers if they are happy to leave their contact details with Member Support. If other speakers wish to register, Member Support could ask them to contact the first registered speaker to produce a more coherent and effective statement for their case.
- 2.5. See Appendix A for a comparison with surrounding councils.

3 Change 2: If an application is recommended for approval, only objectors can invoke public speaking and then supporters can present their case. Applicants can only invoke speaking rights where the application recommended for refusal.

- 3.1. If an application is recommended for approval, public speaking can only happen if an objector registers to speak and then a supporter has the right to reply.
- 3.2. This would be the same if an application is recommended for refusal; only a supporter can invoke public speaking.
- 3.3. The following table shows how many applications had just speakers in support when the application was recommended for approval since May 2017:

Date of meeting	Number of applications
25 May	3
15 June	5
13 July	5
17 August	1
14 September	3
12 October	2
16 November	4

3.4 It is considered that in order to ensure equal treatment applicants should only speak where an application has been recommended for refusal; this would then trigger an opportunity for objectors to speak. It is very rare for an application recommended for refusal with such cases normally being delegated to officers: there have been no applications recommended for refusal reported to DMC in the last 6 months.

4 Change 3: Reduce Ward Councillors time limit from 10 minutes to five minutes.

- 4.1. Council approved allocating 10 minutes for Ward Councillors to speak in February 2017.
- 4.2. No ward councillor has used the full 10 minutes to speak.

- 4.3. Councillors are only allocated five minutes to speak at Full Council so it is proposed to bring the DMC time limits in line.
- 4.4. Furthermore, this would reduce the maximum time for speakers on one application (as stated in 2.3) to 14 minutes.

5 Change 4: Stop the questioning of speakers after their allocated time.

- 5.1. This seems to have become common practice at DMC but it is not set out in the Constitution.
- 5.2. Speakers are given their permitted time slot to speak and by members questioning them, they are getting more time to present their case which is not fair to the opposing speakers. The public participation element of a meeting should not be a debate with the public and at the committee in October, the first application went on for over an hour due to the sheer number of questions that members asked.
- 5.3. Questions should be directed to the case officer. If members would like clarification on an issue that the case officer cannot answer, it will be at the Chair's discretion to ask the speaker.
- 5.4. Of the 14 councils that responded to the email enquiring about their planning committee, 12 councils do not allow any questioning of the speakers (see Appendix B)

6 Change 5: Change the deadline to register to speak from 12 noon on the day of the meeting to 5pm the day before the meeting.

- 6.1. This is to allow for a completed list of speakers to be considered at the Chair's briefing on the morning of the meeting.
- 6.2. This will also allow planning officers to reorder the agenda to allow for those applications with speakers to be heard first.

7 Change 6: Stop members of the public distributing material at the meeting.

- 7.1. Although this does not significantly increase the length of the meeting, it does mean more tidying up for the Member Support Officer at the end of the meeting and extends the time they are working.
- 7.2. Furthermore, it does not seem fair that members must take on extra information and listen to the speaker at the same time. This has happened at previous meetings and members have decided to defer the application as they have not received all the information. Also, opposing speakers do not get sight of this new information.
- 7.3. It is proposed that if speakers wish to distribute material to members then this must be done before 5pm on the Wednesday before the meeting, in line with the speaker deadline, so this material can be distributed alongside the addendum and can be accessed by all on the website.
- 7.4. See Appendix B.

8 Change 7: Planning officers must keep their presentations to 5 minutes for major applications and 3 minutes for all other applications.

- 8.1. This is another measure to ensure all applications on the agenda can be heard and determined before the 10.30pm cut off.

Appendix A – Council comparison on speaker times

Council	Who can speak?	How long can they speak?	Total speaker time per application
Dacorum	In support In objection Parish/Town Council Ward Councillor	3 minutes (5 minutes if more than one) 10 minutes	23 minutes
Hertfordshire			
Broxbourne	One resident in support One resident in objection One applicant/agent	3 minutes	9 minutes
East Herts	One in support One in objection One Parish/Town Council	3 minutes	9 minutes
Hertsmere	One in support One in objection One ward councillor	3 minutes 5 minutes	11 minutes
North Herts	One in support One in objection One ward councillor	5 minutes	15 minutes
St Albans	One in support One in objection	3 minutes	6 minutes
Watford	One in support One in objection One ward councillor	5 minutes	15 minutes
Nearest Neighbours			
Aylesbury (daytime meetings)	One ward councillor One Parish/Town Council One in support One in objection	5 minutes (shared if more than one)	20 minutes
Canterbury	Three in support Three in objection One applicant/agent One ward councillor	3 minutes	24 minutes
Guildford	Two in support Two in objection	3 minutes	12 minutes
Mid Sussex	In support In objection Parish/Town Council Ward councillor	3 minutes	12 minutes
Reigate & Banstead*	Two in support Two in objection	3 minutes	12 minutes
Tendring	One in support One in objection Parish/Town Council Ward councillor	3 minutes 5 minutes	14 minutes
Thanet	One in support One in objection Parish/Town Council Ward councillor	3 minutes	12 minutes
Warwick	One in support One in objection	3 minutes (shared if more than one)	14 minutes

Appendix A – Council comparison on speaker times

	Parish/Town Council Ward councillor	5 minutes	
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Dacorum – only Council that extends its speaking time if there is more than one

*if an application is recommended for approval, only objectors can invoke public speaking and then supporters have the right to reply.

Appendix B - Council comparison on planning committee rules

Council	Are speakers questioned?	Do you allow late speakers?	Can speakers present docs at the meeting?	Average meeting length
Hertfordshire				
Broxbourne	No	No	No	60 – 90 minutes
East Herts	No	At Chair's discretion	No *	2 hours (must end at 10pm)
Hertsmere	No	No	No	2-3 hours
North Herts	Yes – max. 3 questions	At Chair's discretion	No *	3 hours
St Albans	No	At Chair's discretion	No	Varied
Watford	No	At Chair's discretion	Yes	1.5-2 hours
Nearest Neighbours				
Aylesbury	Yes	No	No *	2-4 hours (daytime)
Canterbury	No	At Chair's discretion	Yes	3 hours
Guildford	No	No	No *	2.5-3.5 hours
Mid Sussex	No	No	No *	1.5-3 hours
Reigate & Banstead	No	At chair's discretion	No	2 hours
Tendring	No	No	No	n/a
Thanet	No	No	No *	2 hours
Warwick	No	No	No *	3-4 hours

*-indicates that public can submit additional information before the meeting via Member Support to distribute to members in advance of the meeting,

Of the 14 councils that responded, 7 councils have a limit on the number of speakers per item.

Of the 14 councils that responded, 12 councils do not allow the committee to question the speakers after their allotted time slot.

Of the 14 councils that responded, 6 councils have their deadline before the day of the meeting.

Of the 14 councils that responded, 11 councils do not allow any speaker to bring additional material to the meeting. They must be sent in previous and distributed to members to allow sufficient time for consideration.