



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 10 JANUARY 2019 AT 7.00 PM
DBC 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 Corporate and Democratic Support or 01442 228209

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	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

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

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

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

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/00871/18/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE DWELLINGS - AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF (Pages 5 - 36)
- (b) 4/01841/18/FHA - NEW OUTBUILDING - BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY (Pages 37 - 45)
- (c) 4/02240/18/FHA - REPLACEMENT OF KITCHEN WINDOW WITH GLAZED DOOR AND SIDELIGHT - 11 THE BARNS, WEST LEITH, TRING, HP23 6JJ (Pages 46 - 51)
- (d) 4/02361/18/FUL - CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS) - 86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ (Pages 52 - 63)
- (e) 4/02449/18/FUL - DEMOLITION OF EXISTING 20 GARAGES. REPLACEMENT WITH TWO SEMI DETACHED 3 BEDROOM DWELLINGS, COMPLETE WITH OFF STREET PARKING AND PRIVATE REAR GARDENS. IMPROVEMENT OF VEHICULAR ACCESS - GARAGE SITE, PULLEYS LANE, HEMEL HEMPSTEAD (Pages 64 - 81)
- (f) 4/02576/18/FUL - INSTALLATION OF AN ATM UNIT - BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EB (Pages 82 - 88)
- (g) 4/02726/18/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME) - LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP (Pages 89 - 114)
- (h) 4/02890/18/FHA - HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION. SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION - 146 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE (Pages 115 - 121)

6. APPEALS UPDATE (Pages 122 - 127)

Item 5a 4/00871/18/FUL

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE DWELLINGS AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF



Item 5a 4/00871/18/FUL

**DEMOLITION OF EXISTING DWELLING AND CONTRUCTION OF THREE DWELLINGS
AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF**



4/00871/18/FUL	DEMOLITION OF EXISTING DWELLING AND CONTRUCTION OF THREE DWELLINGS
Site Address	AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF
Applicant	Simco Homes Ltd, C/o Agent
Case Officer	Joan Reid
Referral to Committee	Recommendation contrary to Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The principle of infill residential development in this area is considered acceptable in accordance with Policies CS1 and CS6 of the Core Strategy (2013) and Saved Policies 10 and 21 of the Local Plan (2004). The scheme is considered to be a good quality development that helps meet the need for new housing, as set out in Core Strategy Policy CS17 and the NPPF (2018). The proposed three houses would not result in any significant harm to the visual amenity or character of the area, residential amenity of neighbouring properties or be detrimental to highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS6, CS8, CS10, CS11 and CS12 of the Core Strategy (2013), Saved Policies 10, 18, 21, 57, 58, 99, 100, and Appendices 3 and 5 of the Local Plan (2004).

3. Site Description

3.1 The existing site comprises a small bungalow, which has been extended at first floor level and with a large garage. The property sits up in an elevated position above the road. The house is within a reasonably sized plot which is located on rising ground above the road. The frontage retains mature hedging and trees. The site is close to the core of the village with the former Vicarage adjacent to the west and beyond the Church of St Bartholomew. Hemp Lane is typically comprised of a mixture of single and two storey properties dating from THE 1950s/60s, retaining open frontages and a generally verdant character.

4. Proposal

4.1 The application seeks planning permission to demolish the existing dwelling and to construct three detached properties. The scheme has been amended since the original submission reducing the proposal from 4 dwellings to 3. Provision is made for 9 car parking spaces, 3 of which are to be contained within open car ports. A single access is proposed for the three dwellings and the existing hedges are to be removed and replaced. The ground level is to be reduced by 1m.

5. Relevant Planning History

None

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF) 2018
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS6 - Small Village in the Green Belt
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS24 - The Chilterns Area of Outstanding Natural Beauty
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 97 - Area of Outstanding Natural Beauty
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 119 - Development affecting Listed Buildings
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision

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

- Environmental Guidelines (May 2004)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Landscape Character Assessment (May 2004)
- Chilterns Buildings Design Guide (Feb 2013)
- Affordable Housing (Jan 2013)

7. Constraints

- Village Boundary in the Green Belt
- Chilterns Area of Outstanding Natural Beauty
- Area of Archaeological Importance
- Adjacent Grade II listed building

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
- Impact on Character of the Area
- Impact on Chilterns AONB
- Impact to neighbours
- Impact on Highway Safety
- Other

Policy and Principle

9.2 The site lies within the Wigginton Village boundary which is designated as a small village located within the Metropolitan Green Belt. Para 145 of the NPPF considers the construction of new buildings in the Green Belt to be inappropriate, however allows for some exceptions including limited infilling in villages. As the site is located within the Selected Small Village of Wigginton, policy CS6 should also be considered. CS6 allows limited infilling with affordable housing for local people and infilling is defined as a form of development whereby buildings are proposed within a gap along a clearly identifiable built up frontage or within a group of buildings. It does not include backland development or tandem development. Policy CS6 identifies that infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people however, DBC are no longer permitted to insist on the requirement that any infill scheme in a selected small village should be for affordable homes. This is because of the national approach to encourage the delivery of smaller sites that now generally excludes the requirement for affordable homes on sites of 10 or less dwellings. The approach is now formally reflected in the new NPPG and the local application of this is explained in the Affordable Housing Clarification Note. The term limited refers to development that does not create more than two extra dwellings. It is therefore considered that the proposal which creates two additional dwellings for market housing would constitute an exception in the Green Belt and overall, the principle is considered acceptable.

Impact to Character of the Area

9.3 One of the key considerations of this application is how the demolition of one dwelling and replacement with three new dwellings impacts on the character and appearance of the area. The existing dwelling is of no particular architectural merit and its demolition for redevelopment is considered acceptable in principle. Hemp Lane is generally characterised by a mix of dwellings varying in age, height and size. Both sides of Hemp Lane generally comprise detached dwellings, most of which have been extended with little space left open to the boundaries. The southern side of the road comprises a slightly higher density and knit than the northern side and the typical form comprises a strong building line with open frontages, and decent sized rear gardens. The application site comprises one of the widest sites within the immediate vicinity however doesn't contain the average length of rear garden evident for most other dwellings. The proposed scheme would see the existing bungalow removed and three new detached dwellings built. These dwellings are set in from the road maintaining the established building line. It is intended to excavate the site in order to lower the ground level on which the dwellings would sit by 1m to lessen the prominence and visual impact. All three dwellings are detached, in keeping with the surroundings. The dwellings maintain spacing of at least 2m between them and 2.5m to the boundary of the site (the garage between the dwellings is set back and allows for a sense of openness between the dwellings). The houses have been designed with hipped roofs to lessen the bulk and mass of the built form and each have a different design to align with the variety of styles evident along the road. The existing hedged frontage is to be removed in order to achieve adequate safe visibility onto the road, however sufficient space and provision is

retained to ensure that replacement substantial planting can be achieved to put back a green frontage. The residents and Parish Council have raised particular concern that the development represents overdevelopment of the site and the building density is not in keeping. The scheme has been reduced from 4 dwellings to 3 which is a welcome revision. The proposed density is slightly greater than the general density along Hemp Lane mainly due to longer plots as a result of the rear gardens however the scale, plot width and spacing is in keeping. Overall, it is considered that the dwellings, whilst being a new addition to the road, would allow for new high quality dwellings to be constructed within the village setting, comply with the general character prevalent and wouldn't detract from the area overall.

Chilterns Area of Outstanding Natural Beauty

9.4 The scheme has been designed, reducing the number of proposed dwellings from 4 to 3. Particular attention has been paid to the Chilterns Design guidance in the design of the amended scheme which now proposes three detached dwellings each incorporating a slight variation in design. The dwellings adopt Chilterns design features and each dwelling has been designed to reduce the overall bulk and prominence. It is proposed to use good quality materials including flint and brick with Chilterns clay tiles to the roofs to ensure that the dwellings will be built to a high quality. The loss of landscaping to the frontage can be mitigated by replacement planting and overall the character of the AONB should be retained.

Impact to neighbouring properties

9.5 The site is next to 'the Orchard' which is a grade II listed building which is set back from the road. Due to the separating distance, no significant harm is anticipated to this property. To the right hand side, is a dwelling called Red Tiles. The owner of Red Tiles has made a number of comments on the application including raising concern over the visual impact and loss of light from the proposed garages located to the frontage and the elongation of plot 3 beyond the rear of Red Tiles. In terms of the front covered car port to the frontage, this is unlikely to be significantly overbearing due to its limited height, orientation with sloping roof pitched away from Red Tiles and existing screening which is to be retained and supplemented. In terms of the rear, the two storey element of plot 3 would extend approximately 3.5m beyond the rear elevation of Red Tiles and the single storey element would be a further 3.3m approximately beyond that again. Plot 3 would be situated sufficient distance from the boundary so that a line drawn at 45 degrees from the nearest habitable windows of Red Tiles is not breached by the development. The site is located to the west of Red Tiles, and as such there may be some loss of evening sun however the impact would not be such to warrant a refusal on this basis. In terms of the properties located across the Road from the site, it is not considered that these would experience any significant loss of privacy or visual intrusion beyond what is typical of the relationship between properties along Hemp Lane.

Impact on Trees and Landscaping

9.6 It is proposed to retain the existing trees located to the west of the site and which is particularly important in terms of retaining the verdant character of the site and the impact of the development to the Grade II listed building behind. Conditions ensuring retention and safeguarding of these trees will be imposed. In terms of the frontage, is it unfortunate that the existing hedging needs to be removed however this is considered necessary to ensure adequate access visibility to and from the site. The plans demonstrate adequate space and provision for a bank to be put back and replanted which would also be conditioned. Similarly, details of supplementary planting and landscaping along the boundaries will be sought by condition.

Impact on Highway Safety

9.6 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low 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.

A particular concern is how the development impacts on the safety of Hemp Lane in terms of existing road uses and for new residents. It is noted that Hertfordshire Highways raised concern with the original design and the developers have worked to achieve a design which is to be satisfaction of the Highway Authority. Hertfordshire Highways now consider the scheme to provide good visibility to and from the site and have removed their principle objection. Hertfordshire Highways also consider that adequate space is available to achieve turning within the site however seek assurances from the developers that service vehicles can turn. Plans demonstrating safe and adequate swept paths will be sought to the satisfaction of the Highway Authority will be sought before any development commences. The Highway Authority have also asked for plans showing details of construction works parking and space for materials off the Highway which will be sought and considered by condition. Also a particular consideration is drainage both in terms of ensuring that surface water drainage can be dealt with onsite to avoid runoff down the road. This is also particularly important due to the lowering of the natural levels. Specific details will be required by condition.

Provision is made for 3 spaces per dwelling which meets the maximum standard in appendix 5 for the dwellings sizes. It is understandable that concern is raised that if there is inadequate parking provision, this could give rise to overflow onto Hemp Lane, however 3 spaces per dwelling together with adequate open space to the frontage is reasonable. Each dwelling contains car ports with the frontages to remain open (which will be conditioned) in order to discourage these to be used for closed storage instead of car storage.

Amenity Standards

9.7 Each dwelling contains a private rear amenity provision which is in line with the minimum standard of 11.5m depth. Plot 1 is considered to be a small space especially taking account of the mature trees which are to be retained however on balance, it is considered that adequate provision is made and all 3 dwellings would enjoy decent private amenity space.

Impact to Grade II listed building

9.8 The site is located next to 'the Orchard' which is a Grade II listed building. The Orchard is set back into the site approximately by 44m and from the boundary of the proposal site by about 33m. Particular consideration has been given to ensure that the proposed development would not affect the setting and character of the Listed building. Given the separating distance, mature trees to be retained and proposal to lower the height of the scheme, it is considered that the listed building would not be negatively impacted by the scheme and the conservation officer does not consider there to be any significant harm. Sensitive boundary treatment will be sought.

Other Material Planning Considerations

9.9 Area of Archaeological Significance: The proposed development site is in Area of Archaeological Significance No 9, which identifies the historic core of the village of Wigginton. It is considered that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant below ground heritage assets, and that this impact should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF). Therefore, it has been recommended that provision be made for a programme of archaeological works to be undertaken and secured by condition.

9.10 CIL: Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

9.11 Thames Water have been consulted on the scheme and consider that adequate provision is available for sewage and water provision for the three dwellings. This is therefore not considered to be grounds to oppose the development. Given the proposals to lower the ground level, the developer will need to ensure that the party wall is agreed with the neighbours. Provision can be made to ensure adequate drainage and planting can be achieved.

10. Conclusions

10.1 The principle of residential development in this area is considered acceptable in accordance with Policies CS1 and CS6 of the Core Strategy (2013) and Saved Policies 10 and 21 of the Local Plan (2004). The scheme is considered to be a good quality development that helps meet the need for new housing, as set out in Core Strategy Policy CS17 and the NPPF (2018). The proposed three houses would not result in significant harm to the visual amenity of the area, residential amenity of neighbouring properties or be detrimental to matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS6, CS8, CS10, CS11 and CS12 of the Core Strategy (2013), Saved Policies 10, 18, 21, 57, 58, 97, 99, 100, and Appendices 3 and 5 of the Local Plan (2004).

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 and fenestration 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 in accordance with policy CS12 and CS24 of the Core Strategy.</p>
3	<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;</p>

	<p>trees to be retained and measures for their protection during construction works; proposed finished levels or contours; Provision for bin storage detailed plans for the sheds details plans for fire hydrants</p> <p>The approved landscape works and details above 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 and adequate provision for fire hydrants in accordance with policies CS8, CS12, CS24 and CS27.</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the garages/car ports shall remain permanently open and primarily for the parking of vehicles.</p> <p>Reason: In the interests of retaining sufficient parking provision in accordance with policy CS8 and appendix 5.</p>
5	<p>Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 metres x 48 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.</p> <p>Reason: In the interests of highway safety in accordance with policy CS8 of the Core Strategy.</p>
6	<p>No development shall commence until a construction management scheme has been submitted to and approved in writing by the Local Planning Authority: The scheme shall include:</p> <ul style="list-style-type: none"> -detailed plans and provision for onsite parking for construction workers and storage of materials for the duration of the construction period; -plans to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. <p>The approved scheme shall be implemented throughout the construction period.</p> <p>Reason: To ensure construction does not negatively affect highway safety in accordance with policy CS8.</p>
7	<p>Before the development hereby approved is first occupied, detailed plans of the surfaces of the on-site vehicular areas shall be submitted and approved by the LPA. Details shall also be submitted of the methods and arrangements for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway or neighbouring properties prior to the first occupation of the dwellings hereby permitted. The development shall be implemented in accordance with approved details and these arrangements maintained thereafter.</p> <p>Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with policy CS8 and CS12.</p>
8	<p>Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that all on-site</p>

	<p>parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles (including service vehicles) to enter and exit the site in forward gear.</p> <p>Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway in accordance with policy CS8.</p>
9	<p>No development shall Commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation <p>Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.</p>
10	<p>i) Development shall take place in accordance with the Written Scheme of Investigation approved under condition 9.</p> <p>ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.</p>
11	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A C, E</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 ensuring adequate amenity space and trees are safeguarded is retained in accordance with policies CS12 and CS24 of the Core Strategy and policies 97,99, 119 and appendix 3 of the Local plan.</p>
12	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>TL- 39070-18-11a TL-3970-18- 12a TL-3970-18 13a TL-3970-19-10a</p>

TL-3970-18 -3A Rev A

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

Informative 1 - Highways

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Highway works: Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed

Informative 2 - Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way.

The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<p>https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>Informative 3 - 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 1

Consultation responses - Amended Scheme

<p>Wigginton Parish Council</p>	<p>The application below was discussed extensively at the Wigginton Parish Council meeting on 16th October 2018. Strong representations were made by members of the public who attended the meeting and a number of whom have lodged objections to the plans on the DBC website.</p> <p>Wigginton Parish Council object to this application.</p> <p>Despite reduction from four to three properties serious concerns remain:</p> <ul style="list-style-type: none"> • It is an overdevelopment in an area of AONB. • The development will have an overbearing effect on surrounding properties in terms of light, privacy, access and parking. • The development is out of character with other properties in Hemp Lane which is intrinsically a rural setting. • The nature of Hemp Lane makes it unsuitable to deal with an increase in traffic or parking. • Other concerns regarding surface drainage and run off water down Hemp Lane, steepness of the rear of the site and lack of retaining walls to support neighbouring properties were also raised.
<p>Hertfordshire Highways</p>	<p>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:</p> <p>AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF</p>

No objection subject to the following conditions:

1) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 metres x 48 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.

2) No development shall commence until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport. 3) No development shall commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period. Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

4) Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible and surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Arrangements should also be made for a temporary bin store area near the access, which does not obstruct visibility from the access. Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises

5) Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles (including service vehicles) to enter and exit the site in forward gear. Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway.

6) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site. Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

7) Accessibility audit- wording to be agreed.

HIGHWAY INFORMATIVES:

I recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. AN3) Highway works: Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall follow the link below; <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Highway response:

This proposal for the construction of three dwellings in the place of a single dwelling takes its access from Hemp Lane. Hemp Lane is a local access road subject to a 30mph speed limit.

Access:

Some minor changes are proposed to access arrangements, which will be subject to s278 agreement. Visibility onto Hemp Lane is proposed to be improved to comply with the standard requirement of 2.4 metres x 43 metres.

Parking:

The submitted plans show 3 parking bays for each dwelling, most of them in tandem. The vehicle turning space/area is very tight but should

be possible with several back and forth manoeuvres. However, consideration needs to be given to how service vehicles can be accommodated within the site and it is not clear from the submitted plans whether these can be accommodated. The site should be provide for the turning of a small service vehicle, such as a supermarket delivery van (approx. 6.5 metres long), and condition 2 above requires the applicant to submit tracking diagrams to demonstrate this. The LPA may consider it prudent to request these plans before any grant of consent is given.

Surfacing and drainage:

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the driveway would need be collected and disposed of on site in order for the proposals to be acceptable. The details should be secured by a planning condition.

Emergency Access

The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1.

Sustainability/accessibility

The site is set some considerable distance from key public facilities/amenities and there is no bus service nearby. The highway outside the site has no footways and is narrow and unlit, with limited forward visibility at points. This raises concern about the safety of pedestrians travelling to and from the site onto the wider highway network, and it is difficult to see how the site complies with Policy 1 of the LTP4 or paragraphs 102 and 110 of the NPPF, which state that " applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Some simple measures might be possible to improve the route for pedestrians travelling to and from the site, in particular, more vulnerable users (e.g. wheelchair users, buggies, prams, children, etc). These might include signage, the provision of passing places for vehicles to move safely past pedestrians, etc. Such measures would be identified most effectively through a pedestrian audit of Hemp Lane. This would not be a formal safety audit, rather a more qualitative assessment to include photographs, notes, and carriageway width measurement Hemp Lane to accommodate pedestrians.

Cycle parking:

The details of the type, location and design of cycle storage have not been provided. According to the Dacorum District Council's cycle parking standards, a minimum of eight spaces will be required for residents (two per each property). Due to the limited space available on

	<p>site, the details of cycle storage in the form of a cross section of the store(s) together with the manufacturer details and access to the stores should be provided now rather than be secured by a planning condition. Vertical or semi vertical cycle storage is not acceptable.</p> <p>Refuse and waste collection:</p> <p>The plans show location of bin stores within each individual property and additional temporary bin store area is shown within the site. The proposed temporary bin store area will however not be easily accessible by waste operatives. A temporary bin storage area will be required on site in the vicinity of the access for at least eight bins. This would need to be shown on the updated the plans ensuring that the placement of the bins does not obstruct access or visibility on collection days.</p> <p>CONCLUSION</p> <p>For the reasons stated above, HCC Highways raise no objections on highway grounds, subject to planning conditions</p>

Original Submission

<p>Wigginton Parish Council</p>	<p><i>Wigginton Parish Council discussed this application at their meeting following a hearing from 10 people who attended the meeting with very strong objections and who have expressed these to you and on your website.</i></p> <p><i>The Parish Council therefore, after careful consideration decided to <u>Object</u> to this application on the grounds of gross over development in terms of size, quantity, overbearing effect on surrounding properties and highway safety</i></p>
<p>Hertfordshire Highways</p>	<p>Decision</p> <p>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:</p> <p>1) The layout of the site is such that the level of parking stated is questionable, and likely to be substandard in practice. This means vehicle turning areas within the site will become parked up, with resultant reversing of vehicles out blindly onto the public highway, representing a safety risk.</p> <p>2) The proposed development, if permitted, would involve the intensification of use of the existing vehicular access onto Hemp Lane where visibility is already severely substandard in both directions and obstructed by the adjacent hedges and the retention wall and would be likely to give rise to conditions detrimental to highway safety.</p> <p>3) The proposed width of the access exceeds the HCC Highways' maximum standard of 5m.</p> <p>4) The site does not comply with paragraphs 32 and 35 of the</p>

	<p>NPPF, as it does not provide suitable opportunities to travel to and from it by sustainable modes. In particular, pedestrian travel is not safely accommodated.</p> <p>COMMENTS:</p> <p>The application is for the demolition of existing dwelling and erection of 2no pairs of semi-detached dwellings to form 4no total dwellinghouses.</p> <p>Pedestrian access:</p> <p>There are no public footways in the vicinity of the site, which means that driving will be the main form of transport for new residents. The plans fail to show unobstructed pedestrian footpaths of at least 0.9m in width on site between the dwellings, parking, cycle store(s), etc. Given the very limited space on site such footpaths will be difficult if not impossible to provide.</p> <p>Vehicular access:</p> <p>Access to the site is from Hemp Lane, a local access road with a speed restriction of 30mph.</p> <p>The plans submitted with the application are not reflective of the existing situation, i.e. for example the retaining wall to the west of the access is not shown on the plans, the existing visibility is substandard and does not appear to meet the standard requirement of 2.4 metres x 43 metres.</p> <p>Although not clearly shown on the submitted plans the application form suggests that the access will be widened to a staggering 8m width, which is contrary to the maximum width allowed of 5m.</p> <p>The road accident records from the 5 last year reveal one accident in 2013 directly linked to the site where a vehicle was leaving the Amberley's driveway and collided with another vehicle travelling on Hemp Lane. Although the reason was not recorded by the police the poor visibility could have been a contributing factor.</p> <p>For those reasons HCC Highways strongly object to the intensification of use of the existing vehicular access into/from Hemp Lane.</p> <p>Vehicle parking:</p> <p>Whilst the number of parking spaces meets the Dacorum's adopted standards of two spaces per dwelling, the design, dimensions and the turning area fail to meet the minimum adopted criteria of 4.8m x 2.4m with reversing space of 6m. This coupled with the fact of the need for visitors parking on site and deliveries requirements (i.e. home deliveries) and informal parking on site, would lead to vehicles blindly reversing out onto the public highway with already reduced sightlines.</p> <p>The proposed garages only measure 2.9m x 5.7m instead of the standard HCC's dimensions of 3m x 6m.</p>
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	<p>Cycle parking:</p> <p>The details of the type, location and design of cycle storage have not been provided. According to the Dacorum District Council's cycle parking standards, a minimum of eight spaces will be required for residents (two per each property). Due to the limited space available on site, the details of cycle storage in the form of a cross section of the store(s) together with the manufacturer details and access to the stores should be provided now rather than be secured by a planning condition. Vertical or semi vertical cycle storage is not acceptable.</p> <p>Surfacing and drainage:</p> <p>The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the driveway would need to be collected and disposed of on site in order for the proposals to be acceptable. The details should be secured by a planning condition.</p> <p>Refuse and waste collection:</p> <p>The plans show location of bin stores within each individual property. For that reason a temporary bin storage area will be required on site in the vicinity of the access for at least eight bins. This would need to be shown on the updated the plans ensuring that the placement of the bins does not obstruct access or visibility on collection days.</p> <p>The collection method must be confirmed as acceptable by DDC waste management.</p> <p>Emergency vehicle access: The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1.</p> <p>CONCLUSION</p> <p>For the reasons stated above, HCC Highways raise objections on highway grounds to the application</p>
Chiltern Society	<p>Objection for three reasons:</p> <p>Proposed three storey houses on already high ground will be too dominant with regard to neighbouring houses, and out of character with Hemp Lane.</p> <p>Over-development. Most plots in Hemp Lane have only one dwelling. Again, not in keeping with neighbouring properties.</p> <p>Traffic problems. Four houses on this plot means a minimum of 8 cars, probably 12 cars. The space in front of the proposed houses is inadequate for cars to manoeuvre and turn to exit into Hemp Lane going forward. Hemp Lane is very narrow and very busy with horse-boxes, cars, cyclists, horses and walkers. There is no footpath.</p>
Herts Archaeology	<p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p>

The proposed development site is in Area of Archaeological Significance No 9, which identifies the historic core of the village of Wigginton. The settlement is recorded in Domesday Book (of 1086), and the parish church of St. Bartholomew is a much restored building that dates from the 13th century [Historic Environment Record no 4375]. The proposed development site is just over 50 metres from the parish church, and is adjacent to 'The Orchard' [HER no 17609]. This Grade II Listed Building is a two-storey timber-framed house on a flint sill, built in the 16th century. It may have replaced an older undocumented building, since the Weedon family, who founded of the 15th century chantry chapel at the church, are said to have lived there. No medieval manorial site has been identified at Wigginton, but the church is likely to be a proprietorial foundation by a manorial centre, implying that a manor house lay close by.

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant below ground heritage assets, and that this impact should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF). I recommend, therefore, that provisions be made for a programme of archaeological works, should you be minded to grant consent:

1 The archaeological evaluation of the development site by means of a strip, map and sample and/or trial trench methodology (whichever is more appropriate archaeologically) prior to the commencement of development.

2 Such appropriate mitigation measures indicated as necessary by the above programme of archaeological evaluation.

These may include:

a) the physical preservation of any archaeological remains *in situ*, if

warranted, by amendments to the design of the development if this is feasible,

b) the appropriate archaeological excavation of any archaeological

remains before any development commences on the site, with provisions

for subsequent analysis and publication of the results,

c) the analysis of the results of the archaeological work with provisions

for the subsequent production of a report and an archive, and the publication

of the results, as appropriate,

d) and such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic

	<p>Environment (Historic England, 2015). In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording: Condition A No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. Condition B i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). www.hertfordshire.gov.uk ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p>
Herts Property	<p>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.</p>
Building Control Team	<p>After having a quick look at the proposed plans the means of escape from the 2nd floor is very poor . There doesn't appear to be a protected escape route.</p>

Cllr Stan Mills	As Ward Councillor for Aldbury & Wigginton please accept this request that in the event of you recommending the above Planning Application 4/00871/18/FUL for approval I wish to Call In on the grounds of Over Development in terms Size, Quantity, Overbearing effect on surrounding properties and Highway safety.
Herts Property	<p>I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.</p> <p>Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. 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.</p> <p>All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.</p> <p>Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.</p> <p>The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.</p> <p>Section 106 planning obligation clauses can be provided on request.</p> <p><u>Justification</u></p> <p>Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit</p> <p>The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document</p>

	<p>B”.</p> <p>In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:</p> <p>(i) Necessary to make the development acceptable in planning terms.</p> <p>Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).</p> <p>All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).</p> <p>(ii) Directly related to the development;</p> <p>Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.</p> <p>(iii) Fairly and reasonable related in scale and kind to the development.</p> <p>Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.</p> <p>I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority if minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.</p>
Thames Water	<p>Waste Comments</p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be</p>

	<p>required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Water Comments There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
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Appendix 2

Neighbour notification - Amended scheme

Address	
RED TILES, HEMP LANE	Thoughts on the latest (October 2018) plans for the site of Amberley, Hemp Lane.
17/10/2018	- Three houses are better than the 4 originally proposed but it

	<p>still represents significant over-development of a site within a village which is situated in an area of outstanding natural beauty.</p> <ul style="list-style-type: none"> - The application form states that it is to replace a single four bedroom bungalow. In fact it is only a two bedroom bungalow with a room in the loft. This is at best an error. A more cynical person might have thought it a ruse to confuse people in thinking that they are only increasing the number of bedrooms by 300% rather than the reality of 400%. - The car ports/garages in the front of the plots are a significant and unwarranted deviation from the building line and would be an unsightly presence in the view from our property as well as changing the character of Hemp Lane from a rural lane to one of a much more urban aspect. - Three houses on the one plot with a single access point will alter the whole character of the rural lane that currently exists. - Plot 3, the house nearest to ours, is already 1 metre further forward and extends some 6m+ beyond ours at the rear. This will be a significant visual intrusion and would also curtail the visible sunlight particularly in the later part of the year when the sun is so much lower. - The excavation to lower the height of the houses by 1 metre would mean slightly less of a visual intrusion for the properties on the opposite side of the lane. However, this causes us concern about what would happen to the ground on that side of our property which would then be significantly higher than the level in Amberley. The same would also be true for the driveway leading to The Orchard. This could also lead to flooding of the properties replacing Amberley and at times of heavy rain, when the lane already fails to cope, additional floodwater down Hemp Lane. - Because of all of the points above we believe that the Council should refuse this application.
<p>PROSPECT HOUSE, HEMP LANE, WIGGINTON, TRING, HP23 6HF</p>	<p>Hemp Lane is a narrow road with a lot of traffic. This is not comprised of cars, but also large agricultural machinery, HGVs, delivery vans and horse boxes. There are many horses and riders and cyclists.</p> <p>There is no footpath on Hemp Lane making pedestrians vulnerable and this is a particularly difficult place to walk. It is narrow and near a bend where passing parked vehicles is already difficult.</p> <p>According to Dacorum Parking Standards, new residential development will be expected to accommodate all parking demand on site.</p> <p>We note that 'On site car parking via attached garages will be provided to alleviate the possibility of congestion in the area'. This is a naïve suggestion. It is probable that the occupants of these houses will own at least 2 vehicles (cars or vans) possibly many more even if visitor parking is ignored. This also envisages that owners will actually park their vehicles in their garages!</p> <p>Vehicles reversing onto Hemp Lane already constitute a hazard. It is hard to see how vehicles parked on the site will be able to do other than this. Although the 'Site and Block Plans' appear to show a shared area in front of the existing access to</p>

	<p>Amberley, we believe that the reality of the situation will be that this is inadequate to provide reliable turning space even for small cars.</p> <p>We urge that these plans be re-considered as we believe that the development constitutes a significant traffic hazard within the area.</p>
<p>CHILTERN COTTAGE,HEMP LANE, 8/10/2018</p>	<p>I object to the proposed development as it is definitely going to be a over development. Having lived on hemp lane for over 30 years I am totally aware of how dangerous the section of hemp lane is near the proposed development. Using the road on a daily basis for walking dogs , cycling and driving it would be dangerous having the volume of traffic entering and leaving the site on a daily basis and the village being an area of outstanding natural beauty this development would detract the feeling of a country lane . Allso the current structure of the sewage and water systems are not capable of coping with a larger volume of properties as the developer is proposing. I think it is vital that this development is refused or the flood gates will be open for every one on hemp lane to knock there properties down and build 3 or 4 properties take the profit and run .</p>
<p>COURTWYCKS,HEMP LANE,WIGGINTON,TRING, HP23 6HE</p>	<p>I am not in support of the three houses proposed in the redevelopment of Amberely ,Hemp Lane as I feel it is over development .These properties can not be viewed as affordable housing as in Hemp Lane each proposed property will sell for well over one million pounds.My main concern however is over the parking for three properties and their guests. I feel there is not enough parking and turning room for cars at the proposed development . I have had many near accidents walking my children to school up Hemp Lane due to cars parked in the road and I feel very strongly that this problem will get much worse if the development of three properties was to be passed . I would support the development of one property and I feel that Little Orchard in Hemp Lane is a prime example of how redevelopment can work . This is respectful in terms of parking,size,and is aesthetically pleasing. Properties need ample parking ,at least one space per bedroom and room to turn before leaving the property and entering Hemp Lane ,as Hemp Lane is a fast road with limited viability and reversing out is dangerous.</p>

27 Goaters Road - Support

Original Submission

Address	
<p>RED TILES,HEMP LANE 4/05/2018</p>	<p>We feel that this is an unacceptable level of over-development of the site and the building density is not in keeping with the rest of Hemp Lane which are, with the exception of a few Rothschild-built semis at the top of the lane, all single properties in their own plots.</p> <p>When our property was extended in the early 1990s the planning department insisted that we provided a turning facility</p>

	<p>as a condition of planning approval for safety considerations because of the nature of the lane. Given the build density proposed for this site this will prove very difficult if not impossible.</p> <p>The plans provide for 2 cars per house. In reality with 4 4-bedroom homes this will exceed 3-4 cars per household. This will result in on-street parking on a lane not designed to cater for this with limited visibility and would cause access and problems to neighbours. Plus we have large agricultural vehicles and horse boxes needing access.</p> <p>I have emailed Amy in more detail.</p>
<p>PROSPECT HOUSE, HEMP LANE</p>	<p>Hemp Lane is a narrow road with a lot of traffic. This is not comprised of cars, but also large agricultural machinery, HGVs, delivery vans and horse boxes. There are many horses and riders and cyclists.</p> <p>There is no footpath on Hemp Lane making pedestrians vulnerable and this is a particularly difficult place to walk. It is narrow and near a bend where passing parked vehicles is already difficult.</p> <p>According to Dacorum Parking Standards, new residential development will be expected to accommodate all parking demand on site.</p> <p>We note that 'On site car parking via attached garages will be provided to alleviate the possibility of congestion in the area'. This is a naïve suggestion. It is probable that the occupants of these houses will own at least 2 vehicles (cars or vans) possibly many more even if visitor parking is ignored. This also envisages that owners will actually park their vehicles in their garages!</p> <p>Vehicles reversing onto Hemp Lane already constitute a hazard. It is hard to see how vehicles parked on the site will be able to do other than this. Although the 'Site and Block Plans' appear to show a shared area in front of the existing access to Amberley, we believe that the reality of the situation will be that this is inadequate to provide reliable turning space even for small cars.</p> <p>We urge that these plans be re-considered as we believe that the development constitutes a significant traffic hazard within the area.</p>
<p>87 Hemp Lane</p>	<p>Having studied this proposal on your web-site, I have made repeated attempts to record my comments on line, which have been frustrated by your software's refusal to allow me to log in. I am left with no alternative but to comment to you directly and ask you kindly to make sure that my comments are considered before this proposal goes, as in my view it certainly should, before the Planning and Development Control committee. I have been a resident of Hemp Lane for more than 20 years and wish to record my strong objection to the above development proposal.</p> <p>I am surprised that this proposal has not, according to the web-site information, been the subject of any other comment and can only assume that this is because my fellow residents of Wigginton are unaware of this proposal or have not recognised the damage to their AONB environment which would be caused</p>

	<p>by the proposed demolition of a perfectly serviceable single - storey dwelling and its replacement by TWO large multi-storey new build blocks providing 4 housing units on a site already some metres higher than the level of the lane from which access is intended to be provided .</p> <p>The sheer scale ,design and location of the proposed new buildings would have a damaging visual impact on the present tranquil environment of a country lane within a rural and AONB protected village and would certainly cause increased congestion and risk of accident to users including walkers,cyclists and horse-riders as well as residents of Hemp Lane and others needing vehicle access .</p> <p>Three recent demolitions of existing dwellings followed by large and in some cases towering new -build multi-storey replacements have already introduced some change in the architectural environment of parts of Hemp lane which otherwise largely dates from early to mid20th century buildings, many of which were single storey or low-rise . The present proposal appears to rely on these precedents and seeks to promote acceptance of further development of a scale which is already damaging the rural character of parts of this lane towards one ,which is more typical of suburban areas , as being justified by the potential to provide 3 new additional housing units.</p> <p>The suggestion that the design of these large units will "complement and fit in with existing buildings in the area" is completely unrealistic and appears to be merely an attempt ,by misrepresentation, to justify a proposal clearly motivated by a desire to squeeze maximum profit for the developer from this site, and an attempt which could well mislead anyone who is not familiar with the existing environment of the proposed development site.</p> <p>I believe that scale ,design and location of the proposal which is the subject of this application if approved could damage its intended environment and that for that reason it should be refused .</p>
<p>CHILTERN COTTAGE,HEMP LANE,WIGGINTON,TRING, HP23 6HF</p>	<p>I object to the proposed development as it is definitely going to be a over development. Having lived on hemp lane for over 30 years I am totally aware of how dangerous the section of hemp lane is near the proposed development. Using the road on a daily basis for walking dogs , cycling and driving it would be dangerous having the volume of traffic entering and leaving the site on a daily basis and the village being an area of outstanding natural beauty this development would detract the feeling of a country lane . Allso the current structure of the sewage and water systems are not capable of coping with a larger volume of properties as the developer is proposing. I think it is vital that this development is refused or the flood gates will be open for every one on hemp lane to knock there properties down and build 3 or 4 properties take the profit and run .</p>
<p>Hadleigh, Hemp Lane</p>	<p>I wish to object to the plans submitted under the planning</p>

	<p>application reference 4/00871/18/FUL for the following reasons;</p> <ul style="list-style-type: none"> • Lack of detail noted within the plans. The bungalow itself is elevated from the road level, which is considered ground, by approximately 2 meters. The plans fail to specify the height of the proposed builds in relation to ground level and therefore it not possible to ascertain a true comparison to neighbouring properties. • Lack of due diligence. I do not believe that true due diligence has been carried out to quantify the impact of four houses / four families against the infrastructure that Hemp Lane is able to provide. <ul style="list-style-type: none"> o Hemp Lane is notorious for its antiquated drainage system which often causes flooding. I believe the plan specifies 5 toilets facilities per household. o The properties could exceed 3 / 4 cars per household adding additional traffic to a road that is used by local family residence to walk children to the local school. <p>If Dacorum are wanting to increase the number of properties on Hemp Lane then they should consider taking a long term view and invest in the necessary infrastructure before any developments of this type are authorized.</p> <ul style="list-style-type: none"> • Non-Compliance. All recent developments have conformed to your policy CS6 – and a property demolished has been replaced with a single dwelling with the benefit of the local community, or affordable housing. The proposed plans are for developments that do not meet these criteria. <p>I feel that the plans have been drawn-up in isolation with no consideration of the actual area of where the developments are proposed, the objective of which is to maximize profit at the detrimental cost to its rural heritage and local / long standing residence.</p>
<p>COURTWYCKS,HEMP LANE,WIGGINTON,TRING, HP23 6HE</p>	<p>i am not in support of the three houses proposed in the redevelopment of Amberely ,Hemp Lane as I feel it is over development .These properties can not be viewed as affordable housing as in Hemp Lane each proposed property will sell for well over one million pounds.My main concern however is over the parking for three properties and their guests. I feel there is not enough parking and turning room for cars at the proposed development . I have had many near accidents walking my children to school up Hemp Lane due to cars parked in the road and I feel very strongly that this problem will get much worse if the development of three properties was to be passed . I would support the development of one property and I feel that Little Orchard in Hemp Lane is a prime example of how redevelopment can work . This is respectful in terms of parking,size,and is aesthetically pleasing. Properties need ample parking ,at least one space per bedroom and room to turn before leaving the property and entering Hemp Lane ,as Hemp Lane is a fast road with limited viability and reversing out is dangerous.</p>
<p>Avalon</p>	<p>The height and number of dwellings will overpower the surrounding houses and be a significant visual intrusion - there are no other 3-storey properties in the vicinity.</p> <p>Having dwellings built immediately opposite at such an elevated level will produce a significant loss of privacy as all front rooms</p>

	<p>will look directly over Avalon.</p> <p>The plans show that little parking has been allocated for the properties and as a result for families with more than one car a considerable amount of reversing/moving of vehicles will be required. This will result in noise and disturbance and will impact on the existing quiet location of Avalon and its neighbours.</p> <p>As inadequate parking has been allocated for these dwellings, cars may well be parked on the lane - this gives rise to poor and very restricted vision when exiting from Avalon and neighbouring properties. Also, it will cause considerable problems for refuse collection, delivery lorries and farm vehicles as Hemp Lane is narrow. Hemp Lane is also a well used cycle route and cars parked on this stretch could result in accidents.</p> <p>In addition to the above concerns/objections I wish to stress that the plan for semi-detached dwellings so close to the road is completely out of character with the rest of the properties in the lane where they all lie a considerable distance from the kerb and are all detached.</p>
TY-Gwyn	<p>As a long term owner/occupier, having lived exactly opposite the bungalow in question for 45 years I would like to make a formal objection to the proposed development at Amberley, Hemp Lane, Wigginton.</p> <p>I would like to make the following points</p> <p>1 There are no semi detached houses in Hemp Lane apart from the historic Rothschild cottages built many, many years ago at the top of the hill. To build at that density is excessive for the site and will be overbearing and out of character with the existing pattern of well separated dwellings. Hemp Lane has always had a policy of one for one replacement. How can this policy suddenly be thrown to the winds? If four houses are built, the banks and hedges will be damaged plunging the lane into a suburb.</p> <p>2 . Hemp Lane has a very rural character with green banks of wild flowers. The hedgerow in question is an ancient one and therefore most valuable in the light of the Country Code. This means it has greater variety of wildlife in it, and also the nests of the birds, which are always considered as the hedge is not cut in the nesting season. It should not be lost or shortened.</p> <p>3. This proposed plan will have an adverse impact on the highway network .Four houses on that plot will mean at least an extra eight cars; they cannot be left in the lane and to have eight cars in and out of there will overload the traffic in the lane. This will lead to a paring away of the banks as traffic cuts into them when it squeezes past. Other people who have recently changed their drives, were forced to incorporate turning space within their grounds thus enabling them to drive out forwards as a Health and Safety issue.</p> <p>Although it appears on the plans that parking space is provided, this is not easily accessible and will be largely ignored during</p>

	<p>the day when folk are in and out in a hurry, thus leaving their vehicles in the narrow road. This will mean that drivers from Ty Gwyn and Chedworth will have great difficulty and may be in danger when exiting or entering their properties.</p> <p>4. The sweep of the land is such that it will be ruined if such a large block of building is put up high, dominating the skyline and landscape. Amberley is built high up on the crown of its plot . It is already built on a platform 6ft above my house so if the new houses are built on that level I shall have a three storey building built above my ground floor giving the appearance of being dwarfed by a four storey block of flats. As the plan is to develop right across the plot this will seem enormous and overpowering.. The only solution would be to dig down to road level and start building there, but huge complications would arise with a massive removal of earth, retaining walls to hold up the meadow belonging to The Orchard , a wall to hold up their drive, and a wall to retain Red Tiles. Also at risk would be the trees as their roots would have been severed. With such a large block, the character of this delightful lane will be eroded for ever.</p> <p>In conclusion, this plan is just too wide, too high, too big, far too enormous and of too great a density for the plot as it stands. I urge you not just to check this on a paper plan or a computercome to Hemp Lane and see for yourselves how such a density will totally destroy this corner of Hertfordshire Countryside for all time.</p>
The Orchard	<p>As the owners of The Orchard, the site of which wraps around the west and north boundaries of Amberley, we wish to object to this application for the following reasons:</p> <p>It is acknowledged that the site is within the designated boundary of the village of Wigginton where Core Strategy Policy CS6 applies. However, the proposal is contrary to this policy the purposes of which are misrepresented in the Planning Statement. The policy only allows for “limited infilling” where this is for affordable housing for local people. The text that forms part of the policy states that:</p> <p>“Infilling is defined as a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings.... Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people. The term ‘limited’ refers to development which does not create more than two extra dwellings. The term ‘affordable’ is defined in accordance with national guidance”</p> <ul style="list-style-type: none"> • The proposed development fails all these tests. The site is not within a gap along a clearly identifiable built-up frontage, as The Orchard is set back a considerable distance from Hemp Lane and the frontage is open and undeveloped. Beyond the site of The Orchard is the Church of St Bartholomew’s, which is similarly set back from the road frontage.

- The development is for four large semi-detached houses and could not be described as limited in scale, which is defined in the policy as a maximum of two houses.
- The development is not for affordable housing.

Furthermore, Policy CS6 requires each development to:

***“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.”***

The proposed development is not sympathetic to its surroundings. The surroundings are spacious and semi-rural in character. The proposed development extends to within 1m of each boundary with only a 1m gap between the houses. The design of the houses is inelegant. Their excessive depth and bulk is demonstrated by the need to incorporate crown roofs to accommodate a third storey in an area where single and two-storey development predominate.

No topographical survey is included with the application documentation. The site slopes down from west to east and from north to south; the topography is completely ignored, as are all the existing hedging and trees within the site. Owing to the topography of the area the ridge of the present bungalow at Amberley is already higher than that of Red Tiles to the east; and Red Tiles is a two-storey dwelling. Therefore, the height of the proposed 3-storey dwellings, which will extend up to the boundary with Red Tiles, will be considerably taller. No street elevation is provided to demonstrate this relationship which will be completely out of character. Additionally, and reflecting the topography, the rear gardens of the proposed development are either less than or only marginally longer than the 11.5m length required by the Development Plan. They will be excessively steep or will require undeclared retaining walls. The information provided with the application, which suggests a flat plot, is inadequate and deliberately misleading.

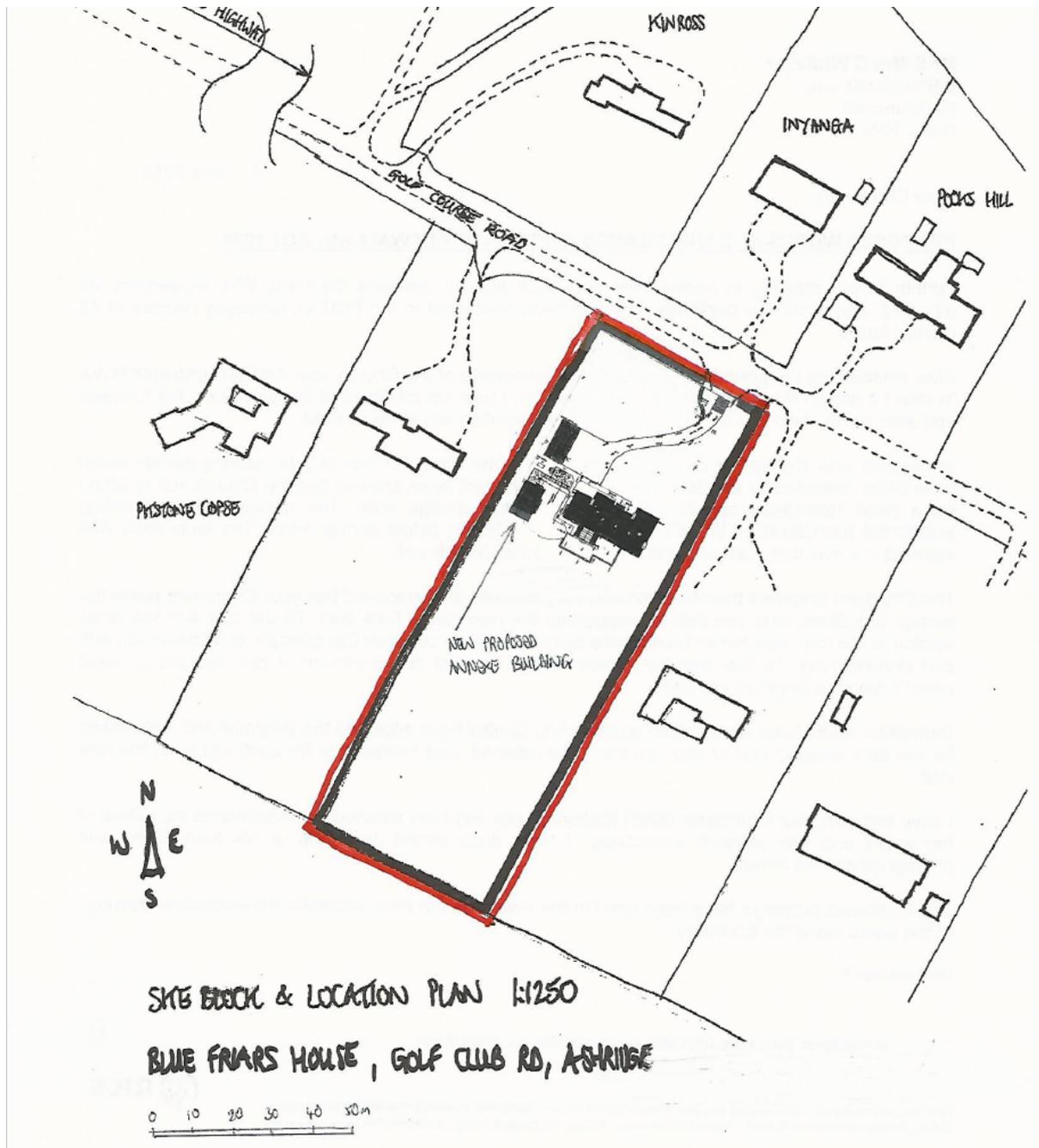
Only two parking spaces are provided per dwelling, which includes an integral garage. Parking on Hemp Lane is almost impossible due to its narrow width. Two spaces per dwelling is completely inadequate at this location for four-bedroom dwellings and falls below the maximum parking standard of 3 spaces per dwelling. As the absence of sufficient parking is likely to result in highway danger due to cars being parked on Hemp Lane the maximum standard should be met. Also, the visibility at the access is not good and no visibility splays are shown on the submitted plans. If they were it would demonstrate that the only way of providing a safe access would be to remove the existing hedging at the frontage of the site, which is shown as being beyond the applicant's control. If this hedging were to be removed it would severely harm the semi-rural character of the area and radically change the appearance of the Amberley site relative to other frontages.

	<p>The setting of The Orchard, a grade II listed building, has been ignored in the Planning Statement accompanying the application. The application drawings fail to demonstrate how the setting and views from and of The Orchard will be affected by the proposed development. The cramped, bulky development of the site proposed will not preserve its setting and that the inappropriate crown roof form of the buildings will be harmful to the character and appearance of the areas as well as the setting of The Orchard.</p> <p>In summary the proposal is contrary to local plan policy. As such it cannot be claimed to be a sustainable form of development and the presumption in favour of sustainable development enshrined within the NPPF is not activated and cannot be relied upon to justify the residential development of this site. While it is acknowledged that the existing bungalow could be redeveloped within policy as a replacement building, the NPPF makes it clear that replacement buildings that are materially larger than the ones they replace is an inappropriate form of development in Green Belt. No special circumstances have been advanced or exist that would justify the current application proposal.</p>
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Item 5b 4/01841/18/FHA

NEW OUTBUILDING

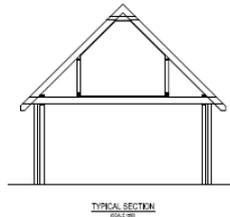
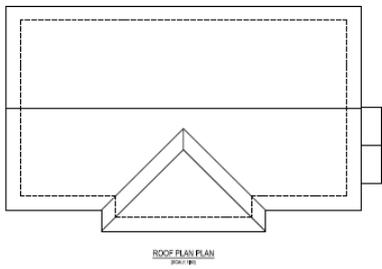
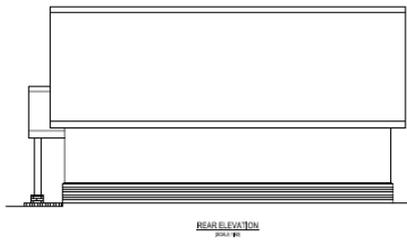
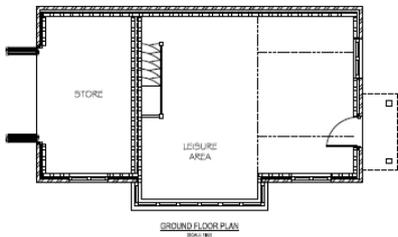
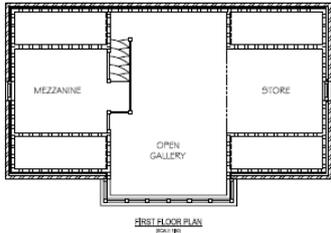
BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY



Item 5b 4/01841/18/FHA

NEW OUTBUILDING

BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY



4/01841/18/FHA	NEW OUTBUILDING
Site Address	BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY
Applicant	Mrs S. Jones
Case Officer	Andrew Parrish
Referral to Committee	Contrary views of Little Gaddesden Parish Council

1. Recommendation

1.1 That planning permission be **REFUSED**

2. Summary

2.1 The site falls within the Rural Area and is within the designated Chilterns Area of Outstanding Natural Beauty. The proposed annex, being a detached outbuilding is contrary in principle to Rural Area Policy CS7 which does not cover outbuildings. The above notwithstanding, the proposed outbuilding given its size, siting and design would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block / side boundary thereby urbanising the site and harming the open setting of the dwelling and the rural character of the area. In these terms the proposal would harm the rural character of the area and the natural beauty of the AONB, thereby contrary to Policies CS7, CS12, CS27, saved Policy 97 and the Chilterns Buildings Design Guide. Furthermore, insufficient information has been submitted to demonstrate that there would be no harm to existing trees on the boundary and is therefore contrary to Policy CS12 and saved Policy 99.

3. Site Description

3.1 The application site comprises a recently constructed arts and crafts style dwelling that replaced a smaller dwelling on the site and is located on the south side of Golf Club Road, within the Chilterns Area of Outstanding Natural Beauty and Ashridge Park and backing onto Ashridge Golf Club. The property is located within a generous plot, set back from the road centrally within its plot and within a verdant setting of mature trees and woodland. The property has a long sweeping driveway with triple oak framed car port to one side. The surrounding area of Golf Club Road comprises a variety of detached dwellings at low density set within a similar verdant semi-rural setting.

The site falls within the Rural Area and designated Chilterns AONB.

4. Proposal

4.1 Permission is sought to erect a detached 'annex' outbuilding to one side of the dwelling set behind the existing oak framed car port.

5. Relevant Planning History

5.1

4/00720/13/RO C VARIATION OF CONDITION 8 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/01210/11/FUL (DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FIVE BED HOUSE AND OAK FRAMED GARAGE)
Granted
19/08/2013

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

Policies NP1, CS7, 10, 11, 12, 13, 27 and 29

Appendices 5 and 7

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 22, 58, 97, 99 and 100

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Chilterns Buildings Design Guide

6.5 Advice Notes and Appraisals

- None relevant

7. Constraints

- Rural Area
- AONB
- Area of Archaeological Significance

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 Rural Area and AONB
- Impact on Trees
- Impact on residential amenity

Policy and principle and heritage impact

9.2 Situated within the Rural Area where, under Policy CS7, limited extensions to existing buildings are acceptable in principle provided it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside. However, the policy does not cover outbuildings and therefore the proposal does not have any policy support.

9.3 Whilst it might be argued that a large outbuilding could be constructed under permitted development, permitted rights are curtailed within the AONB but, moreover, class E rights were removed in granting permission for the replacement dwelling in 2011, so this does not present a viable fall back.

9.4 Furthermore, whilst there might have been an argument that limited extensions to the existing building would be acceptable in accordance with Policy CS7, and therefore there would be no materially greater harm to the Rural Area as a result of siting the equivalent floorspace / volume as a detached building instead, this too does not present a viable fall-back since permitted development rights under classes A and B were also removed. It is also not a foregone conclusion that an extension to the dwelling would be permitted to the side of the dwelling.

9.5 The development is therefore unacceptable in principle.

Impact on Rural Area and AONB

9.6 As background history it must be recognised that the existing dwelling is a replacement for a smaller dwelling on the site, constituting a 60% increase on the original volume in 2011. However, with the oak framed car port included, the increase is actually 76%. This increase was in excess of the guidance figure of 50% allowed for under Policy 22 of the Local Plan and, whilst on balance the scheme was considered acceptable in Rural Area terms, there has clearly been an increase in the amount of building volume / footprint coverage at the site, as well as an increase in height of built development. The detached car port also extended the effective width of building coverage at the site. However, it's relatively modest size, low height, hipped roof and traditional form and materials ensures that it sits comfortably within the rural setting and is not prominent. Accordingly, the existing buildings maintain an overall spacious setting to the plot with generous tree planting and open space margins to the boundaries in keeping with its surroundings and the rural location.

9.7 The proposed annex building would be roughly the same footprint as the oak framed car port and would therefore increase the built development at the site accordingly (equivalent to 85% increase on the original dwelling when considered with the previous increases). However, the real concern with the proposal is that the building in its proposed location to the side of the house and to the rear of the car port would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block / side boundary thereby urbanising the site and harming the open setting of the dwelling and the rural character of the area.

9.8 Furthermore, this harm would be exacerbated by the excessive height of the annex building and the materials and domestic form which would not sit comfortably in relation to the low key rural setting of the dwelling or the rural character of the existing oak framed outbuilding. In the above respects, it is noted that the proposed outbuilding would be akin to a small bungalow with its gabled front porch, large projecting bay window, first floor windows and

high, steeply pitched, roof. Rather than sitting quietly in the background as an incidental outbuilding to the main house, the overall size, form, design and materials would emphasise and reinforce the apparent importance of this structure, and urbanise the site. In these terms the proposed annex would have an assumed importance and form that would detract from the natural beauty of the AONB.

9.9 Furthermore, the proposed 1.8 m high wall would further detract from the open character of the site and present a harsh feature detrimental to the natural beauty of the AONB. Whilst walls are traditional boundary features to dwellings in the Chilterns AONB, in this case it would be damaging to the open character and, like solid fences, would be too urban and out of place in this location, contrary to Chilterns Buildings Design Guidance.

9.10 In response to concerns raised by the case officer, the applicant has responded that *"the Sylvan quality of the road and its dwellings should not have disparate and uncharacteristic (false) barn structures"*. However, this argument is not followed. Given the existing detached oak framed car port is a "barn" structure and already exists, continuing this design and form would not be out of character. Moreover, wooden structures with plain tiled roofs are traditional within the Chilterns and indeed exemplified within the Chilterns Buildings Design Guide. Furthermore, their simple design and materials means they sit more quietly in the context of being subservient to the main dwelling, and would also sit more comfortably in terms of the wooded character of the site. In the above context, it is difficult to see how there is justification for the proposed design and materials, let alone its size and height.

9.11 Whilst noting the submitted photomontage showing the supposed position of the annex building, the one viewpoint given minimises the impact of the building whilst maximising the apparent spacing with the car port. Moreover, the outline has been incorrectly plotted as the building will actually be much closer to the car port than indicated. Therefore the gap will be much less than shown and so little weight can be given to this submission. Furthermore, what is also clear from this image is the additional impact of the 1.8 m high wall on the open character of the site at this point which will visually link the house to the car port. The wall is a further urbanising feature that will detract from the natural beauty of the AONB. Whilst arguably this could be done under PD, permission is needed for the outbuilding, therefore, the proposals need to be considered as a whole, and any permission could consider amendments to this aspect or removal of PD rights.

9.12 A photo of the site opposite (Fieldfares) has been submitted by the applicant to show the impact of a large brick built structure forwards of that house. It is remarked that this is detrimental to the Green Belt. The case officer would not disagree with this assessment (although in reference to the Rural Area, not the Green Belt) and would consider that this demonstrates the harm from such inappropriate structures. In that case the structure does seem to dominate the frontage and urbanise the site to the detriment of the open character of the area. However, clearly each site must be considered on its merits, the starting point for which will always be the existing situation on the site. It is not therefore considered that the Fieldfares decision would set a precedent for the development in this case.

9.13 The proposal does not respect the rural character of the area, or the natural beauty of the AONB and is contrary to Policies CS7, CS12, CS27, saved Policy 97 and the Chilterns Buildings Design Guide.

Impact on trees

9.14 Saved Policy 99 states that:

"Encouragement will be given to the preservation of trees, hedgerows and woodlands (including old orchards) throughout the Borough."

Where new development is proposed a high priority will be given to their retention and to their protection during development. Regard will also be paid to future management intentions (ref Policy 101). In order to minimise unnecessary loss and damage to roots the Council will:

(a) carefully consider the positions of existing and proposed trees with the proposed development so that a harmonious relationship is achieved;

(b) require an accurate tree survey indicating trees proposed for retention or removal; and

(c) require details of proposed underground works and tree protection measures to be submitted and approved."

9.15 The proposed siting would be in close proximity to a number of mature trees on the boundary of the site which are considered to make a significant contribution to the visual amenities of the area and its rural character and should be retained.

9.16 No tree survey, arboricultural impact assessment or tree protection measures were submitted with the application to demonstrate that the development's relationship with the trees and their long term health would be acceptable, and this was raised with the applicant as a concern.

9.17 In response, the applicant has stated that the car port was designed with piled and raft foundations and that it was executed without harm to the trees and that the proposed structure would be similarly designed. However, given the proposed structure is a brick built structure it is very different to the light weight oak framed car port and it is not clear that this type of foundation would be acceptable here. In any event there will be a large concrete pad that will likely impact on tree roots, so there is insufficient information with the application to show the precise position of the trees, their size and species in relation to the structure, how the trees will be protected during demolition / construction works (there is a small concrete pad in the location that will presumably need to be removed) or, in the absence of any engineering details, whether a piled and raft foundation would avoid harm to the trees as suggested.

9.18 Accordingly, insufficient information has been submitted to demonstrate that there would be no harm to existing trees. The proposal is therefore contrary to Policy CS12 and saved Policy 99.

Impact on residential amenity

9.19 Given the significant distance to neighbouring residential properties and the fact that there would be no windows facing the immediately adjoining property, it is not considered that annex building would result in any harm to residential amenities.

9.20 The proposal would accord with Policy CS12 of the Core Strategy.

Other considerations

9.21 There would be no increase in bedroom numbers and therefore no implications for car parking. There is ample off-street car parking serving the property to the front.

9.22 Policy CS29 requires a number of criteria to be satisfied for all new development. A CS29 sustainability statement has been submitted which is generally considered acceptable. However, the amended Advice Note does not apply this to householder development.

10. RECOMMENDATION – That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:

Reasons for Refusal

No	Condition
1	The proposed outbuilding, by reason of its size, siting and design and by reason of the enclosing brick garden, wall would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block, thereby urbanising the site and harming the open setting of the dwelling, the rural character of the area and the natural beauty of this part of the Chilterns Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies CS7, CS12, CS27 of the Dacorum Core Strategy September 2013 and saved Policy 97 of the Dacorum Borough Local Plan 1991-2011, and the Chilterns Buildings Design Guide.
2	<p>Insufficient information has been submitted to demonstrate that there would be no harm to existing trees on the boundary as a result of the development. The proposal is therefore contrary to Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.</p> <p>Article 35 Statement</p> <p>Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant during the determination process. However, fundamental objections could not be overcome. 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

Consultation responses

Little Gaddesden PC - supports (21/08/18)

Historic Environment Officer - 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.

(10/08/18)

LITTLE GADDESSEN PARISH COUNCIL	21/08/2018	Supports
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HISTORIC ENVIRONMENT OFFICER	10/08/2018	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.
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Consultees: not responded

THE CHILTERN		
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SOCIETY			
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Appendix B

Neighbour notification/site notice responses

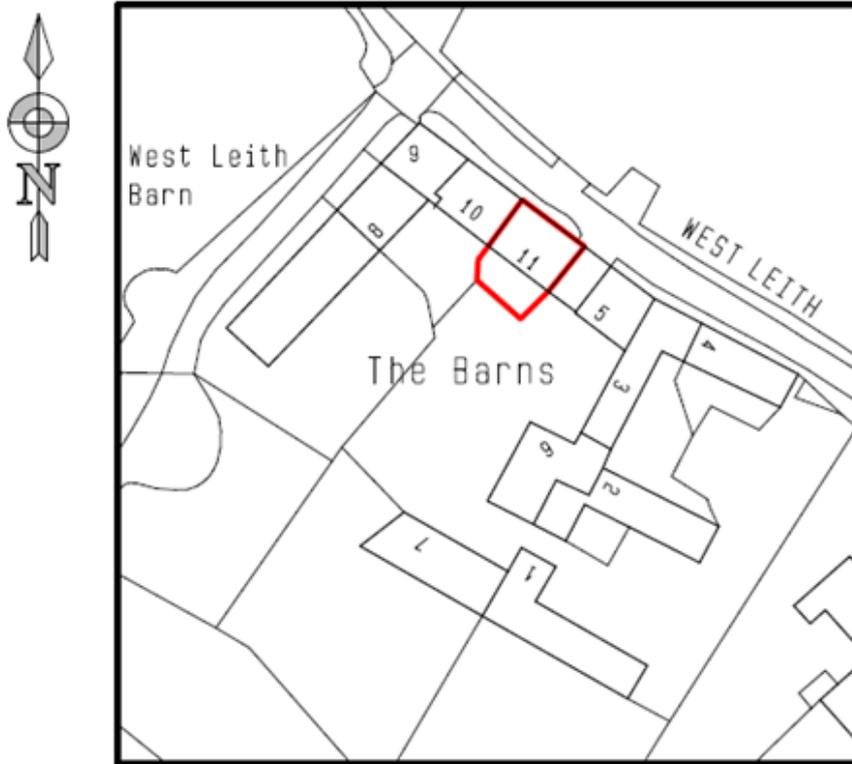
None

Agenda Item 5c

Item 5c 4/02240/18/FHA

REPLACEMENT OF KITCHEN WINDOW WITH GLAZED DOOR AND SIDELIGHT.

11 THE BARNS, WEST LEITH, TRING, HP23 6JJ



Location Plan 1:1250

Item 5c 4/02240/18/FHA

REPLACEMENT OF KITCHEN WINDOW WITH GLAZED DOOR AND SIDELIGHT.

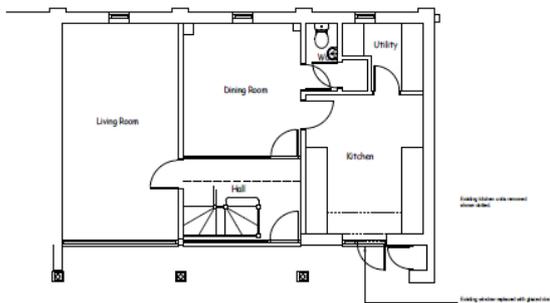
11 THE BARN, WEST LEITH, TRING, HP23 6JJ



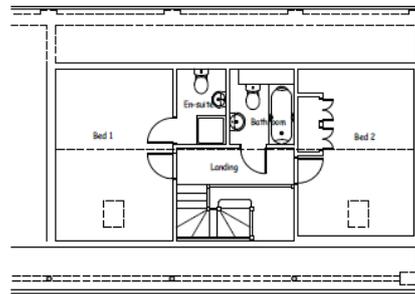
Existing Courtyard Elevation



Proposed Courtyard Elevation



Ground Floor Plan



First Floor Plan

4/02240/18/FHA	REPLACEMENT OF KITCHEN WINDOW WITH GLAZED DOOR AND SIDELIGHT.
Site Address	11 THE BARNS, WEST LEITH, TRING, HP23 6JJ
Applicant	Mr Stedman, 11- The Barns
Case Officer	Nigel Gibbs
Referral to Committee	The recommendation is contrary to the response of Tring Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The Barns is a residential conversion of the former West Leith Farm. The development would be compatible with The Barns residential complex with no harm to the residential amenity of the adjoining / nearby dwellings. The development would accord with Policies CS 5, CS12 and CS27 of Dacorum Core Strategy.

3. Site Description

3.1 The former West Leith Farm is located to the south of the built up edge of Tring beyond the nearby Tring Allotments in Duckmore Lane.

3.2 West Leith Farm was subject to residential conversion in the 1990's following a previous approval in the late 1980's. The main complex is located off the road/ track serving West Leith. An archway links the courtyard/ former farmyard to this roadway. The main building openings to the respective residential units are concentrated within the courtyard. No. 11 adjoins the archway entrance.

3.3 In granting permission 4/01659/97/FUL 'permitted development' rights were withdrawn regarding alterations to the approved dwellings under Conditions 3 and 4.

4. Proposal

4.1 This retrospective application is for the replacement of the kitchen window with a timber framed glazed door and sidelight at no. 11.

5. Relevant Planning History

In addition to Planning Permission 4/01659/97/FUL.

4/01169/18/FHA REPLACE EXISTING GROUND FLOOR WINDOW WITH NEW GLAZED DOOR AND SIDELIGHT, REMOVE TWO CONSERVATION ROOFLIGHTS AND INSTALL THREE CONSERVATION ROOFLIGHTS (SECOND AMENDED SCHEME)
To be recommended for refusal delegated

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy –

Adopted Core Strategy

NP1 - Supporting Development

CS5 - The Green Belt

CS12 - Quality of Site Design

CS23 - Social Infrastructure

CS24 - Chilterns Area of Outstanding Natural Beauty

CS25 - Landscape Character

CS27 - Quality of the Historic Environment

6.3 Saved Policies of the Dacorum Borough Local Plan

13- Conditions

22 - Landscape

97 - Chilterns Area of Outstanding Natural Beauty

110- Conversion and Re Use of Agricultural Buildings

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

- Environmental Guidelines (May 2004)
- Landscape Character Assessment (May 2004)
- Chilterns Buildings Design Guide (Feb 2013)

7. Constraints

Green Belt

Chilterns Area of Outstanding Beauty

Air Limits

8. Representations

Consultation responses

8.1 This is at Appendix A

Neighbour notification/site notice responses

8.2 None.

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle: Green Belt Implications.
- Compatibility of the development with the character and appearance of the area.
- Impact on neighbouring properties.

Policy and Principle

9.2 Dacorum Core Strategy Policy CS5 (Green Belt) confirms that small scale development will be permitted which includes under criteria (c) limited extensions to existing buildings. This is provided that:

- (i). It has no significant impact on the character and appearance of the countryside, and
- (ii) .It supports the rural economy and maintenance of the wider countryside.

9.3 The proposal represents a limited addition to no.11 and therefore complies with criteria (c). Proviso (i) is addressed below and (ii) is not applicable.

Design, Appearance Character of the Area

9.4 This is with reference to Policies Dacorum Core Strategy Policies CS 5 (c) (i), CS12 and CS27 and saved DBLP Policy 97, Chiltern Design Guide and Chilterns Management Plan.

9.5 The residential complex is a high quality conversion whereby the original character and appearance has been successfully adapted to provide modern residential accommodation without any harm to its heritage value. In doing so there has been the necessary control over future changes which would have otherwise been detrimental the complex's distinct ' farm architecture' / vernacular. This has included the insertion of rooflights, including recently no. 11 itself. Without the withdrawal of 'permitted development' rights the maintenance of the original character would have been very vulnerable to incremental attrition by change normally feasible under such rights

9.6 Set against this context, the proposals would be compatible with no. 11 and the wide complex.

Impact on Neighbouring Properties/ Residential Amenity

9.7 There would be no harm to the residential amenity of the adjoining/ nearby dwellings with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity.

Response to the Town Council comments

9.8 As confirmed the development is compatible with the Barns complex.

10. Conclusions

10.1The proposed development would be compatible with the character and appearance of the barns complex with no harm to the residential amenity of the locality.

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

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

18/0034/03

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

ARTICLE 35 STATEMENT

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.

Appendix 1

Tring Town Council

The Council recommended refusal of this application on the grounds that the proposed development was out-of-keeping with its location within a conversion of farm buildings. The design of the conversion had a uniformity that was sympathetic to the original buildings. This proposed development compromises the original design statement, especially bearing in mind the location in the Chilterns A.O.N.B.

Agenda Item 5d

Item 5d 4/02361/18/FUL

CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS)

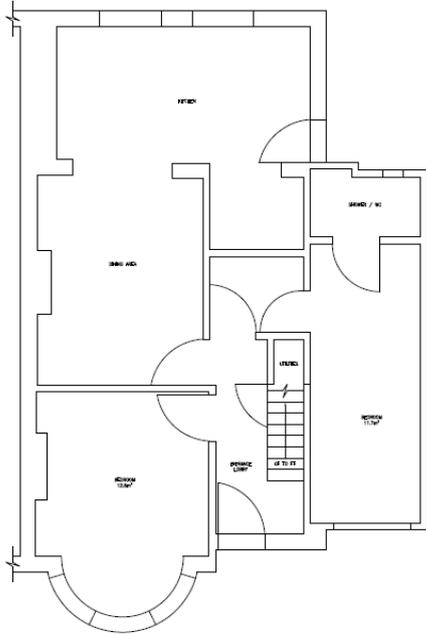
86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ



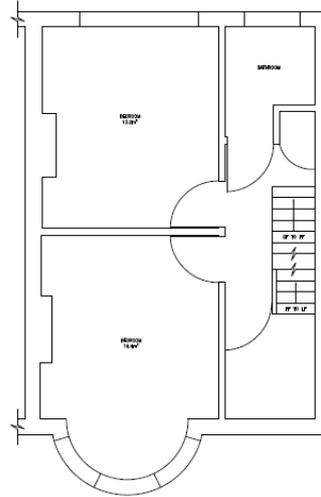
Item 5d 4/02361/18/FUL

CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS)

86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ



GROUND FLOOR
Scale 1:50



FIRST FLOOR
Scale 1:50

4/02361/18/FUL	CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO A 7 PERSON HMO (SUI GENERIS)
Site Address	86 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ
Applicant	Mr Akram, 23-25 Marlowes
Case Officer	Briony Curtain
Referral to Committee	Called in by Cllr Fisher

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 This application seeks permission for the use of the existing building as a House in Multiple Occupancy (HMO) for up to eight individuals. The application property is currently licensed as a six person HMO which does not require formal planning permission. There would be no alterations or extension to the building to facilitate the use, the existing larger rooms would simply be occupied by couples rather than individuals as per the existing arrangements.

Given the town centre, residential location the principle of the development is acceptable in accordance with Policy CS4 and Policy Cs18 which encourages a range of dwelling sizes and types. The addition of two more people to this existing HMO would not result in a significant intensification in the use of the site and thus would not give rise to any significant concerns in relation to parking or residential amenity of adjoining properties. The proposal involves no physical alteration to the building or site and as such there would be no impact on the character or appearance of the area.

3. Site Description

3.1 The application site is located to the western side of Alexandra Road in Hemel Hempstead and comprises one half of a semi-detached pair of dwellings. Two parking spaces are provided to the front of the building with communal gardens to the rear.

4. Proposal

4.1 CHANGE OF USE FROM 6 PERSON HMO (C4 USE) TO AN UPTO 8 PERSON HMO (SUI GENERIS). Permission is sought for the use of the building as a House of Multiple Occupancy for up to 8 individuals. There would be no internal or external changes to the building.

5. Relevant Planning History

4/00272/14/FUL SINGLE-STOREY SIDE EXTENSION, FIRST FLOOR SIDE/REAR EXTENSION AND CONVERSION OF SINGLE DWELLINGHOUSE INTO FOUR SELF-CONTAINED FLATS

Withdrawn

03/04/2014

4/00988/13/LDP LOFT CONVERSION WITH REAR DORMER

Granted

26/06/2013

4/00710/14/FUL CONVERSION OF SINGLE DWELLING INTO TWO SELF-CONTAINED FLATS

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS11, CS12, CS18.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 19, and 58.

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- 45.7M AIR DIR LIMIT
- TOWN CENTRE/LOCAL CENTRE
- CIL3

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix X

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix Y

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Building / Street scene
- Impact on adjoining properties
- Impact on Parking / Highway Safety
- Other

Policy and Principle

9.2 Policy CS1 states that Hemel Hempstead will be the focus for homes, whilst Policy CS4

states that development will be guided to appropriate areas within settlements and that residential development within residential areas will be encouraged.

9.2.1 Policy CS18 requires new housing development to provide a choice of homes with a range of housing types, sizes and tenures.

9.2.2 Policy 18 of the DBLP states that the development of a range of dwellings in size and type will be encouraged and regard will be paid to the need to provide accommodation for new, small households, and the density and character of development which is suitable in the area.

9.2.3 The application property is already in use as a 6 person HMO (confirmed by housing who licence it) which does not require formal planning permission. The current proposal seeks to increase this to up to 8 people. Given it is an existing residential property in residential use the proposal is acceptable in principle subject to a detailed assessment of its impact.

9.2.4 HMOs generate similar issues to converting houses to flats and therefore saved Policy 19 is helpful in this respect. Basic concerns would be:

- The extent of conversions/HMOs in the immediate area and whether there would be an over-concentration of such housing in the locality leading to an adverse change in local character. (Points a - d)
- The standard of the “conversion” and the extent it provides for a reasonable level of amenities for the residents e.g. parking, amenity space, drying areas, bin stores, etc. (Points i - vi); and
- Its impact on neighbours (Policy CS12c).

These will be assessed below along with other considerations.

Effects on Appearance of Building and Street Scene / Impact on surrounding area.

9.3 The proposal does not involve any physical alteration to the property just the use of the existing larger rooms for couples rather than individuals. Given the proposal involves no changes at all there would be no impact on the overall character or appearance of the property or wider street scene.

9.3.1 The site falls within a residential area. A search of other licensed HMOs in the locality has revealed several other properties within the wider area (Mayflower Avenue / Marlowes). Some properties in the locality have also been converted into flats. There is not however considered to be concentration of such housing. Whilst there are clearly other flats and HMOs, bearing in mind the use of the property for 6 persons is lawful and does not require formal consent, increasing the occupancy level slightly would not alter the overall concentration of this type of housing in the locality. The proposal does not amount to the creation of a new HMO. The dwelling is already a HMO and there would be no changes to the area as a result of the proposal, as such the first bullet point above is satisfied.

9.3.2 With regard to the second bullet point, the existing dwelling is of reasonable size for a HMO, being three storey, with reasonable area of private amenity space available to the rear which can be used for drying purposes and sitting out. The site is in easy walking distance of the main town centre, and other local facilities and is well served by public transport. There are other amenities such as public open space available in the immediate area (Gadebridge Park). The site includes an existing bin store and this would not alter as part of the proposals. No objection is raised. Housing would make their own assessment of the available amenities in issuing / amending the licence.

9.3.3 The building is already in use as a small HMO and the layout of the building would not change. Density would not change given the occupants are effectively one household sharing

facilities, and there would still only be one address. Despite concerns being raised by neighbours, the housing department who license the existing HMO have confirmed they have not received any noise or disturbance complaints. It is not considered that there would be any material increase in noise, either internally transmitted, or externally from the amenity area given the existing use. Bullet point 3 would therefore also be met.

Impact on adjoining properties

9.4 A number of objections have been received from neighbours with regard to noise and disturbance and anti-social behaviour associated with the existing HMO and concern that this would only increase as a result of the proposals. However, Environmental Health and Housing have confirmed that no noise or anti social behaviour complaints have been received to date. The applicant suggest that there were issues but the tenants involved are no longer at the property.

9.4.1 Notwithstanding the above, in terms of scale, intensity of use, noise and disturbance, it is considered that the addition of two more individuals would not be materially different to the current lawful use as a six person HMO and as such a refusal could not be sustained. There is no evidence to suggest noise levels would exceed those currently generated or that these would be of concern. Environmental Health and Housing are satisfied with the proposal. It is important to note that should noise or general disturbance become a problem there are Housing policies and regulations in place to resolve / enforce matters and if necessary revoke the HMO licence.

The proposal does not involve any external alterations to the building and there would be no significant adverse impacts in terms of privacy, overlooking or visual intrusion.

The proposal therefore accords with CS12 of the Core Strategy.

Impact on Parking and Highway Safety

9.5 Whilst the plans attempt to demonstrate three parking spaces to the front of the building, given their dimensions (less than 2.4m wide) the property is actually only served by two off-street parking spaces. The proposal have been assessed on this basis.

9.5.1 Appendix 5 of the DBLP sets out the maximum demand based standards and requires 0.5 space per bedroom for HMO's. The existing and proposed HMO comprises 5 bedrooms which would generate a maximum parking requirement of 2.5 spaces.

9.5.2 It is not proposed to alter the parking or access arrangements in any way as part of the proposal. There is thus an existing shortfall of 0.5 space and and this would remain with the current proposals. On-street parking in the area is controlled and by permit only. It is understood that residents of the HMO would be eligible to apply for residents permits and as such if available could park on Alexander Road.

9.5.3 Whilst there is a shortfall of parking spaces, given the existing lawful use of the site (can lawfully, and moreover is, currently in use as a 6 person HMO), and the fact there is no net increase in bedrooms, the increased occupancy to 8 persons is not considered to result in a significant increase in parking demand in the area. The site is considered accessible, being located within easy walking distance of the main town centre which has good public transport links. It is therefore concluded that the proposal would not result in an unacceptable degree of parking stress and the proposal would not adversely affect the safety or operation of adjoining highways. A refusal could not be sustained.

Other Material Planning Considerations

9.6 The existing bin storage facilities would not be altered as a result of the proposals.

CIL

9.7 There is no net increase in floor area and as such the proposal would not be CIL liable.

10. 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>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>ARHH-201P02 ARHH-202P02 ARHH-203P02 ARHH-204P01 LOCATION PLAN</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 X

Consultation responses

Hertfordshire County Council Highways:

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) 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

COMMENTS / ANALYSIS: The application comprises of a conversion of an existing dwelling into a multiple occupancy house for more than six people at 86 Alexandra Road, Hemel Hempstead. Alexandra Road is designated as an unclassified local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

ACCESS & PARKING: The property is located approximately 200m from the centre of Hemel Hempstead and has an existing vehicle crossover leading three parking spaces on a driveway directly fronting the property. The existing parking and access arrangements are to remain unaltered. The property is within a controlled parking zone (CPZ) where parking permits are required to be able to park on the surrounding on-street parking areas.

HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic in the town centre due to the lack of any additional on-site car parking. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the relatively sustainable location near to the town centre, the potential for promoting alternative sustainable forms of travel and the property being located within a CPZ. The applicant is reminded that Dacorum Borough Council (DBC) is the parking authority for the district and therefore ultimately should be satisfied with the level of parking for the proposed use of the dwelling.

WASTE COLLECTION: Provision would need to be made for an on-site bin/refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point, which is acceptable. The collection method must be confirmed as acceptable by DBC waste management.

CONCLUSION: HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway. Therefore HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.

Strategic Housing:

No Objection. Amendment to HMO licence would be required.

After searching our systems I couldn't find any noise complaints or any complaints at all regarding the above address.

We have had a few applications for HMO's in the surrounding area these are on Mayflower Avenue there is also a suspected HMO on The Marlowe's but this hasn't been confirmed yet.

Appendix Y

Neighbour notification/site notice responses

Objections

57 Crescent Road

Concerned over parking as it is already a problem in Alexander Road. There is only room for 3 parking places in front of No. 86 at present.

Was planning permission obtained for the already completed alterations.

88 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ (Objects)

Comment submitted date: Mon 29 Oct 2018

86 Alexandra Road (the subject of the planning proposal) and my house (number 88) form a pair of semi-detached properties built in the 1930s. As is typical of such properties, the acoustic coupling between the two is high. In the past, 86 has been rented to families, and noise was never a problem; since being let for multiple occupancy, we have been astounded by just how much noise it is possible for neighbours to generate, at all hours of the day and night.

My bedroom is part of an extension, as far from the neighbours as it is possible to be in the building; when I first began to be woken at 5 a.m. by repeated low-frequency thumps that shook the computer monitor on my desk in the room, I found it difficult to fathom what the cause could be; my best guess is that the cause is the heavy fire doors, fitted so as to comply with multiple-occupancy regulations - and that the structure of the building really does transmit noise that effectively. The ability of the building to transmit vibration also became apparent when the people in the top flat got into the habit of using their washing machine in the small hours of morning, people in bedrooms on my side of the party wall found their heads shaking along with the neighbour's washing machine.

When I was first kept awake all through the night until daybreak by people shouting at a level you might expect from a group of fans watching a cup final on the television, I thought perhaps the neighbours were having a party. It wasn't a party; it was my neighbours arguing. This turned out to their normal nightly behaviour rather than an exception. My life was made thoroughly miserable by lack of sleep, and my son's school attendance suffered because he was so often kept awake.

When I asked the landlords to take some action about their noisy tents, they stated that they are not prepared to do anything unless their own tenants complain or the disturbance is such that the Police attend, as they did when a fight broke out in the house.

Parking space is already in short supply in Alexandra Road. 86 only have three parking spaces, and due to the lack of parking visitors have parked in front of my drive. There already has been an accident caused by a car reversing from the drive of number 86: Alexandra Road is used as a cut-through by vehicles coming to and from the hospital and the ASDA supermarket, often travelling injudiciously quickly.

86 shares a sewage pipe with four other properties upstream of them. Since the properties are on the down-hill side of the road, the gradient of the pipe that runs to the main sewer under the road is not steep enough. This has been stated by an operative who unblocked the drain after the residents of 86 blocked it by their habit of pouring fat into the kitchen sink.

In summary, multiple-occupancy of 86 Alexandra Road has already become a miserable experience; increasing the number of residents is only likely to exacerbate the problem.

63 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AG (Objects)

Comment submitted date: Fri 26 Oct 2018

In February 2014 a planning application was made for this same address, application No. 4/00272/14/FUL.

This applied for the conversion of single dwelling house into four self-contained flats.

This application was refused.

There has now been a further application, as above.

I have looked at the application for this new proposal online, and in many respects it would appear to be the same proposal, in terms of occupation, by a different name.

However, one crucial difference is that on the Application form, page 2, paragraph 5 it is stated that the application for an HMO is for more than 6 people. It does not state how many more.

Further questions from the application form are:

Application form page 3, paragraph 7. Materials. Does the proposal require any materials to be used in the build? Answer 'No'. How is this answer possible in the light of the changes proposed?

Application form, page 3, paragraph 9. Vehicle parking. The existing number and proposed number of onsite parking spaces are listed as 2. In fact there are three shown on the site plan. But of course this largely irrelevant, as with more than six occupants where on earth would they park on a road already struggling with parking for existing residents?

Application form page 5, paragraph 16. Does the proposal include the gain, loss or change of residential units? The answer is 'No'. This seems to be an ingenuous answer, given that there is surely be a change of residential units. Ditto the answer 'No' to question 17.

I therefore wish to strongly object to this application on the following grounds:

Visual intrusion and loss of privacy

The current house is a semi-detached dwelling, of fairly modest dimensions in a residential street. The conversion of this house into a house of multiple occupancy with the possibility of even more than the six tenants it is currently let to, will impact on the immediate neighbours in terms of overlooking and loss of privacy, visual intrusion and noise and disturbance, particularly for the semi-detached neighbour at No 88, and the neighbour at No 84

Adequacy of parking.

Paragraph 9 of the application form states the existing number of spaces to be 2, with the total proposed remaining at 2. In fact the site plan shows three spaces. But of course this is largely irrelevant, as with more than six occupants where on earth would additional vehicles park on a road already struggling with parking for existing residents? The parking here is by Permit parking only, and given that the spaces at this end of the road are quite restricted already, there would be extra pressure put on parking availability. It can already be difficult to find a parking space, particularly later in the day when people return from work, and during the later evening.

Road access and highway safety.

The resulting increase in cars coming and going could thus in turn prove hazardous to the highway safety in the road, and exacerbate easy access to the road. Alexandra Road is already used by many large vehicles, large lorries, waste disposal trucks etc. More cars using the road will increase the risks arising from both these large vehicles driving through and from general passing traffic.

Noise and disturbance

Alexandra Road is close to the town centre, and is becoming increasingly busy during the day, as well as in the evening. The increase in cars and people coming and going to this address will only add to the level of noise and traffic

To summarise:

As I see it, the amenities of neighbours which will be harmed are:

- Adequacy of Parking
- Highway safety through increased traffic
- Road Access - increase in cars, both coming and going and parking
- Potential increase in noise and disturbance
- Visual intrusion and loss of privacy for neighbours overlooked
- Negative impact on appearance of the road
- Impact on existing sewage
- Organisation of waste disposal and re-cycling storage. There have already been problems with tenants occupying this property having no idea at all about when to dispose of waste, and what to dispose of. This has led to extra waste being left in bags on the pavement, and the contents ending up all over the road. On more than one occasion I and other neighbours were left with the task of clearing this up.

I would also point out that the property is currently let out through the letting agents Belvoir in Hemel Hempstead and I wonder if this will be a relevant factor in the process of making a decision on this application.

Mary Thompson

80 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 4AQ (Objects)

Comment submitted date: Mon 22 Oct 2018

I object to the increase in the numbers of people living in this property. We already suffer problems with parking, as nobody seems to use the parking bays and rubbish being left outside.

Bins are rarely put out that leads to an increase of rubbish that usually ends up blowing all around the gardens.

All rooms in the property are full with the existing 6 people allowed and I cannot work out how they will increase the numbers without extending the property or using the large shed at the bottom of the garden.

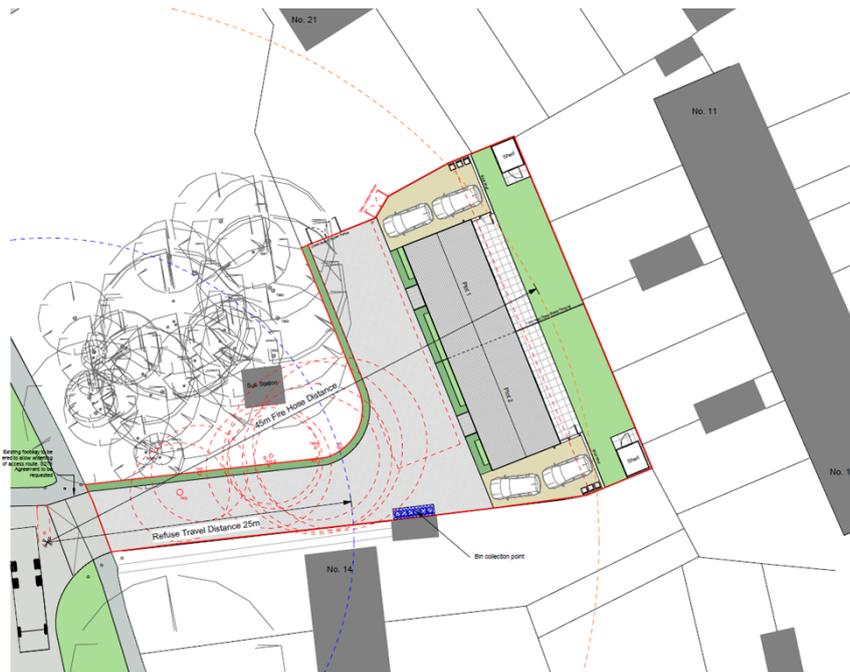
We have suffered over a year of anti social behaviour from previous tenants which lead to us not being able to allow our children into the garden.

Agenda Item 5e

Item 5e 4/02449/18/FUL

DEMOLITION OF EXISTING 20 GARAGES. REPLACEMENT WITH TWO SEMI DETACHED 3 BEDROOM DWELLINGS, COMPLETE WITH OFF STREET PARKING AND PRIVATE REAR GARDENS. IMPROVEMENT OF VEHICULAR ACCESS.

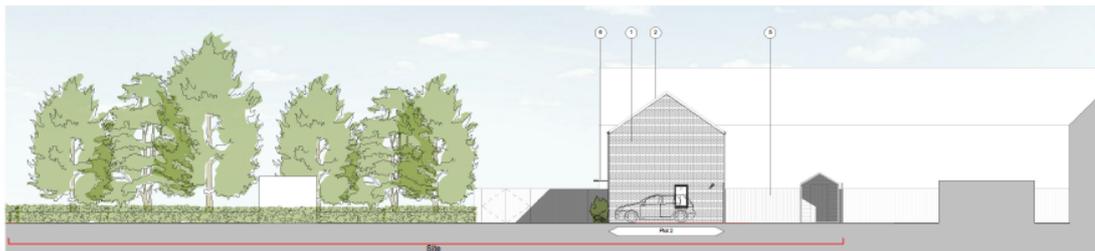
GARAGE SITE, PULLEYS LANE, HEMEL HEMPSTEAD



Item 5e 4/02449/18/FUL

DEMOLITION OF EXISTING 20 GARAGES. REPLACEMENT WITH TWO SEMI DETACHED 3 BEDROOM DWELLINGS, COMPLETE WITH OFF STREET PARKING AND PRIVATE REAR GARDENS. IMPROVEMENT OF VEHICULAR ACCESS.

GARAGE SITE, PULLEYS LANE, HEMEL HEMPSTEAD



4/02449/18/FUL	DEMOLITION OF EXISTING 20 GARAGES. REPLACEMENT WITH TWO SEMI DETACHED 3 BEDROOM DWELLINGS, COMPLETE WITH OFF STREET PARKING AND PRIVATE REAR GARDENS. IMPROVEMENT OF VEHICULAR ACCESS.
Site Address	GARAGE SITE, PULLEYS LANE, HEMEL HEMPSTEAD
Applicant	Watford Community Housing, 59 Clarendon Road
Case Officer	Sally Robbins
Referral to Committee	Application that the Council has an interest in AND received objections

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 The proposed development would provide an appropriate redevelopment of the garage site that would meet an identified need for affordable housing. It would provide a high quality residential scheme in accordance with Policies CS1, CS4, CS10, CS11, CS12 and CS19 of the Core Strategy (2013).

2.2 There would be no significant detrimental impact upon the residential amenity of surrounding residential units, in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan (2004).

2.3 The proposed development would not have a detrimental impact on the safety and operation of the adjoining highways in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policy 51 and Appendix 5 of the Local Plan.

3. Site Description

3.1 The site is located off Pulleys Lane in Hemel Hempstead. It is bounded on three sides by residential development to the north, east and south. Immediately to the west of the site is a densely vegetated amenity area. The site is located behind the rear gardens of 3-11 and 19-21 Micklem Drive.

4. Proposal

4.1 The application seeks full planning permission for the demolition of the garages and the redevelopment of the site into a pair of semi-detached residential units with associated parking and amenity space.

5. Relevant Planning History

5.1 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, CS10, CS11, CS12, CS19, CS29, CS35

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21, 58, 99, 100, 101, Appendix 3 and Appendix 5

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 3:Warners End
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)

7. **Constraints**

- None

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
- The 'tilted balance'
- Layout and design
- Displaced parking
- Impact on residential amenity
- Impact on trees and landscaping
- Amenity space
- Impact on highway safety
- Parking provision

Policy and Principle

9.2 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF (2018) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 59 of the NPPF stresses this further, seeking to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land

and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 of the NPPF states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.3 Additionally, due to the fact that the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply, decisions should apply a presumption in favour of sustainable development. This is discussed in further detail below.

The 'Tilted Balance'

9.4 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2018) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date" when the LPA cannot demonstrate a five year supply of deliverable housing sites. The most important policies for determining a housing application are considered to be Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages) and CS17 (New Housing). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

9.5 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental.

- The social benefits of the scheme would include a small contribution towards making up the shortfall in housing in the Borough thereby facilitating the Government's aim of boosting the supply of housing.

- The economic benefits of the scheme would include the creation of construction jobs in the short-term during the construction of the development. In addition, it is likely that future residents would support the local economy such as using the amenities at the Local Centre. It is therefore considered that the proposal will have some positive benefits to the local community, and can be considered sustainable from an economic perspective.

- In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (for example a habitat site, Green Belt, AONB, heritage site - see footnote 6 of the NPPF). One of the key strands of the NPPF is the expectancy of high quality development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Any new development is expected to protect the surrounding built environment and make effective use of land.

9.6 Taking the above into account, it is considered that there are social, economic and environmental benefits to the scheme. Therefore the proposal constitutes sustainable development and for that reason the tilted balance in favour of this number of housing units on the site is sufficient to justify development. The merits of the scheme are discussed in more detail below.

Layout and Design

9.7 Core Strategy (2013) Policies CS11 and CS12 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and respect surrounding properties. Paragraph 127 of the NPPF (2018) seeks to ensure that developments are visually attractive as a result of good architecture and layout and are sympathetic to local character, including the surrounding built environment.

9.8 The application site is located within the Warners End Character Area (HCA3) in the SPG which states that the redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking and where proposals accord with the development principles. The development principles in terms of housing contained within HCA3 are that a variety of dwelling type and design is acceptable, however regard must be paid to the surrounding dwellings. Small to medium sized dwellings are encouraged and heights are expected to not exceed two storeys, with some exceptions. The prevailing density of 30 to 35 dwellings/ha should be maintained.

9.9 The surrounding area comprises an extensive new town residential neighbourhood largely dating from the 1950s but with some clearly identifiable areas developed in the 1960s. Most buildings follow simple, standard 1950s new town features of plain brickwork with little detailing and gable end ridged roofs. Building styles are varied by using different external finishes such as rendering and tile hanging. 1960s development is also simple in appearance and typical of that period, with features such as larger window panes, weatherboarding and tile hanging. The area is dominated by two storey terraced and semi-detached residential units, which are small to medium sized.

9.10 The proposed development comprises a pair of two storey semi-detached dwellings, each with three bedrooms and two off-street car parking spaces. The dwellings would be orientated in the same direction as nos. 1-11 Micklem Drive. Private gardens would be provided to the rear of the dwellings and two tandem car parking spaces would be provided at the side of each dwelling. The general form of the dwellings would match those in the surrounding area, although there would be some contemporary variation in the external appearance such as elongated windows and projecting brick detailing on the front and rear elevations. The proposed materials include buff facing bricks, dark grey roof tiles and dark grey uPVC windows and doors.

9.11 The proposed development is considered to be appropriate in terms of its design, bulk, scale, height and use of materials. The dwellings are commensurate in size with neighbouring properties, however the eaves and ridge heights would be approximately 0.4m and 1.2m lower, respectively, than the surrounding dwellings. This follows concerns raised regarding the impact on residential amenity, which will be discussed in more detail below. The external appearance of the surrounding buildings is predominantly orange multi bricks with dark roof tiles although there are some limited examples of painted render. The proposal seeks to blend into the character of the area whilst injecting some contemporary elements.

9.12 In terms of density, the application site measures 0.066 hectares and the proposal would result in a density of 30 dwellings per hectare, which is compatible with the surrounding area and accords with the development principles set out in Warners End Character Area appraisal.

Displaced Parking

9.13 A wider redevelopment of garage sites is taking place across the Borough, particularly where such garages have no beneficial use or are no longer required. The garages have been sold as part of a review of the Council's garage stock and are surplus to its requirements. The Council is also currently undertaking a Verge Hardening Project due to an evident lack of parking in the Borough. Pulleys Lane (and neighbouring Pulleys Close) are on the list for consideration for verge hardening in order to provide more parking for residents.

9.14 Taking the above into account, it is considered that the provision of additional affordable housing in the borough bears more weight than the loss of under-used garages. As such the loss of the garages and the redevelopment of the site for residential purposes is considered to be appropriate in this instance.

Impact on Residential Amenity

9.15 Policy CS12 of the Core Strategy states that developments should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Paragraph 127 of the NPPF (2018) seeks to ensure a high standard of amenity for all existing and future users. Saved Appendix 3 of the Dacorum Local Plan (2004) states that minimum distances of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy, but that this distance may be increased depending on character, levels and other factors. There is no specific minimum distance within policy in relation to a side to rear relationship.

9.16 The rear elevation of the proposed dwellings would be situated approximately 18m from the rear elevation of nos. 5-11 Micklem Drive. There are no concerns in terms of loss of privacy as the dwellings have been designed in order to mitigate any overlooking, including the rear elevation windows being either high level or obscure glazed. Concerns were initially raised in terms of the proposed dwellings being visually overbearing. The plans were subsequently amended, which comprised a reduction in the eaves height of 0.4m and an overall reduction in height of 1.2m.

9.17 In relation to 21 Micklem Drive, the proposed side elevation of plot 1 would be approximately 18m from the rear elevation of no. 21. Again, there are no concerns in terms of loss of privacy as there are no first floor windows proposed on the northwest elevation of plot 1. An objection has been received from 21 Micklem Drive, expressing concerns regarding:

9.17.1 Light deprivation and overshadowing - It is acknowledged that there would be some overshadowing due to the orientation of the proposal in relation to 21 Micklem Drive. However, it is not considered that the overshadowing would be significant nor will it have a significant detrimental impact upon the adjoining properties. The separation distance, added to the reduced overall height of the proposed dwellings, is considered to be sufficient in order to mitigate visual disturbance. Furthermore, the site is located in an urban area of a town, where a degree of overshadowing is to be expected.

9.17.2 Obstruction & on-going disruption to access (impact of moving access gates) - Whilst disruption during construction work would not warrant a reason for refusal, a Construction Management Plan would be sought by condition, should planning permission be granted. Furthermore, an informative note would be added to any permission to advise the developer that the public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. In terms of keeping the right of way and access clear after the construction period has ended, this does not fall within the control of planning and is a civil matter.

9.17.3 Inadequate parking and turning (should cars park opposite the dwellings) - The parking requirements of the development are discussed in more detail below. In summary, the proposal meets the parking standards set out in Saved Appendix 5 of the Local Plan, noting its accessible location. In terms of turning, the width of the carriageway to the front of the proposed dwellings would be 6m. This is considered adequate to allow turning. Should cars be parked outside the dwellings, blocking the access to no. 21 or the right of way then, as above, this would be a civil matter and an arrangement would need to be made via a legal agreement.

9.17.4 Loss of privacy, noise and disturbance - As outlined above, it is considered that there

would no significant loss of privacy. The proposed ground floor window on the side elevation of plot 1 would be separated from no. 21 by a close boarded fence. Further details of the boundary treatment (such as height of the fence) would be secured by condition. The site is located in an urban area and therefore an element of noise is to be expected. The reporting of any excessive noise or disturbance is covered by separate legislation (Environmental Protection Act).

9.17.5 Loss of trees - Some trees would be lost as a result of the development, however the Trees & Woodlands Officer has raised no objection. This is discussed in more detail below.

9.18 Taking all of the above into account, it is considered that, whilst visible from surrounding residential units, there would not be a significant detrimental impact in terms of loss of privacy, overlooking, loss of light or being visually overbearing. The proposal therefore complies with Policy CS12 of the Core Strategy in that regard.

Impact on Trees and Landscaping

9.19 It is proposed to remove a number of trees in order to allow the widening of the access road. The Trees & Woodlands Officer has raised no objection to the removal of the trees, noting that the trees are categorised either 'C' or 'U' and therefore are not of sufficient quality to require retention.

9.20 Concerns were raised by the Trees & Woodlands Officer regarding the proximity of the remaining trees along the boundary of the proposed road fronting the new dwellings. The trees along this section significantly encroach into the proposed site and would almost reach the construction when completed. This would result in sunlight being restricted to the frontages and future pressure will consequently be exerted on Dacorum Borough Council to continually prune the encroachment.

9.21 Following further consultation with the applicant, it was proposed that a scheme of tree works shall be secured by condition, should permission be granted. The scheme would include tree works to enhance sunlight penetration and remove any tree related hazards, crown reductions and pruning of any overhanging foliage and on-going maintenance such as removing deadwood.

9.22 The Trees & Woodlands Officer raised no further objection, subject to the above condition. As such the proposal complies with Policy CS12 and saved Policies 99 and 100.

Amenity Space

9.23 Policy CS12 seeks to ensure that amenity space respects adjoining properties. Saved Appendix 3 of the Local Plan states that private gardens should normally be positioned to the rear of dwellings and have an average minimum depth of 11.5m. However, a reduced rear garden depth may be acceptable for small starter homes. Saved Appendix 3 does allow some flexibility for infill developments where garden depths are below 11.5m but of equal depth to adjoining properties. Generally, all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

9.24 The proposed garden depths for plots 1 and 2 are both 6m. There are examples in the surrounding area of garden depths less than 11.5m, such as 14-20 Hawthorne Lane and 21-23 Pulleys Lane, which have garden depths of around 9m. Furthermore, it is considered that the actual area of the garden is more a more appropriate way of establishing whether the space is functional and compatible with the surrounding area. The proposed gardens would measure 76 sq m for plot 1 and 79 sq m for plot 2. These garden areas are considered to be compatible with the surrounding area, including the gardens of 5-9 Micklem Drive, which are directly behind the proposed dwellings. No. 5 measures 76 sq m, no. 7 measures 72 sq m and no. 9 measures 85 sq m.

9.25 Taking all of the above into account it is considered that the proposed amenity spaces would be functional and compatible with the surrounding area. As such, the proposal complies with Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy.

Highway Safety and Access

9.26 Policies CS8 and CS12 of the Core Strategy seek to ensure that any new development provides a safe and satisfactory means of access for all users. Paragraph 91 of the NPPF (2018) states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible.

9.27 Pulleys Lane is a cul-de-sac and classified as U (unclassified road). The application site can be accessed off Pulleys Lane from a private road, which is approximately 3m wide. At the junction of the private road, Pulleys Lane continues as a pedestrian footpath towards the northwest and is separated from the highway by concrete bollards. The proposal includes the removal of one of the concrete bollards to allow movement of refuse vehicles. The proposed footway connection and improvement would be carried out under a section 278 agreement with the Highway Authority.

9.28 The Highway Authority initially raised concerns regarding the proposed widening of the private access road as it was proposed to be less than 5m wide. Following consultation with the applicant, the plan was amended so that the access road is 5m wide. The Highway Authority have raised no objection to the proposal, noting that the proposal will not have a detrimental impact on the safety and operation of the adjoining highways. The proposal therefore complies with Policies CS8 and CS12 of the Core Strategy (2013).

Parking

9.29 The parking requirement for a 3 bedroom dwelling in this location is 2.25 spaces, according to Saved Appendix 5 of the Local Plan. The proposal is to provide 2 parking spaces for each dwelling, for a total of 4 spaces for the development. It is considered that this is an acceptable level of parking, particularly taking into account the accessible location of the site with good access to local public transport and within 200m of the amenities provided by the Local Centre (Warners End).

Other Material Planning Considerations

9.30 Due to the previous land use (garages) the site is considered to reside within an area of potentially contaminative former land use. The Council's Contaminated Land Officer has been consulted and raised no objection to the proposal, subject to the condition that the actual or potential contamination at the site is assessed by way of a Phase I Report and, if necessary, an intrusive site investigation and risk assessment (Phase II Report) and Remediation Statement.

Response to Neighbour comments

9.31 These points have been addressed above.

CIL

9.32 The proposed development would be subject to CIL charges in accordance with Policy CS33 of the Core Strategy and the CIL Charging Schedule. A charge of £100 per square metre (plus indexation) would be levied against the proposals. The applicants may be eligible for an exemption from the charge as an affordable housing provider and subject to the submission of a relevant and complete relief claim. These should be submitted and agreed with the Council prior to the commencement of works.

S106 and Planning Obligations

9.33 The proposed development falls below the affordable housing threshold in Policy CS19 of the Core Strategy and as such it is not considered reasonable to tie the tenancy of the proposed units via the planning system. The units themselves would be developed as affordable units and subject to a separate Capital Subsidy Agreement with the Council incorporating nomination rights for the Council's housing team. It is considered that the application site should not be subject to any other planning obligations under S106 of the Town and Country Planning Act 1990 (as amended) and in accordance with the CIL Regulations.

9. Conclusions

9.34 The impacts of the proposal have been considered with regard to making efficient use of land, the character and appearance of the area, the impact on the living conditions of existing and future occupiers and highway safety. The merits and limitations of the scheme have been outlined above and, whilst it is acknowledged that there are some limitations, such as reduced garden depths and separation distances, it is not considered that there would be a significant detrimental impact. The proposal would make a small but valuable contribution to the Borough's existing housing stock, would be located in a sustainable location, would seek to optimise the use of urban land and would meet an identified need for affordable housing. The development constitutes sustainable development and therefore the balance has been tilted in favour of granting permission in line with paragraph 11 of the NPPF. Furthermore, the proposal complies with the Core Strategy and Local Plan policies set out above.

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 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. The development shall be carried out in accordance with the approved Construction Management Plan which shall include details of:</p> <ul style="list-style-type: none">a) Demolition Method Statementb) Construction vehicle numbers, type, routingc) Traffic management requirementsd) Construction and storage compounds (including areas designated for car parking)e) Siting and details of wheel washing facilitiesf) Cleaning of site entrances, site tracks and the adjacent public highwayg) Timing of construction activities to avoid school pick up/drop off timesh) Provision of sufficient on-site parking prior to commencement of construction activitiesi) Post construction restoration/reinstatement of the working areas and temporary access to the public highwayj) Construction or demolition hours of operationk) Dust and noise control measuresl) Asbestos control measures where applicable.

	<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>
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 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 (2018).</p>
5	<p>No development, other than demolition and groundworks, shall take place until a scheme of tree works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> i) Tree works to enhance sunlight penetration and remove potential tree related hazards along the western boundary of the application site ii) Crown reductions of approximately 30% and pruning back of any overhanging

	<p>foliage of all trees along the western boundary of the application site</p> <p>iii) Tree safety works to remove any canopy deadwood, any dead trees or any tree defects which could present a hazard to the development site, or persons therein.</p> <p>Prior to occupation of the development the scheme shall be implemented as approved.</p> <p>Reason: In order to provide a safe and satisfactory means of access for all users and to provide appropriate management of the trees adjacent to the site, in accordance with Core Strategy (2013) Policy CS12 and Saved Policy 101 of the Local Plan (2004).</p>
6	<p>No development, other than demolition and groundworks, 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, in accordance with Core Strategy (2013) Policy CS12.</p>
7	<p>No development, other than demolition and groundworks, shall take place until further details of landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <p>means of enclosure soft landscape works which shall include planting plans trees to be retained and measures for their protection during construction works electric vehicle charging points including siting, type, the energy sources and the strategy/management plan of supplying and maintenance of the electric charging points.</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, to safeguard the visual character of the immediate area and to comply with sustainable design, in accordance with Core Strategy (2013) Policies CS12 and CS29.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>100_PL1 REV PL2 101_PL1 REV PL2 102_PL1 REV PL1</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p>

	<p>Highway Safety</p> <p>1. In order to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980, the developer should be aware of the required standards regarding the maintenance of the public right of way and safety during construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.</p> <p>Contaminated Land</p> <p>2. 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>3. 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>
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Appendix A

Consultation responses

Appendix B

Neighbour notification/site notice responses

Objections

Address	Comments
21 MICKLEM DRIVE,HEMEL HEMPSTEAD,,,HP1 2PR	<p>RE: Planning Application Ref No 4/02449/18/FUL 2 x Dwellings at Pulleys Lane, Hemel Hempstead and the impact on No. 21 Micklem Drive and surrounding area.</p> <p>I am writing to oppose the proposed above development of 2 x 3 bedroom dwelling at the garage site on Pulleys Lane. The proposed development directly and negatively impacts on my property No. 21 Micklem Drive, HP1 2PR.</p> <p>The reasons for my objections are as follows: Light deprivation and overshadowing: The proposed houses are of such a size, position and proximity that they will fill almost the entire view from my back garden. I have a south facing garden and these houses will create a permanent and continuous shadow over my entire garden and property. The aspect and light that fills my property during the full course of</p>

the day is one of the most distinguishable and enjoyable features of my home. It fills my garden and home with warmth. The overshadowing will be permanent infliction causing me great distress, loss of enjoyment and potentially ill health. A constant shadow, no direct sun or light as I have enjoyed and a huge great brick wall in the view from every room in my home will contribute to depression and provide no pleasure as we grow older.

This is my childhood home. My mother would tell us stories about the birdies in the garden. She did the same for my children who would watch the birds in garden and listen to them sing. My garden is glorious and plentiful throughout the day and bliss in the summer with the direct light from the sun and visited by numerous birds singing on the clothes line and fence. This development will steal those delightful pleasures by casting a permanent cold dark shadow on any given day.

I have enclosed a picture of my back garden and outlined where I believe based on the plans where the proposed houses will be positioned.

If you lived in my house in your present position of employment would you honestly give permission for this development?

Obstruction & On-going Disruption to Access: The proposed development will directly negatively impact on the access to my property by both foot and vehicle access. Both during construction and on development completion.

What provisions will be made pre- and during construction to provide ongoing and unobstructed vehicle access to my property?

Of more concern, and without any discussion or consultation, I read the developer has proposed in their plans that they move my double gates to where the garages currently are. What gives them the right to make these assumptions over my property and my wellbeing without my involvement? This directly impacts on my livelihood and long-term mobility.

The vehicle access into the back of my garden is a fundamental provision for our retirement and disability access dependant. I rely on easy accessibility to the back of my home. The proposed development does not consider the changes that would need to be made to the parking provision in my own property, vehicle turning, and nor does it account for any of the negative behaviours that are well publicised with areas of shared access.

How is access to my property going to be protected from obstruction? Who will govern this and manage possible future conflicts, tensions and disputes?

Who will pay for the changes to my access and associated

costs not acknowledged in the plan?

Inadequate Parking and Turning: The reality of a development is different to the plan. The occupants of the proposed development are likely, as evident in so many of the new developments to park opposite the new houses compromising the direct access to my property. The proposed site plan drawing depicts car parking to the sides of the house but any visitors, other vehicles or just laziness on the occupant's part would block access along the drive towards my access and potentially trapping my property.

Given the limited space available at the proposed site and with cars parked in non-allocated spaces, turning would be constrained and the provision therefore inadequate to make this a suitable site for a housing development.

Loss of privacy, noise and disturbance: Sitting on the boundary of my property and with cars butting up to the back of my garden fence the proposed permanent housing of two families will inevitably infringe on the privacy that has been experienced for decades. The coming and going of vehicles along my back fence, the loading and unloading of vehicles and noise of radios and engines at such close quarters and with no controls or parameters will be a disturbance and a nuisance.

From the plans I have interpreted that a ground floor window has been positioned opposite my garden fence. What is the height? Will this open? My home has no visual intrusions nor is it overlooked by other properties. I do not want to see into someone else's home and I don't want them looking into my home or garden which they can on this proposed plan. I do not want to hear the noise of their TV or stereo backing on to my garden when the window is open. It is unreasonable given I bought this property with the knowledge and assurances I was not overlooked.

Loss of trees: I note that the plans conclude the trees are of no significant value. Arboriculturally they may not be significant however they disguise the ugly sub-station and they provide an injection of nature into a built-up urban area. Children and dog walkers use these small but significant areas of woodland. To remove some of these trees would be a great loss and only make the surrounding area visually harsher and less appealing.

The land allotted for the garages was never intended to be built on and therefore by its very size and nature is an unsuitable development. It has a significant impact and detriment to the privacy and sunlight on the surrounding houses, back gardens, and will result in the demise of a small but well used woodland area.

This development will reduce the value and attractiveness of my home and my enjoyment. Irrespective of this personal

	<p>financial loss, the removal of the trees at the back and a house built at the bottom of my garden blocking the sun and creating a constant shadow is not just an eye-sore but a direct assault on my quality of life. The proposal is unsuitable on the basis of light deprivation alone. This is too significant to ignore and changes every aspects of my home, lifestyle, comfort and enjoyment.</p> <p>If you lived in my house in your present position of employment would you honestly give permission for this development?</p> <p>I request your support in rejecting this application.</p>
<p>21 MICKLEM DRIVE,HEMEL HEMPSTEAD,,,HP1 2PR</p>	
<p>21 MICKLEM DRIVE,HEMEL HEMPSTEAD,,,HP1 2PR</p>	<p>RE: Planning Application Ref No 4/02449/18/FUL 2 x Dwellings at Pulleys Lane, Hemel Hempstead and the impact on No. 21 Micklem Drive and surrounding area.</p> <p>Please could you contact me using the above address or email with items/changes pertaining to the planning application for 4/02449/18/FUL. I have today received notice of the letter you published on 28th November 2018 which required a response within 14 days (i.e. tomorrow).</p> <p>I have not received an acknowledgement from Dacorum Council regarding my letter dated 23rd October 2018 which sets out my parents objections to the above development. I also notice that their comments have not been included for view on your website. Have these been captured and shared for review by the planning committee?</p> <p>I write to ask what are the changes you alluded to in your letter dated 28th November 2018. I have looked at the amended plans on your website and note only the roof ridge level and site boundary changes. Is there anything else?</p> <p>I can see no improvements to the original plan and as a result my parents' position has not changed. They strongly object to the development due to the:</p> <p>" Demise of quality of life enjoyed at No. 21: The proposed development directly and negatively impacts on my parent's property No. 21 Micklem Drive, HP1 2PR. This will affect their enjoyment and quality of life in the property. The house will become dark and cold owing to the overshadowing from the new development.</p> <p>" Light deprivation and overshadowing: The proposed development deprives both the house and garden of light. The size, position and proximity of the development will block almost the entire view from the back of their house and provide a permanent cold shadow in their garden on any given day.</p> <p>" Obstruction & On-going Disruption to Access: The proposed development has not taken into account their</p>

	<p>questions regarding the obstruction and on-going disruption to access at the back of my parent's property both pre and post construction.</p> <p>" Impacts of moving the Access Gates: The proposed development gives no consideration to the changes my parents will need to make as a result of moving the access gates at the back of the property. This will be costly, an inconvenience and an unwanted change forced upon them. The developer has not consulted which is a disgrace. This directly impacts on their future mobility.</p> <p>" Inadequate Parking: The proposed development assumes that residents will park in their allotted car space. It makes no allowance for additional cars albeit the new residence having more than 2 cars, visitors or other vehicles. Additional vehicles could potentially block access towards my parents' entrance and trap them in. What provisions are in place to ensure this cannot occur?</p> <p>" Inadequate Turning Space: The proposed development is a limited space and with cars parked in non-allocated spaces turning would be constrained.</p> <p>" Loss of privacy, noise and disturbance: The proposed development will be all my parents can see from the back of their house. The parking for the new development butts up to their fence and the coming and going of vehicles and people will be a constant disruption. The lights from headlights turning into the drive and outdoor lighting will shine directly into their garden and windows. They currently have minimal/no light pollution.</p> <p>" Loss of trees: The proposed development will remove some of the trees. This would be a great loss and only make the surrounding area visually harsher and less appealing.</p> <p>This development will reduce the value and attractiveness of my parents' home and their enjoyment. Irrespective of this personal financial loss, the removal of the trees at the back and a house built at the bottom of their garden, overshadowing their entire garden, blocking their view, eradicating any chance of the sun and creating a constant shadow is not just an eye-sore but a direct assault on their quality of life. The proposal is unsuitable on the basis of light deprivation alone. This is too significant to ignore and changes every aspect of their home, lifestyle, comfort and enjoyment.</p> <p>If this was your house would you honestly give permission for this development?</p> <p>I request your support in rejecting this application.</p>
<p>19 Common Road, Studham,, LU6 2NQ</p>	<p>- Demise of quality of life enjoyed at neighbouring properties: The proposed development directly and negatively impacts on No. 21 Micklem Drive. The house will become dark and cold owing to the overshadowing from the new development and it will directly affect the enjoyment and quality of life when living in the property</p> <p>- Light deprivation and overshadowing of neighbouring properties: The proposed development deprives No.21</p>

	<p>Micklem Drive of light in the house and garden. The size, position and proximity of the development will block almost the entire view from the back of the house and provide a permanent cold shadow in the garden on any given day.</p> <ul style="list-style-type: none"> - Obstruction & On-going Disruption to Access: The proposed development has not taken into account the obstruction and on-going disruption to access at the back of No.21 Micklem Drive both pre and post construction. It gives no consideration to the changes that will need to be made as a result of moving the access gates at No. 21. This is costly, an inconvenience and an unwanted forced change on the owners. - Inadequate Parking: The proposed development assumes that residents will park in their allotted car space. It makes no allowance for additional cars albeit the new residence having more than 2 cars, visitors or other vehicles. Additional vehicles could potentially block the access at No.21. No provisions are stated to ensure this cannot occur? - Inadequate Turning Space: The proposed development is a limited space and with cars parked in non-allocated spaces turning would be constrained. - Loss of privacy, noise and disturbance to neighbouring properties: The proposed development will be all that can be seen from the back of No.21. The parking for the new development butts up to the fence of No.21, the coming and going of vehicles and people will be a constant disruption. The lights from headlights turning into the drive and outdoor lighting will shine directly into the garden and windows of No.21. - Loss of trees: The proposed development will remove some of the trees. Whilst stated as not of value, they are aesthetically pleasing and provide a most welcomed break from the built up environment. This would be a great loss and only make the surrounding area visually harsher and less appealing. <p>This development will reduce the enjoyment and quality of life experienced and the value and attractiveness of No.21 Micklem Drive. The proposal is unsuitable due to the significant light deprivation and visual obstruction it causes.</p>
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Supporting

Address	Comments
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Commenting

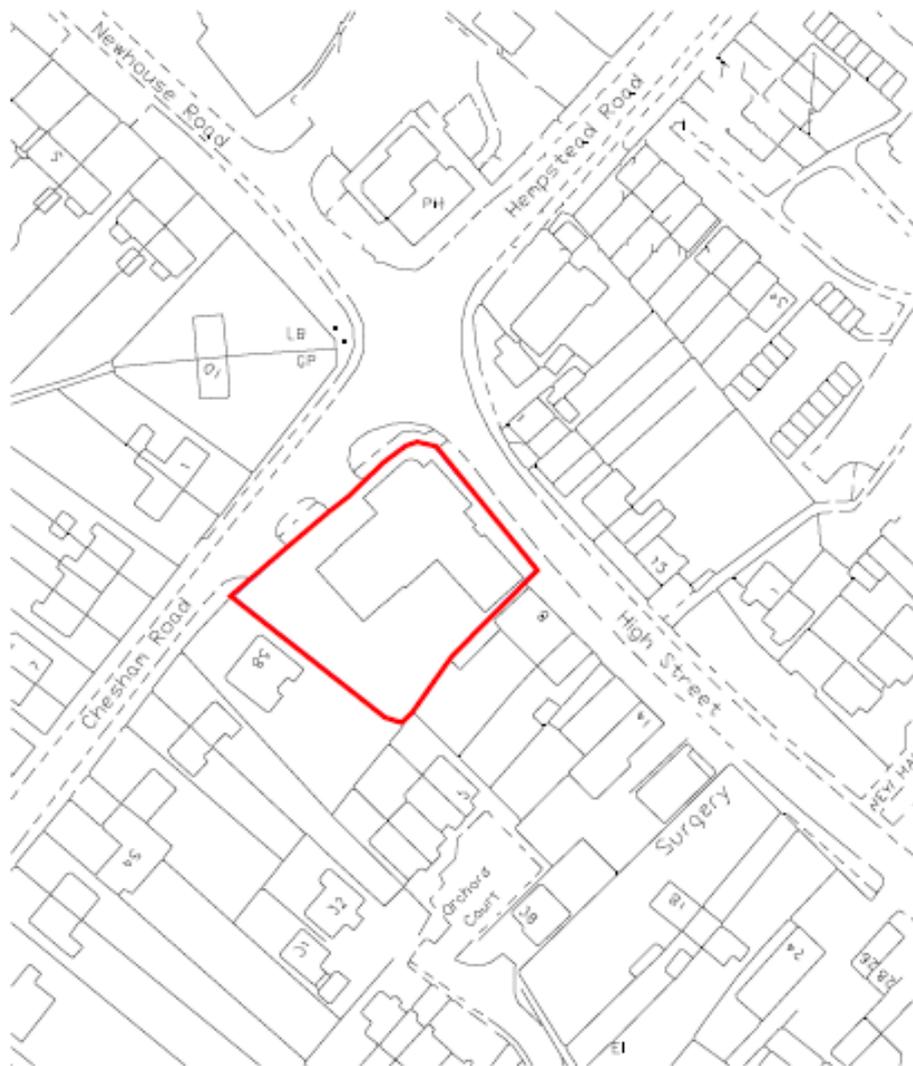
Address	Comments
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Agenda Item 5f

Item 5f 4/02576/18/FUL

INSTALLATION OF AN ATM UNIT

**BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0EB**

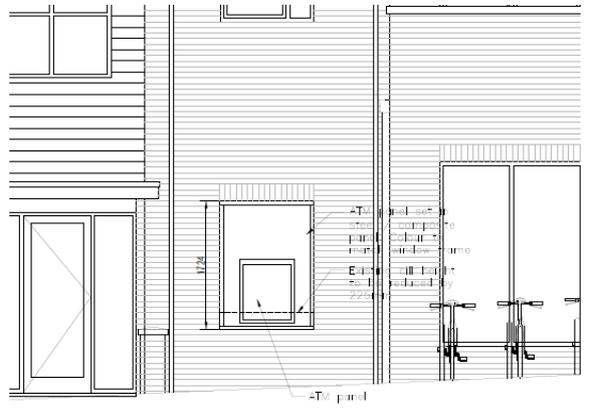
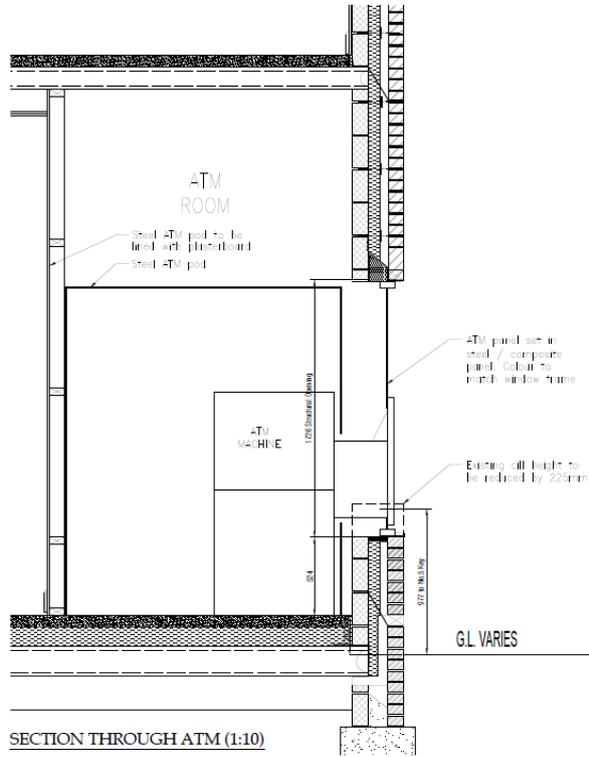


Item 5f 4/02576/18/FUL

INSTALLATION OF AN ATM UNIT

**BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL
HEMPSTEAD, HP3 0EB**

PROPOSED ATM ELEVATIONS / SECTIONS



ATM ELEVATION (1:20)
GENERAL
0 0.5 1 1.5 2
METRES

Project	2 High Street Bovington
Location	Herefordshire
Postcode	HP3 0EB
Client	Factor 9 Design
Drawn by	Factor 9 Design
Checked by	Factor 9 Design
Date	18/02/2018
Scale	As shown
Author	Factor 9 Design
Project Name	Proposed ATM Elevations / Sections
Project No.	4/02576/18/FUL



FACTOR 9 DESIGN
02070 200 100
10 High Street
Herefordshire
Worcestershire
HR3 0EB
Tel: 02070 200 100
Email: info@factor9design.com
www.factor9design.com

4/02576/18/FUL	INSTALLATION OF AN ATM UNIT
Site Address	BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EB
Applicant	Tesco, Kestrel Way
Case Officer	Will Collier
Referral to Committee	Officer recommendation contrary to Parish objection.

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 This application seeks planning permission for the installation of an ATM on the north side off the supermarket building, along the High Street, adjacent to the main entrance but set back from it.

2.2. The site is located in the Bovingdon Local centre, where mixed use is acceptable in principle in accordance with Policy CS4 of the Core Strategy (2013) and the NPPF (2018).

2.3. Whilst concerns are noted about disruption on the high street in terms of highway safety and noise, the proposed position of the ATM within the local centre and on a high street is considered appropriate, where there is already an expected level of noise and activity associated with a mix of uses. Furthermore, the provision of an ATM would serve a benefit to the community and support the function of the local centre. The proposal is considered a minor alteration to the building and as such has no significant impact on the character of the surrounding area. Therefore, in the absence of any adverse impacts that would significantly outweigh the benefits of the proposal, it is considered acceptable.

3. Site Description

3.1 The application site comprises a food store (Tesco) and eight residential flats, on a prominent corner plot fronting two roads at the north-west end of Bovingdon High Street, currently under construction. The building is two and three storeys and L-shaped. Residential use is located both at ground floor and first floor levels above the superstore. Car parking and amenity space are located at the rear of the building

3.2 The site is within a designated local centre and area of archaeological importance.

4. Proposal

4.1 The proposal is for an ATM on the north elevation facing the High Street, positioned adjacent to the main entrance. The ATM machine is recessed into the wall. A new light and camera will also be installed.

5. Relevant Planning History

The original proposal for the supermarket and eight residential units was allowed on appeal in 2010. Subsequent planning history relates to matters such as non material amendments, discharge of conditions and advert consents.

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

NP1, CS1, CS4, CS8, CS9, CS12, CS13

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 43

6.4 Supplementary Planning Guidance

- Environmental Guidelines (May 2004)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. **Constraints**

- AREA OF ARCHAEOLOGICAL IMPORTANCE
- TOWN CENTRE/LOCAL CENTRE

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 Highway Safety
- Noise and disturbance
- Crime prevention

Policy and Principle

9.2 In accordance with Policy CS4 of the Core Strategy (2013) a mix of uses in a town and local centre is encouraged. This includes shopping uses (including financial and professional services). The provision of an ATM will be ancillary to the principle retail uses and is considered acceptable in principle to a shopping frontage.

Impact on Street Scene

9.3 Policy CS12 and the NPPF requires development to integrate with the streetscape character and respect adjoining properties in terms of layout, security, scale, etc. In this case the ATM is sited on the elevation facing High Street, adjacent to the residential part of the development. It is considered a minor alteration to the front elevation and as such has no significant impact on the appearance of the building or character of the streetscene.

Impact on Highway Safety

9.4 Concerns are noted about the highway impact of the ATM that it could lead to vehicles parking on the double yellow lines in order to access the ATM, causing disruption on the highway.

9.5 An alternative location at the back of the supermarket was sought with the agent to relocate the ATM, however this was considered to be impractical to implement because of ground floor level changes and fixed internal layouts.

9.6 It is considered the position of the ATM as proposed on the High Street rather than at the back of the building would be safer option, as the high street generally has more activity on it, and as a consequence better natural surveillance than at the rear of the building.

9.5 Whilst it may be possible to park illegally on the double yellow lines, this is not considered a sufficient reason alone to justify refusal of the ATM. Parking on the double yellow lines is illegal and a police matter which should be dealt with separately from planning. Moreover, the presence of double yellow lines is considered to be an advantage that prohibits parking, which would not otherwise be prohibited without such yellow lines.

9.6 It is noted there is no objection from the Highways Authority concerning highway safety.

Noise and disturbance

9.6 Concerns are raised about potential noise caused by 24-hour use of the ATM and consequent disturbance to neighbouring residents. Whilst it is possible to use the ATM late at night causing noise, it should be noted that the location is a high street, outside a supermarket and within a defined local centre where there is already a level of activity and noise associated with a mix of uses including shops and residential. It is not uncommon for ATMs to be located in this type of location. Furthermore, the ATM is considered to be a community benefit that would support the function of the local centre.

9.7 It is noted there is no objection from Environmental Health concerning noise pollution in this regard.

Crime Prevention

9.8 Whilst there were suggestions to relocate the ATM at the back to prevent disruption on the high street, this is considered a less favourable position in terms of personal safety and crime prevention, as there is generally more activity and natural surveillance on the high street.

9.9 It is noted the ATM will have a camera installed to help counter crime, but no bollards are proposed. It is thus recommended that an informative is included for the applicant to consider additional installation of anti ram-raiding measures. Comments from Herts Constabulary are awaited.

Response to Neighbour comments

9.10 These points have been addressed above.

CIL

9.11 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.

S106 and Planning Obligations

9.12 Not applicable.

10. Conclusions

10.1 The proposal to position the ATM on the north elevation along High Street is considered appropriate and is favourable in terms of personal safety over possible alternative location at the rear of the building. Concern is noted about possible parking on the double yellow lines, however the presence of double yellow lines is also an advantage that helps prohibit parking. Taking into account the benefits to the community and in supporting the function of the local centre, and the absence of adverse impacts to outweigh such benefits, the proposal is considered to be acceptable and thus adheres with Policies CS4, CS11 and CS12, Appendix 3 and Saved Policy 43 of the Local Plan (2004) and the NPPF (2018).

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>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>17.009/031 17.009/032 17.009/033</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Engineers in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements'.</p> <p>Reason: So that drivers of vehicles along the adjacent public highway are not dazzled or distracted, leading to interference to the free and safe flow of traffic along the highway.</p> <p>Article 35 Statement</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</p>

	(paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
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Appendix A

Consultation responses

HCC - Dacorum Network Area	No Objection
DBC - CONTAMINATED LAND	No Objection
DBC - CONSERVATION	No Objection

Appendix B

Neighbour notification/site notice responses

Objections

Address	Comments
MEMORIAL HALL, HIGH STREET, BOVINGDON, HEMEL Hempstead, HP3 0HJ	The ATM is proposed to be sited on the High Street at its narrowest point and where there will be double yellow lines on both sides of the road, thereby making it dangerous for people to access. It would also cause nuisance to the adjoining residential properties and those on the opposite side of the road. The Parish Council would support the provision of an ATM on the car park side of the Tesco building.

Item 5g 4/02726/18/ROC

VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)).

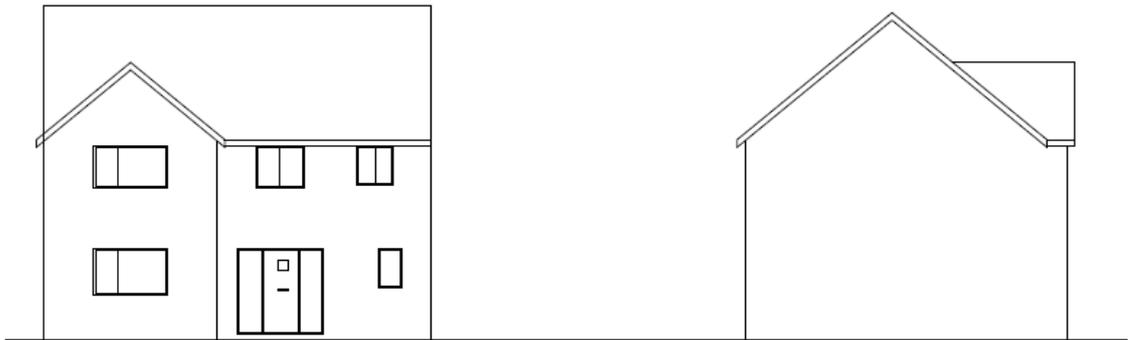
LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP



Item 5g 4/02726/18/ROC

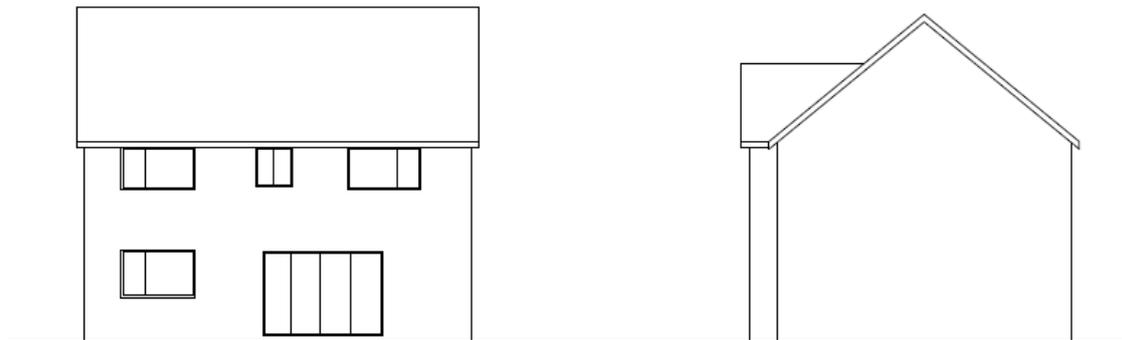
VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)).

LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

4/02726/18/ROC	VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00726/17/FUL (TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)).
Site Address	LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP
Applicant	MR WINGROVE
Case Officer	Rachel Marber
Referral to Committee	The application is referred to the Development Management Committee due to a call in from Cllr Birnie on grounds of highway safety and over development.

Recommendation

1.1 That planning permission be **Granted**.

2. Summary

2.1 The proposed changes to the design and size of the dwellings from the previously approved application ref: 4/00726/17/FUL are not considered to materially change the original assessment made.

2.2 The proposed development remains acceptable in terms of principle of development, visual amenity of the area, residential amenity of neighbouring properties and matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the Local Plan (2004), Hemel Hempstead Urban Design Assessment (2010) and the HCA18 Belswains Area Character Appraisal (2004) .

2.3 Moreover, since the previous application was approved, the Borough can no longer demonstrate a 5-year land supply. Therefore, the tilted balance in favour of sustainable development is engaged and adds further weight in favour of the approval of the application.

3 Site Description

3.1 The application site relates to former rear garden land of houses Nos. 76 and 78 Belswains Lane. The site is accessible via an existing site entry between these two properties. The site adjoins the rear gardens of the three storey townhouses at Nos. 203 – 211 Ebbens Road towards the south, and rear gardens of property Nos. 74 – 78 Belswains Lane to the north-west. The eastern side of the site runs parallel to a narrow public footpath immediately fronting 1 and 2 Belswains Cottages. The land slopes downwards towards Ebbens Road, at the rear.

3.2 Belswains Lane is characterised by a mix of detached and semi-detached properties of varying build line, size and architectural detailing. Ebbens Road comprises predominantly of three storey terraced town houses. The overall character of the immediate area is varied.

4. Proposal

4.1 The application seeks a variation to approved scheme for the construction of two detached,

3 bed dwellinghouses. The scheme has been amended since the approval of the previous application for two, three bed detached dwellings by Development Management Committee on the 17th August (application ref: 4/00726/17/FUL).

4.2 The changes under this current application to the approved scheme are as follows:

- Increase in property ridge height by 0.40 metres (plot 1) and 0.8 metre (plot 2);
- Change in architectural appearance of properties;
- Increase in property width by 3.3 metres (plot 1) 1.5 metres (plot 2); and
- Increase in property depth by 1 metres (plot 1) 2.5 metres (plot 2).

4.3 Despite the minor nature of these changes the planning application will be fully re-assessed below.

5. Planning History

4/00726/17/FUL TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)
Granted
24/08/2017

4/03037/16/FUL TWO THREE BED DETACHED DWELLINGS WITH TWIN GARAGES
Refused
03/01/2017

4/01921/11/FUL TWO DETACHED RETIREMENT BUNGALOWS (AMENDED SCHEME)
Granted
18/09/2012

4/00716/11/FUL TWO DETACHED RETIREMENT BUNGALOWS
Withdrawn
24/06/2011

4/01093/10/OUT FIVE ONE-BED DWELLINGS
Refused
21/10/2010

4/02066/01/OUT CONSTRUCTION OF DETACHED HOUSE AND GARAGE WITH
VEHICULAR ACCESS
Granted
14/06/2002

6. Policies

6.1 National Policy Guidance (2018)

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

6.2 Adopted Core Strategy (2013)

NP1: Supporting Development
CS1- Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

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

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

6.4 Supplementary Planning Guidance

Belswains Lane (HCA18) Area Character Appraisal (2004)
Hemel Hempstead Urban Design Assessment (2010)

7. Constraints

Established residential area of Hemel Hempstead

8. Representations

8.1 Consultee Responses

These are reproduced in full at Appendix A

8.2 Neighbour notification responses

These are reproduced in full at Appendix B

9. Considerations

9.1 The main issues to consider are:

- Principle of Development
- Impact on Street Scene
- Effect on Amenity of Future Occupiers and Neighbours
- Highway Safety and Parking Provision
- Impact on Trees and Landscaping
- Sustainability
- Consultation Responses

Principle of Development

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

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

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

9.5 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with Policies, CS1, CS4, CS17, of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2018).

Impact on Street Scene

9.6 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

9.7 In addition, paragraph 130 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

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

9.9 The Area Character Appraisal for HCA18 Belswains describes the character and spatial layout of the area as, “variety throughout with no unifying design features to the area, although detached and semi-detached dwellings are the most common”.

9.10 The application site is located within The New Town Neighbourhood zone in accordance with the Hemel Hempstead Urban Design Assessment (2010) where a range of typologies and densities are acceptable. This zone should provide quality low-rise (two-three storey), medium to very high-density housing.

9.11 The proposal seeks to erect two detached dwellings. There would be a 1.5 metre separation distance between both units, maintaining to some extent the typical spacing between dwellings within the street scene.

9.12 The proposed architectural form for the two units would have a front gable and a simple pitched roof. The proposed units would be two storey in height (approximately 8.2 metres); this is considered an appropriate height for a two storey unit. Given this proposed height, decline in site land level and 33 - 37 metres (approximate) set back from Belswains Lane it is not considered that the proposed units would be overtly visible from the street scene. Although, limited views of the development may be glimpsed when standing directly in front of the site entrance.

9.13 Due to the three storey height and terraced form of properties on Ebbens Road it is not considered the proposed units would be overtly visible from this street scene.

9.14 There would be views of the development from the public footpath running to the south east of the site; however, these views would be limited due to the set back of plot 2, 8.2 metres from the public footpath and boundary treatment which comprises a 1.8 metre high close boarded wooden fence and foliage.

9.15 As such, it is considered that the proposed architectural form of the two units would not result in detrimental impact to the character and appearance of the surrounding street scenes.

9.16 Turning to built form across site, the proposed properties would be located in a relatively central plot position; retaining an approximate 4.5 - 8 metre separation distance to south eastern and western site boundaries. The dwellings proposed would cover only 14% of the site (160 sq.m); including the access road/turning area and parking spaces 45% of the site would comprise built form and hardstanding, with the remainder green space. The proposed scheme has a density of 18 dwellings per hectare which is lower than the 30 to 35 dwellings/ha outlined within the HCA18 Area Character Appraisal. The open space around the proposed dwellings, density and percentage of built form to open space is considered acceptable and indicates that the proposed development would not result in overdevelopment or over residential intensification of the site.

9.17 In short, the proposed amendments to the previously approved scheme would not affect the visual assessment made under application ref: 4/00726/17/FUL. Therefore, the proposal remains acceptable in terms of architectural appearance, visual appearance from the street scene and spread of bulk and mass across the site. It is considered that the proposal relates to the spacious, open, character of the wider area and complies with Policies CS10, CS11 and CS12 of the Core Strategy (2013), Saved Policies 10, 18 and 21 and Appendix 3 of the Local

Plan (2004), the NPPF (2018), HCA18 Belswains Area Character Appraisal (2004) and Hemel Hempstead Urban Design Assessment (2010).

Effect on Neighbours

9.18 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.19 Saved Appendix 3 of the Local Plan (2004) outlines a minimum 23 metre separation distance between the main rear wall of dwelling and main wall (front or rear) of another. The proposed units would retain a 23 metre (approximate) separation distance to the properties Nos. 205 and 207 on Ebberns Road and a 22 metre separation distance from Nos. 209 and 211 Ebberns Road. Although this would fall 1 metre short of the 23 metre separation distance standard, the impact of this is not considered to be significantly harmful so as to warrant a refusal of the planning application. No. 209 Ebberns Road would be located 17.5 metres approximately away from Plot 1, nevertheless this would be at an oblique angle and not a direct rear-to-rear relationship.

9.20 The proposed dwellings would be located 23 metres away from property No.76 Belswains Lane and 20 metres away from No. 78 Belswains Lane, respectively. The perceived loss of outlook and privacy to neighbouring residents at Belswains Lane would be lessened as a result due to the incline of land levels towards Ebberns Road and therefore these separation distances are considered acceptable. It is noted that a two storey side extension with a rear projection at No.78 Belswains was granted under app ref: 4/01425/16/FHA, which reduces the rear-to-rear separation distance further. Nonetheless, this side extension would not be directly opposite plot 2 and has not yet been implemented; therefore, this extension is given very limited weight.

9.21 Plot 2 would be located approximately 11.5 metres away from the front elevation windows of Belswains Cottages, this separation distance combined with the 8.2 metre height of the dwelling is not considered to result in a significant loss of outlook to these neighbouring residents. Furthermore, this relationship would be side to front, of which DBC have no separation distances policy guidance. The proposed dwelling would also not breach the 25 degree line as drawn from the front habitable windows of 2 Belswains Cottages. This indicates that the proposed dwelling would not result in a significant loss of daylight or sunlight to this property.

9.22 As the site access is already existing the intensification of use of this access track to serve two new dwellings is not considered to result in significant noise and disturbance to neighbouring residents.

9.23 Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwellinghouse should

be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The two proposed units would meet this provision with garden depths of 12.4 and 11.5 metres respectively, in conjunction with generous widths of 15 and 16 metres.

9.24 The proposed amendments remain acceptable in terms of residential amenity and in accordance with the NPPF (2018), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact on Highways Safety and Parking Provision

9.25 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low 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.

9.26 The application seeks to provide 2x three bed dwellings which in accordance with Saved Appendix 5 of the Local Plan (2004) would require a total of 4.5 off street parking spaces (2.25 per dwelling) within Zones 3-4. The proposal would provide sufficient off street parking provision to accommodate 4 domestic cars (2 per dwelling) with an additional space for a further 5th car, or motorcycles, thereby meeting maximum standards.

9.27 No changes to the access or bin collection arrangements would be made from the previously approved scheme. The only change proposed is to the turning space. Hertfordshire County Council were consulted on the planning application and have not altered their comments from the previous application. To reiterate the comments on the previous planning application were as follows:

- The access is existing and therefore regard is given to the intensification of use only, rather than construction against modern standards. It is not considered that the quantum of 2 dwellings (which might reasonably generate 1 to 2 movements out in the morning peak and a similar level in during the evening peak) would result in severe impact to Highway movement and thereby safety.
- The constraints of the existing access are retained amongst many other properties on Belswains Lane. Highway records of accident data contains no evidence that this arrangement of being unable to enter and exit in forward gear and limited visible splay (below standards) has been the cause of accidents within the area.
- The planning application improves site circumstance by providing a turning area within the site which would enable forward gear entrance and exit, in addition to wider site visible splays.
- Previous granted planning applications 4/01921/11/FUL and 4/02066/01/OUT proposed identical site access arrangements and quantum of development currently proposed. Since these applications were given approval, the NPPF has been introduced, relaxing requirements further, identifying that development may only be refused if the impacts on the network are severe.

9.28 The proposed amendments do not alter the assessment made in regards to highway safety and operation.

Control of Site Visibility Splays

9.29 Within application ref: 4/00726/17/FUL the applicant submitted two confidential documents (Land Ownership and Deed) which demonstrated control of site visibility splays to the front of Nos. 76 and 78 Belswains Lane. The DBC solicitor looked over these documents and provided the following summarised comments:

- The document transfers the land to the rear of 78 Belswains Lane and land forming part of the rear of 76 Belswains Lane (shown on a plan attached to the Transfer) from Mohammed Awais Ahmed to Nigel John Wingrove.
- Within the document there are various restrictive covenants by Mohammed Awais Ahmed, but the one of relevance here states:

“3. Not at any time to obstruct or diminish the sight lines at the front of number 76 Belswains Lane aforesaid hatched blue on the plan so as to enable access to and egress from the Property hereby transferred and the Transeree’s other adjoining land providing safe exist to the highway and from the highway vice versa and the Transferee’s adjoining land.”

“4. Not to allow the boundary fences between points A and B and C and D on the Plan to fall into disrepair and to be responsible for the same”

- **This is, therefore, an appropriate and enforceable way for the applicant to control the site visibility splay for land to the front of number 76.**
- The document does not make any reference to the visibility splay for land to the front of number 78.
- There is, however, a restrictive covenant in a 1927 conveyance (which binds future purchasers so would remain enforceable) which would **prevent the erection of any structure fence wall hedge or other means of enclosure and prohibit the planting of trees or shrubs to land affronting number 78.**

9.30 In short, the DBC Legal Officer was satisfied that the legal documents submitted demonstrate that the applicant has enforceable control over the visibility splays in front of Nos. 76 and 78 Belswains Lane. Condition 6 has been recommended to ensure the applicant enforces that the visibility splays are maintained.

Impact on Trees and Landscaping

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

9.32 The existing vegetation on site is relatively sparse with no TPOs residing on, or adjacent to the site. Nonetheless, the Trees and Woodlands Officer was consulted on the key trees within Nos. 74 and 76 Belswains Lane labelled Pine and Cherry) and have provided no comment in relation to the amended scheme.

9.33 The proposed scheme has the potential to provide soft and hard landscaping on site. A condition has been recommended requesting details of materials for landscaping and boundary treatment to ensure a sufficient screen of landscaping on the boundary between Ebberns Road and the application site.

9.34 The application site is located on a former land use constraint therefore two contaminated land conditions have been attached to the grant recommendation.

9.35 The proposal is considered to accord with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Presumption in Favour of Sustainable Development

9.36 Paragraph 8 of the NPPF (2018) identifies three aspects of sustainable development: social, economic and environmental. Due to the fact that the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply, paragraph 11 of the NPPF (2018) is engaged. Paragraph 11 of the NPPF states that decisions should apply a tilted presumption in favour of sustainable development unless policies in protected areas of particular importance provide a clear reason for refusing the development proposed.

9.37 Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date" when the LPA cannot demonstrate a five year supply of deliverable housing sites. The most important policies for determining a housing application are considered to be Policies CS1 (Distribution of Development), CS4 (The Towns and Large Villages) and CS17 (New Housing).

9.38 It must therefore be considered whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, as outlined in paragraph 11 of the NPPF (referred to as 'the tilted balance' in favour of sustainable development). Policies for the supply of housing should be given less weight where these circumstances apply.

Environmental

9.39 The proposal would be located within a sustainable area on a brownfield site within a built up residential area.

Social

9.40 The proposal would make a small contribution to the Borough's housing supply, thereby facilitating the Government's aim of boosting the supply of housing.

Economic

9.41 The proposal would result in economic benefits during the construction of the units, although this would be for a limited period. In addition, it is likely that future residents would support the local economy such as using the amenities at the Town Centre.

Conclusion

9.42 Overall, the proposed development would be realised across the three objectives outlined above and the proposal would constitute sustainable development and the tilted balance in favour of development is applied.

Consultation Response

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

Overdevelopment/ over residential intensification/ proposal would appear cramped within its plot- This has been addressed within the 'Impact on Street Scene' section above.

Loss of privacy, outlook, daylight and sunlight to Belswains Cottages and properties at Belswains Lane and Ebborns Road- This has been addressed within the 'Effect on Neighbours' section above.

Scale on plans not accurate- The applicant has signed the application form declaring that the plans/ drawings submitted are 'true and accurate'.

Previous history of refusals on site- The previous planning history has been listed within this report and has been taken into consideration in the determination of the this planning application.

Root damage to adjacent trees- This has been addressed within the 'Impact on Trees and Landscaping' section above.

Unsatisfactory manoeuvrability space provided for parking and turning areas- The amended scheme seeks to retain the parking area within the site which was considered acceptable by Hertfordshire Highways in the original application.

Applicant does not have control of maintaining site visibility splays- Please see the Impact on Highways Safety and Parking Provision section.

Community Infrastructure Levy

9.44 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 CIL Liable.

10. Conclusion

10.1 The proposed changes to the design and size of the dwellings from the previously approved application ref: 4/00726/17/FUL are not considered to materially change the original assessment made.

10.2 The proposed development remains acceptable in terms of principle of development, visual amenity of the area, residential amenity of neighbouring properties and matters of highways safety. The scheme is therefore in accordance with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99, 100, and Appendices 3 and 5 of the

Local Plan (2004), Hemel Hempstead Urban Design Assessment (2010) and the HCA18 Belswains Area Character Appraisal (2004) .

10.3 Moreover, since the previous application was approved, the Borough can no longer demonstrate a 5-year land supply. Therefore, the tilted balance in favour of sustainable development is engaged and adds further weight in favour of the approval of the application.

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 24th August 2017.</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>25 degree line 08/18/76BLHH-402 Rev A 08/18/76BLHH-401 Rev A NB- 247 Sheet 4 of 4 issue 4 20/12/18</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<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.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Informative</p> <p>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>
4	<p>No dwelling shall be occupied until 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; height and type of boundary treatment; 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;</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; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policies 99 and 100 of the Local Plan (2004).</p>
5	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of the reinstatement landscaping detailed in condition 5 shall be carried out in the first planting and seeding seasons following one year post implementation of the development hereby approved; and any trees or plants which within a period of five years from this date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper reinstatement of the site and implementation of the agreed landscape details in the interest of the amenity value of the development; in accordance with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).</p>
6	<p>Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan ref: NB-247 Sheet 4 of 4 issue 4 20/12/18. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway</p> <p>Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Core Strategy Policies CS8 and CS12 (2013) and Saved Policy 51 of the Dacorum Borough Local Plan (2004).</p>
7	<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: A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out. A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required. A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).</p>

8	<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 CS12 of the Core Strategy (2013) and the NPPF (2012).</p> <p>Informative: Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p>
9	<p>Prior to the first occupation of the development hereby permitted details outlining a no dig construction method for the parking bays shall have been submitted to and approved in written by the Local Planning Authority.</p> <p>Reason: To ensure parking provision does not detriment the root protection areas of adjacent trees; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).</p> <p>Informatives</p> <p>Highways</p> <p>AN1) 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/highways-roads-and-pavements.aspx by telephoning 0300 1234047.</p> <p>AN2) 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/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.</p> <p>AN3) 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</p>

	<p>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> <p>Ecology informative The developer is advised to check for badgers presence prior to any works commencing on site should be undertaken. Should any presence be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</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 and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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Appendix A consultation responses

Herts Property

Thank you for your email regarding the above mentioned planning application.

Growth & Infrastructure Unit 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 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (growth@hertfordshire.gov.uk).

Contaminated Land

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/02726/18/ROC for the variation of condition 2 (Approved Plans) attached to planning permission 4/00726/17/FUL and I will like to advise that **we have no comment nor objection on the issue of Noise, Air Quality and Contaminated Land** in relation to the variation of the approved plans.

HCC Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

No additional comments or objections to those submitted by HCC as Highway Authority to original application.

Crime Prevention Officer

No Comment

Trees and Woodlands

Objection

If we're back to a dwelling (and to a lesser degree car parking) within the RPA of important landscape trees in adjacent property, we're also back to our previous objection to the scheme; tree damage from development, possible damage to the dwelling from the action of trees, tree dominance over the dwelling, post-development pruning pressure, antagonism between neighbours...

Rights of Way Officer

The development site abuts Hemel Hempstead public footpath 71.

Appendix B Neighbour notification/site notice responses

Objections

Address	Comments
74 BELSWAINS LANE,HEMEL HEMPSTEAD,,,HP3 9PP	74 Belswains Lane Objection (as summarised) Design is cramped and would appear out of character with street scene Application should be refused for same reasons as previous refused applications Loss of privacy and daylight to residents at Nos. 1 and 2 Belswains Cottages. Loss of privacy to 203-211 Ebbens Road as fails to meet 23 metres spacing distance to both properties on Ebbens Road and Belswains Lane. Root damage to adjacent trees and undue pressure to fell trees in future. Required site visibility splays and line of site cannot be achieved. Plans submitted missing extensions to rear of Nos.74 and 78 Belswains Lane. No viable turning head to allow vehicles to turn around within the site, resulting in dangerous site access. Numerous accidents on Belswains Lane. Loss of daylight and sunlight to properties on Belswains Lane. Noise and disturbance as a result of cars to the of properties on Belswains Lane. Amended Comments (as summarised) Cramped design Loss of privacy daylight and sunlight to properties on Belswains Lane, Belswains Cottages and Ebbens Road Root damage to adjacent trees Site access does have the required visibility splay of 2.4m x 43m increasing risk of collision. The applicant has no control over achieving this visibility splay Location plan missing extensions on 76, 78 Belswains Lane and Ebbens Road

	<p>No turning area within the site Additional noise and disturbance from cars manoeuvring in site.</p>
<p>209 EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD</p>	<p>Please see below objections to the proposed amendment to plans for garden space to rear of 76-78 Belswains Lane: ref 4/02726/18/ROC</p> <p>It is very hard to accept that this is a variation on the previous plan... this is doubling the size of the properties, and as such must surely require an entirely new application. With previous objections the Scale of Development on the site was a concern, and clearly by doubling the footprint of the buildings this remains an issue for all neighbouring properties. In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined "in order to preserve neighbouring resident's outlook and privacy. A previous council ruling on the plans noted "an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within the plot and would fail to maintain or enhance the quality and character of the surrounding area". The Belswains Cottages particularly will be negatively impacted re outlook, privacy and daylight.</p> <p>What was apparently two retirement homes looks to have been amended to two "executive" homes. The apparent inclusion of a dressing room equal in size to the bedrooms would suggest these could readily become 4 + bedroom homes. This brings the prospect of more residents (and more cars) than was initially approved, with knock on effect to access and egress to the plot from Belswains Lane.</p> <p>Parking spaces: The amendment is impacting on the provision of parking space, turning space for cars and other amenities like bin stores.</p> <p>We feel the plan remains to use the Council's own previous words an "inappropriate development of residential gardens". The amendment would result in over development of the site and an over-intensification of built residential form within the immediate area.</p> <p><u>Comments on Amended Plans</u></p> <p>Objection to the variation of Condition 2 as notified by your letter ref 4/02726/18/ROC</p> <p>Whilst smaller in size than the initial variation, these new plots are still 30% bigger than the original approved plan, so as such should surely be subject to a new plan proposal. The increase in size has been achieved by building closer to 74 Belswains Lane and 2 Belswains Cottages, both properties have previously joined us in complaining against over development of this space.</p>

	<p>As other objectors have commented it would be reassuring to see some actual measurements used rather than the elastic estimates. The sketch of the plot areas is misleading and does not reflect a 30% increase in size.</p> <p>209 Ebberns Road remains the closest property to the western plot though this measurement is still to be shown on a plan.</p> <p><u>Further Comments</u></p> <p>(Objection resubmitted assuming site malfunctioned) The plans submitted 07/12/18 show an increase in property footprint of 30%... this would suggest an entirely new application needed given neighbours concerns about over development of the former garden site.</p> <p>Increase in size has been achieved by building closer to Belswains Cottages and 74 Belswains Lane</p> <p>Elastic plan distances still seem to be accepted, and the distance to 209 Ebberns Road is still not shown, despite it being the nearest property to the western plot.</p>
<p>2 BELSWAINS COTTAGES,BELSWAINS LANE,HEMEL HEMPSTEAD,,HP3 9PR</p>	<p>We strongly object to this application for the following reasons:</p> <p>1. The revised plans should not be considered as a "Variation of condition" as they propose doubling the floor area of the properties and should therefore be submitted as a new application.</p> <p>The following is from the government guidance for Variation of condition (section 73 of the Town and Country Planning Act 1990)</p> <p>https://www.gov.uk/guidance/flexible-options-for-planning-permissions</p> <p>-----</p> <p>How are the conditions attached to a planning permission amended?</p> <p>An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a MINOR MATERIAL AMENDMENT, where there is a relevant condition that can be varied.</p> <p>...</p> <p>Is there a definition of 'minor material amendment'?</p> <p>There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a DEVELOPMENT WHICH IS NOT SUBSTANTIALLY DIFFERENT FROM THE ONE WHICH HAS BEEN APPROVED.</p> <p>-----</p> <p>Searching for "Variation of condition 2" on the dacorum site gives results such as changing the type of tiles on a roof. If</p>

this application is allowed it will set a precedent that others can follow and will make a mockery of the planning process.

2. Not enough space for properties of the proposed size. The size of the proposed properties is similar to those in application 4/03037/16/FUL which was rejected for several reasons, including:

"The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012)."

3. Although the houses in the revised plans are shown as having 3 bedrooms, the size and layout of the properties means they could easily be converted into 4 or 5 bedroom houses.

4. The increased size of the property behind 78 Belswains Lane will result in significant visual intrusion and reduction in light for 2 Belswains Cottages. The application includes a diagram of the front of 2 Belswains Cottages with a 25 degree line from the window that passes over the top of the development, but the measurements are wrong and the BRE report states that the 25 degree line should be measured from the centre of the window, not the top.

5. Overlooking of the houses on Ebbens Road. The approved plans for the property behind 76 Belswains Lane has a single small frosted window on the side facing Ebbens Road to prevent overlooking and loss of privacy. The revised plans for the property behind 76 Belswains Lane has 4 large windows, 2 small windows and a large set of patio doors on the side facing Ebbens Road which will result in unacceptable loss of privacy for the houses on Ebbens Road.

6. The increased size of the property behind 76 Belswains Lane will damage the root protection zones of the trees which should be protected.

7. Bin storage and collection. The bin storage areas provided in the approved plans have been removed and there is no indication where the wheelie bins will be stored. If they are stored next to the houses, the residents will have to wheel the bins more than 40m uphill when they are full. Dacorum council guidance states that residents should not have to wheel bins further than 25m (see Page 14):

	<p>https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0</p> <p>8. Exit onto Belswains Lane. The exit from the site onto Belswains Lane is dangerous because of the lack of visibility when leaving the site. The approved plans include provision for visibility splays at the exit onto Belswains Lane. Since the plans were approved, a low fence has been erected at the side of 78 Belswains Lane that runs in a straight line to the road. This cuts off the visibility splay and allows cars to park in front of 78 Belswains Lane inside the visibility splay, blocking the view when exiting the site.</p>
<p>211 EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD</p>	<p>We object to the proposed variation on the following grounds: The variation involves a virtual doubling of the footprints of the units and should require a new planning application. Although still nominally 3- bedroom, the new designs have at least one and possibly two rooms which could easily be converted into additional bedrooms. So we are effectively talking about 4/5 bed houses</p> <p>The new designs are bulkier and even more dominating of the site than even the units in the original rejected plan; the original designs had double garages which were at least lower than the main part of the houses. The first ground for refusal of the original application was:</p> <p>'The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012).'</p> <p>This ground for refusal is clearly also valid for the proposed 'variation'.</p> <p>The new designs have six windows and a patio door overlooking 211 and 209 Ebberns rd, giving unacceptable loss of privacy, and the distance to the houses in Ebberns rd is still less than the allowed 23 m limit</p> <p>The new design will also impinge significantly on 2 Belswains cottages with loss of light and restriction of outlook</p> <p>For these reasons we strongly object to the proposed variation and consider that it is clear that it should be refused</p>

<p>76 BELSWAINS LANE,HEMEL HEMPSTEAD,,,HP3 9PP</p>	<p>Due to the increased size the alteration is not minor & should be rejected, I object to the new proposal as feel this is significantly different to the original plan. This proposal will be later altered to 4 semi detached houses causing double the congestion & increased traffic</p>
<p>203b EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD</p>	<p>I object to the proposed amendments on the following grounds.</p> <ol style="list-style-type: none"> 1. The volumetric size of the new proposals are vastly greater than the original. I agree with the other comments here that this is a ploy to later amend the properties to be greater than 3 bedroom dwellings. Particularly once built, a freeholder does not require permissions from the local authority to amend internal layouts of partitioning walls. If this is to be the likelihood then with that comes more occupants, which in turn comes with the greater likelihood of noise and disruption to the neighbouring properties. 2. The loss of visibility will greatly increase for properties 203-207 as the dwellings appear to have been rotated and increased in size. But more importantly the loss will be felt greater by those residing in the cottages at 2 Belswains lane. 3. Loss of privacy will be felt by all occupiers of properties 203-207 with the amended plans now featuring 4 larger rear facing windows with the inclusion of a large patio door also. 4. Simply put the land is not large enough to successfully achieve this proposal. It is noted on the plans that the distance from buildings 203-207 to the proposed building is 23 metres. This is egregious. The proposed garden area for the left hand dwelling is noted to measure 14(W) x 12(L) metres. I have since measured the garden of 203A from their property to their boundary, this measures 8.5 metres (approx). $8.5m + 12m = 20.5$ metres. 2.5 metres shorter than what the plan suggests. If this is the case it brings with it a questionable stance on the entire plans, and not just the amendments to them. 5. As the proposed buildings have now been rotated on the amended plans i believe this will dangerously impact the ability for vehicles to move and manoeuvre safely, both in and out of the plot but also within it. The new plans place the right hand dwelling very close to the boundary of 76 Belswains lane. I would imagine any vehicle will struggle to successfully turn in this proposed space yet the plans suggest sufficient space for 4 vehicles. Further to this, the illustration of the 2 parking bays on the left hand dwelling suggests an inability for any vehicle to successfully reverse into each bay. Without this being an

option it would require any vehicle leaving the plot to reverse from the bay up the narrow entrance, and out on to the main road. Since it is illegal for cars to reverse out onto main roads, this would require addressing.

Comments on Amended Plans

I object to the proposed amendments on the following grounds.

1. The volumetric size of the revised proposals for both the properties and the garden/outdoor areas around both still does not add up. Simply put the land is not large enough to successfully achieve this proposal.

It is noted on the plans that the distance from buildings 203-207 Ebbens Road to the proposed building is 23 metres. This is egregious.

The proposed garden area for the left-hand dwelling is noted to measure 14(W) x 12(L) metres.

I have since measured the garden of 203A Ebbens Road from the back of their property to their boundary, this measures 8.5 metres (approx).

8.5 metres + 12 metres = 20.5 metres. 2.5 metres shorter than what the plan suggests.

If this is the case it brings with it a questionable stance on the entire plans, and not just the amendments to them. I think for every property surrounding this plot, it would be more than reassuring to see some actual measurements used rather than the rough estimates shown on this proposal. The sketch of the plot areas is misleading. You can see from all angles, how off the measurements are.

2. The loss of visibility will greatly increase for properties 203-207 Ebbens Road as the dwellings appear to have been rotated so that the back of both proposed properties (the widest distance) is facing towards Ebbens Road. But more importantly the loss of visibility will be felt greater by those residing in the cottages at 2 Belswains Lane.

3. Loss of privacy will be felt by all occupiers of properties 203-207 Ebbens Road with the amended plans now featuring 4 larger rear facing windows and the inclusion of a large double patio door also.

4. As the proposed buildings have now been rotated on the amended plans, I believe this will dangerously impact the ability for vehicles to move and manoeuvre safely, both in and out of the plot but also within it.

	<p>The new plans place the right-hand dwelling very close to the boundary of 76 Belswains Lane. I would imagine any vehicle will struggle to successfully turn in this proposed space, yet the plans suggest sufficient space for 4 vehicles.</p> <p>Further to this, the illustration of the 2 parking bays on the left-hand dwelling suggests an inability for any vehicle to successfully reverse into each bay. Without this being an option, it would require any vehicle leaving the plot to reverse from the bay up the narrow entranceway, and out on to the main road (Belswains Lane). Since it is illegal for cars to reverse out onto main roads, this detail on the proposal would need urgently addressing.</p>
<p>203a EBBERNS ROAD,HEMEL HEMPSTEAD,,,HP3 9RD</p>	<p>I object to this proposed amendment in the strongest terms possible for a number of reasons:</p> <p>1 The measurements do not stack up nor do they equate with the size of the plot. The figures indicate that the property behind my flat will have be very slim or it will encroach on the stipulated space that must exist between buildings.</p> <p>2. I have a major concern about my loss of privacy. The room that will be closely overlooked in my ground floor flat is my bedroom.</p> <p>3 The not-so-hidden agenda beggars belief. It would amount to an embarrassing naivety for the Council to not see the expansionist ambitions within this proposal. Such ambitions are simply not acceptable at this location given its limitations and constraints (for example, the proximity of the pre-existing homes and difficult access to the main road).</p> <p>In light of the above, I believe a major review and audit of this proposed development is required, including department officials on the ground with their measuring tapes.</p> <p>Furthermore, because of the scale of the proposed variation, I respectfully suggest it be resubmitted as a full planning application. We're looking at a new ball game - so back to square one in other words.</p> <p><u>Further Comments</u></p> <p>There remains the valid objection concerning the space being allocated for the safe manoeuvring of cars and other vehicles onto and off the site (involving the busy Belswains Road) and within the site itself. The measurements still do not stack up. An on-site inspection by Council officials with measuring tapes is required and requested.</p>
<p>2 BELSWAINS COTTAGES,BELSWAINS LANE,HEMEL HEMPSTEAD,,,HP3 9PR</p>	<p>We strongly object to this application for the following reasons:</p> <p>1. The revised plans should not be considered as a "Variation of condition" as they propose increasing the floor area of the properties by more than 30% and should therefore be</p>

submitted as a new application.

The following is from the government guidance for Variation of condition (section 73 of the Town and Country Planning Act 1990)

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

How are the conditions attached to a planning permission amended?

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a MINOR MATERIAL AMENDMENT, where there is a relevant condition that can be varied.

...

Is there a definition of 'minor material amendment'?

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a DEVELOPMENT WHICH IS NOT SUBSTANTIALLY DIFFERENT FROM THE ONE WHICH HAS BEEN APPROVED.

Searching for "Variation of condition 2" on the dacorum site gives results such as changing the type of tiles on a roof. If this application is allowed it will set a precedent that others can follow and will make a mockery of the planning process.

2. Not enough space for properties of the proposed size. The last application for two large three bedroom houses on this site, 4/03037/16/FUL, was rejected for several reasons, including:

"The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. The development is, therefore, contrary to saved policy 21 and appendix 3 of the Dacorum Local Plan (2004) and policies CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012)."

3. The increased size of the property behind 78 Belswains Lane will result in significant visual intrusion and reduction in light for 2 Belswains Cottages.

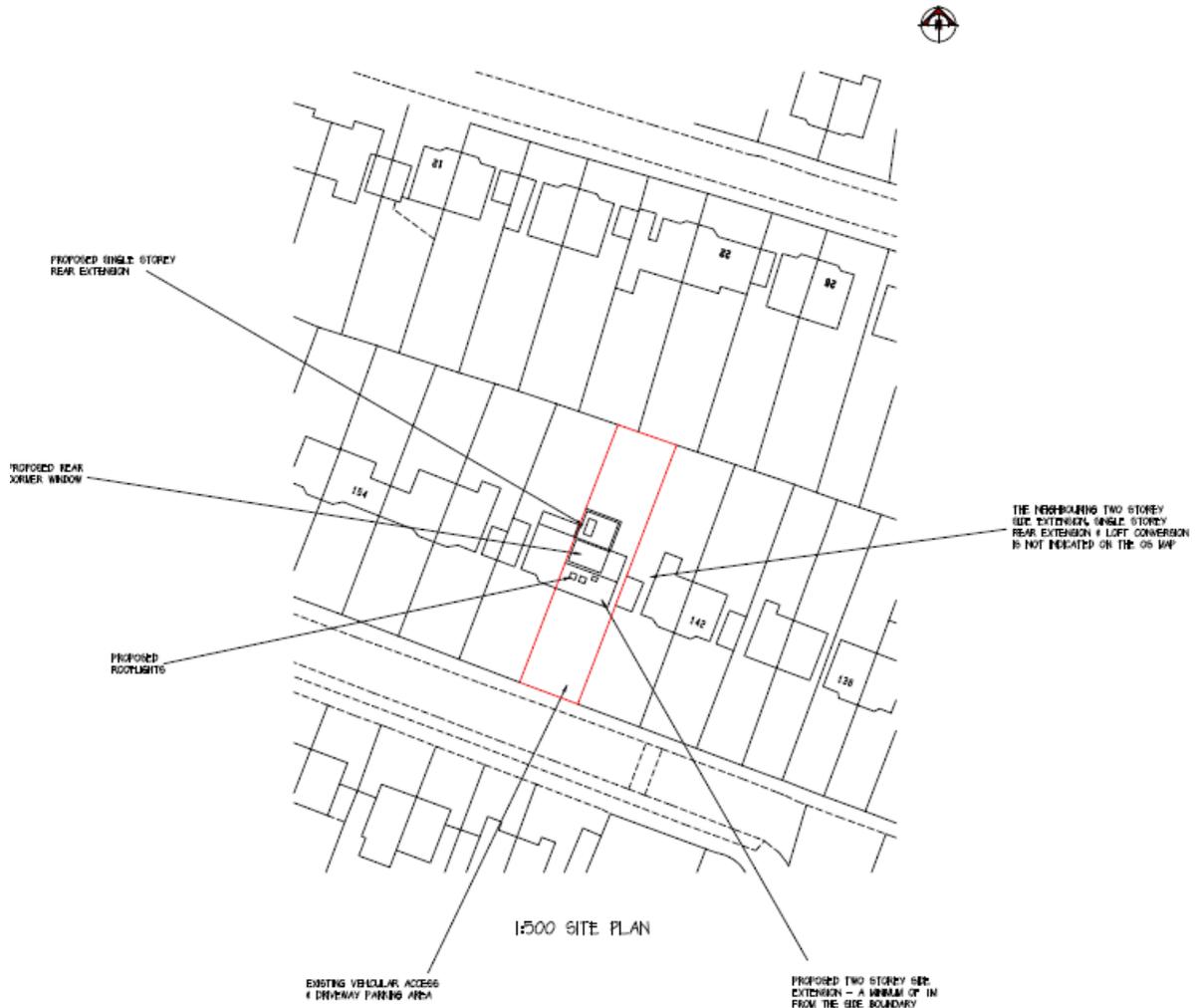
4. Overlooking of the houses on Ebbens Road. The approved plans for the property behind 76 Belswains Lane has a single small frosted window on the side facing Ebbens Road to prevent overlooking and loss of privacy. The revised plans for the property behind 76 Belswains Lane has 3 large windows, one small window and a large set of patio doors on the side facing Ebbens Road which will result in unacceptable loss of

	<p>privacy for the houses on Ebbens Road.</p> <p>5. The increased size of the property behind 76 Belswains Lane will damage the root protection zones of the trees which should be protected.</p> <p>6. Bin storage and collection. The bin storage areas provided in the approved plans have been removed and there is no indication where the wheelie bins will be stored. If they are stored next to the houses, the residents will have to wheel the bins more than 40m uphill when they are full. Dacorum council guidance states that residents should not have to wheel bins further than 25m (see Page 14): https://www.dacorum.gov.uk/docs/default-source/strategic-planning/refuse-storage-guidance-note---adopted-10-feb-2015.pdf?sfvrsn=0</p> <p>7. Exit onto Belswains Lane. The exit from the site onto Belswains Lane is dangerous because of the lack of visibility when leaving the site. The approved plans include provision for visibility splays at the exit onto Belswains Lane. Since the plans were approved, a low fence has been erected at the side of 78 Belswains Lane that runs in a straight line to the road. This cuts off the visibility splay and allows cars to park in front of 78 Belswains Lane inside the visibility splay, blocking the view when exiting the site.</p>
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Item 5h 4/02890/18/FHA

HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION. SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION

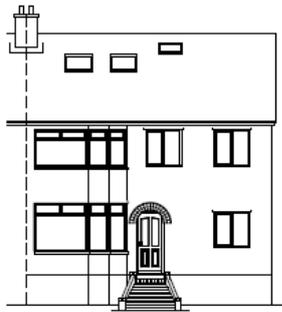
146 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE



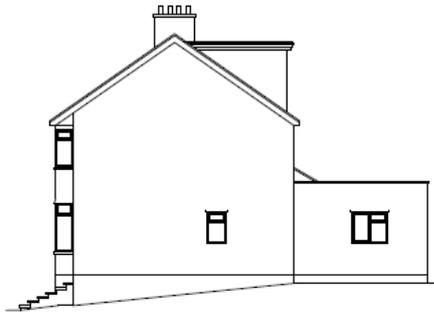
Item 5h 4/02890/18/FHA

HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION. SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION

146 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE



FRONT ELEVATION - 1:100



FLANK ELEVATION - 1:100



REAR ELEVATION - 1:100

4/02890/18/FHA	HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION. SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION
Site Address	146 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE
Applicant	Mr & Mrs Newman, C/o agent
Case Officer	Briony Curtain
Referral to Committee	Contrary views of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The site is situated within a residential area of the town of Berkhamsted wherein appropriate residential development is encouraged. The extensions would harmonise with the existing street scene and mirror many similar extensions in the immediate vicinity. There would be no loss of light, privacy or visual intrusion as a result of the proposals.

3. Site Description

3.1 No. 14 6 is a semi-detached property located on the northern side of Bridgewater Road within the residential area of BCA14 in Berkhamsted. The property has car parking to the frontage and is set back some distance from the road with private garden to the rear. Ground levels slope such that the property is set at a lower level than propertyies in Meadow Road behind. The surrounding area comprises similar properties, many of which have been extended in one way or another over the years. Many have undertaken almost identical extensions to that currently proposed.

4. Proposal

4.1 Planning permission is sought for the construction of a two storey side extension, a single storey rear extension and a hip to gable loft conversion to include rear dormer and front velux roof lights.

5. Relevant Planning History

4/02855/04/FHA TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION (AMENDED SCHEME)
Granted
26/01/2005

4/02509/04/FHA TWO STOREY SIDE WITH SINGLE STOREY FRONT AND REAR EXTENSION
Withdrawn
14/12/2004

6. Policies

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

6.2 Adopted Core Strategy –

NP1, CS4, CS10, CS11, CS12, CS13 and CS29.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, and 58.
Appendices 5 and 7

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

Environmental Guidelines
Residential Character Area - BCA14 Chiltern Park

7. **Constraints**

- 15.2M AIR DIR LIMIT
- HALTON DOTTED BLACK
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- CIL1

8. **Representations**

Consultation responses

8.1 These are reproduced in full at Appendix X

Neighbour notification/site notice responses

8.2 None Received.

9. **Considerations**

Main issues

9.1 The main issues to consider are:

- Policy and principle
- layout, design, scale in relation to parent property
- Impact on street scene
- impact on adjoining properties
- Impact on Highway Safety
- Other

Policy and Principle

9.2 In residential areas appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy.

9.2.1 The main issues in this case relate to the impact of the extensions on the appearance of the building, the street scene, and residential amenities. Policies CS10, 11, 12 and 13 are

relevant.

9.2.2 It is important to note that the roof alterations (hip to gable) and extensions (rear dormer including balcony) could be constructed under Permitted Development Rights without the need for formal planning permission. As such the main considerations must relate to the two storey side extension and the single storey rear.

Layout, Design, Scale, etc.

9.3 BCA14 states that extensions should normally be subordinate in terms of scale and height to the parent building.

9.3.1 In relation to the parent building the proposed side extension would be relatively modest in overall width and would harmonise with the form and materials of the existing. The extension follows the same front and rear building lines as the existing dwelling and that of all neighbouring properties and is thus considered appropriate.

9.3.2 The hip to gable is unfortunate and would unbalance the pair but there are many other examples in the immediate street and, but for the side extension, could as stated be done under Permitted Development without the need for formal planning permission. The rear dormer including the juliette balcony could also be constructed without the need for permission. These are material considerations that should be afforded weight in current considerations.

9.3.3 The single storey rear extension is appropriate in its depth, height and design and would respect the parent property to harmonise well.

The proposal would accord with Policy CS12 and Appendix 7.

Impact on Street Scene

9.4 Saved Appendix 7 state that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character.

9.4.1 The development Principles in Character Area BCA14 (Chiltern Park) (Area Based Policies 2004) state that extensions should normally be subordinate in terms of scale and height to the parent building, and should maintain a minimum spacing of 2-5 metres.

9.4.2 The proposal would maintain a 1 m gap to the common side boundary giving an overall 2 m gap. Given the relatively modest width of the extension, the proposal would have an acceptable appearance to the street scene. In addition it is important to note that there are many identical examples in the immediate vicinity, including the immediate neighbour at No. 144 and one away at 150.

9.4.3 The proposal would comply with Policies CS11 and 12.

Impact on adjoining neighbours

9.5 There would be no material impact on adjoining neighbours.

9.5.1 The side extension follows the existing front and rear building lines of the parent property (and that of the adjacent pair of semis) and as such would not breach a 45 degree line from adjacent habitable windows. No. 144, the property most affected by the two storey side extension, has its own identical two storey side extension, which features only front and rear facing windows. Given there are no windows to the side and no breach of the 45 degree line, there would be no impact on light nor would the side extension appear visually intrusive.

9.5.2 The single storey rear extension would project beyond those of adjacent properties but given its flat roof design, it would not appear visually intrusive or overbearing. To both sides it would extend just over 2m beyond the existing rear extension of No. 144 & 148. This is not excessive and would not result in any harm to their residential amenity.

9.5.3 The considerable back to back distance ensures no significant loss of privacy to the properties of Meadow Road behind. Moreover there are existing first floor rear facing windows that already permit mutual overlooking. Despite the level change there would be no significant increase in overlooking. In addition again it is important to note that many adjoining properties have identical dormers and that the dormer proposed, including the balcony could be constructed without the need for permission.

9.5.4 In all other respects the proposal is considered acceptable.

The proposal would comply with Policy CS12.

Impact on Highway Safety

9.6 The proposal would result in the creation of an additional bedroom, so giving rise to a 4 bedroom dwelling.

9.6.1 The proposal has a generous frontage forecourt which could accommodate up to three cars with relative ease. This is sufficient for a dwelling of this size in this location and would not give rise to any adverse highway issues.

9.6.2 There would be no material impact on parking.

The proposal would comply with Policies CS12 and saved Policy 58.

Archaeology

9.7 The site is situated within an Area of Archaeological Significance. The County Council have been consulted and given recent works to neighbouring sites (which noted no finds) it is considered that the development is unlikely to have a significant impact on heriateg assets so no comments are made.

CIL

9.8 The proposal would not be CIL liable (under 100sqm).

10. RECOMMENDATION – 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 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 12 of the Core Strategy 2013.
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>BR PA 03A BR PA 02C BR PA 01B</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 X

Consultation responses

Berkhamsted Town Council

Objection

The proposed Juliet balcony would cause both overlooking and loss of amenity. The Committee also question whether the rear extension breaches the acceptable 45°degree rule.

Appendix 7 v (ii); Appendix 3 v (i) and (ii)

Historic Environment Advisor - Archaeology

Archaeological monitoring of groundworks for extensions to the neighbouring property No. 144 Bridgewater Road, in 2009, noted no archaeological finds, features or deposits. In this instance therefore 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.

Appendix Y

Neighbour notification/site notice responses

No Comments Received

Agenda Item 6

6. APPEALS UPDATE

A. LODGED

4/00640/18/FHA Pritchard
SINGLE STOREY REAR, SIDE AND FRONT EXTENSIONS. RAISING ROOF
HEIGHT.
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
[View online application](#)

4/01301/18/FUL AJPT Construction Ltd
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR
TWO-BEDROOM AND THREE ONE-BEDROOM FLATS AND ASSOCIATED
ACCESS
96 LONGFIELD ROAD, TRING, HP23 4DE
[View online application](#)

4/02541/18/FUL Ulhassan
CONSTRUCTION OF 4 BEDROOMED SEMI-DETACHED DWELLING
(AMENDED SCHEME)
CALPE, 47 PEASCROFT ROAD, HEMEL HEMPSTEAD, HP3 8ER
[View online application](#)

4/02935/17/FUL BOURNE END LTD
CONSTRUCTION OF TWO POLYTUNNELS AND BARN FOR
AGRICULTURAL PURPOSES
UPPER BOURNE END LANE, HEMEL HEMPSTEAD
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

1. The appeal is dismissed.

Procedural Matters

2. In addition to the plans considered by the Council in determining the application the subject of this appeal, I have been provided with two additional plans, reference PL05A and PL08. The Council has confirmed that it did not take these into account in reaching its decision, while the appellants contend that they do not alter the proposal. Nonetheless, for the avoidance of doubt, I have considered the proposal with regard to the submitted plans on the same basis as the Council and, therefore, I have not had regard to the two additional plans for the purposes of determining this appeal.

3. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the appeal site and surrounding area; and on the living conditions of nearby residents, with regard to outlook, natural light and privacy.

5. With regard to the effect on neighbouring living conditions, the Council does not specify in its decision notice which properties it considers would be affected. However, I was asked to assess the effects during the site inspection on the occupiers of Nos 67 and 67A Kings Road and No 10 Oxfield Close, which I did by viewing the appeal site from these properties and their gardens. As such, these are the properties referred to in respect of the main issue concerning the effect on living conditions.

Reasons

6. The appeal property is a detached bungalow in a small group with two other dwellings, all three of which are located behind properties with frontages on Kings Road. Access is via a driveway off Kings Road.

Character and appearance

7. The Council's decision notice refers to the development by reason of its mass and bulk resulting in an overdevelopment of the site. It refers to Policies CS11 and CS12 of its Core Strategy, which concern design quality, including respecting densities, local character and adjoining properties. I am not aware that any other assessment is provided to substantiate this element of the reason for refusal.

8. The demolition of the rear wing and conservatory would reduce the footprint of the existing dwelling, while the additional development at first floor level would not be so substantive that it would unbalance its proportions. Dwellings in the surrounding area are of similar or larger size and while the changes proposed are of more modern design than many of these properties, the result would not be so uncharacteristic or incongruous in its setting to cause material harm to the character and appearance of the site and its surrounds. Moreover, the dwelling is set in a relatively generous plot and given the reduction in footprint, there would be no overdevelopment of the site.

9. Accordingly, for the above reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the appeal site and surrounding area. As such, it is not contrary to Policies CS11 and CS12, as already described. These policies are consistent with the Framework.

Living conditions – Nos 67 and 67A Kings Road

10. These neighbouring properties back onto the appeal site and due to their relative positions in relation to it, any effects would be similar and, therefore, I have considered these possible effects on both properties as a whole.

11. The ground slopes away from the appeal site towards Kings Road and, consequently, Nos 67 and 67A are sited below the level of the appeal property. The difference in ground levels and extent of the boundary planting between them means that from the ground floor rear windows and gardens it is not possible readily to see the appeal property. This would largely remain the case from these perspectives despite the additional height created above the currently single storey building. Any views that would be available would be limited and not harmful.

12. It is possible to see the existing gable to the bungalow's side from the facing bedrooms of Nos 67 and 67A. The greater height of the converted dwelling would, therefore, be apparent from these views. However, despite the fact that these are habitable rooms they are used principally for sleeping and, as such, the appearance of the taller dwelling would not be overbearing or otherwise harmful to the

neighbours' outlook.

13. The relative orientation of the dwellings and distance between them means that there would be no harmful effect on either sunlight or daylight available to Nos 67 and 67A. The two proposed upper floor windows in the elevation facing the two dwellings would, in the one case not allow direct views towards them, and in the other would serve an ensuite bathroom and so would include obscured glass.

Consequently, there would be no loss of privacy.

14. Taken as a whole, therefore, I conclude that there would be no harmful effects on the living conditions of the occupiers of Nos 67 and 67A Kings Road and, therefore, no conflict with Policy CS12 of the Core Strategy as it relates to the effect on adjoining properties.

Living conditions – No 10 Oxfield Close

15. No 10 Oxfield Close is a two storey detached dwelling with a large garden that is sited to the north-west of the appeal property and shares a boundary with it. There is not a significant difference in ground levels between properties on this side of the appeal site, unlike the relationship with properties on Kings Road.

16. No 10 has a rear patio area, which faces the shared boundary where the appeal property is located, while direct views are also available from the conservatory and living room. Views from upper floor rooms are more limited. At present the shared boundary includes a hedge above which limited views of the bungalow's roof ridge are possible. Due to the generous plots and separation between dwellings in the surrounding area, views within No 10's rear curtilage are otherwise open across neighbouring gardens.

17. In contrast to the existing limited views of the bungalow, a much greater extent of the upper floor and angled roof of the extended appeal property would be visible. This would significantly alter the currently open aspect in views across the shared boundary. While the Council officer's report and the appellants refer to generous separation between the dwellings, including by reference to published guidelines, it is clear from the site inspection that the taller dwelling would be a highly visible and dominant feature in direct views from the ground floor habitable rooms referred to and the patio.

18. As these locations are primary places for sitting and enjoying views of the garden, the extent and prominence of the extended dwelling above the boundary would result in material harm to the occupants' outlook. I have considered whether boundary landscaping required by condition could help overcome these effects, but the necessary height and extent of this would of itself be an incongruous and uncharacteristic feature in the otherwise open setting.

19. With regard to the effect on sunlight there is sufficient distance between No 10's patio and rear elevation for the extended dwelling not to overshadow these or to harmfully affect the available daylight. The upper part of the elevation facing No 10 would include a window serving an ensuite bathroom that would include obscured glass; and a high level window that would not enable overlooking. As such there would be no loss of privacy between the two dwellings.

20. The appellants refer to a number of other examples of development that have been permitted in the surrounding area. While I note these, they are not directly comparable to the particular effects of the appeal proposal, as found above. As such, they do not outweigh the findings in the particular circumstances of this case.

21. Accordingly, for the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 10 Oxfield Close, with regard to outlook.

Consequently, the proposal is contrary in this regard to Policy CS12 of the Council's Core Strategy, particularly in relation to criteria c) and g), which, respectively, require development to avoid visual intrusion to surrounding properties, and to respect adjoining properties in terms of height and bulk. Also for the above reasons, there would be no such harmful effects with regard to natural light and privacy, and so no conflict with development plan policy.

Other Matters

22. I have had regard to a number of other matters raised by interested parties. There would be no harmful effects on the occupiers of No 2 Newbury Grove due to the separation between the properties, with the major part of the appeal property's garden facing towards No 2, and the mature planting to the shared boundary. I have no evidence to suggest that the proposed garage will not be used for parking and, furthermore, the Council has not raised concerns that insufficient parking spaces will be provided.

23. Conjecture about whether further development proposals on the appeal site will be submitted is not a matter for consideration as part of this appeal. While I note the appellants' concern about the Council's assessment of the proposal following an officer recommendation that it should be permitted, as is rightly pointed out this is not a matter that properly can be considered as part of this appeal. Therefore, while I have had regard to these other matters, for these reasons I give them limited weight.

Conclusion

24. I have found in the appellants' favour with regard to one main issue, concerning character and appearance and elements of the other concerning living conditions. However, given the extent of the harm to the living conditions of the occupiers of No 10 Oxfield Close and conflict with development plan policy, these favourable findings do not outweigh the unacceptable harm. Therefore, for the reasons given above it is concluded that the appeal should not succeed.

F. ALLOWED

4/01032/18/FHA

Ahern

DORMER LOFT CONVERSION

HARRIOTTS END FARM COTTAGE, CHESHAM ROAD, BERKHAMSTED,
HP4 2SU

[View online application](#)

1. The appeal is allowed and planning permission is granted for dormer loft conversion at Harriotts End Farm Cottage, Chesham Road, Berkhamsted HP4 2SU. The permission is granted in accordance with the terms of the application Ref 4/01032/18/FHA, dated 25 April 2018, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The loft conversion hereby permitted shall be carried out in accordance with the following approved plans (all with the prefix 3989): 1 (location plan), 2 (block plan), 7 (first floor), 8 (loft floor) and 9 (elevations).
- 3) The materials to be used in the construction of the external surfaces of the loft conversion hereby permitted shall match those used in the existing building.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

3. The main issue is the effect of the proposed loft conversion on the character and appearance of the host dwelling and on its relationship with the neighbouring farmhouse.

Reasons

4. The appeal property is a two storey detached dwelling in an open parkland setting south of the A41. The larger Harriotts End Farmhouse and related outbuildings stand close by. Both buildings are served by a track running off Chesham Road. The surrounding area is open countryside in agricultural use and the site is within the Green Belt.

5. Both properties stand on a ridge and are prominent in views from the surrounding area, particularly to the east and south. The appeal property currently has a simple pitched roof with gable ends. As a whole the dwelling is of an attractive and a well-proportioned design.

6. The changes proposed to the currently unadorned front roof slope are three rooflights above the central lowest part of the eaves; and two dormers at a higher level either side of the roof. These changes would be proportionate in scale to the host dwelling and in the case of the dormers they would be of a complementary design and aligned with the existing windows. As such, I find no material harm would result from these limited changes, despite the simple uninterrupted roof which is prominent from its surrounds.

7. I note that the appeal property is a recently constructed replacement dwelling for a detached 1950s farm workers cottage. While noting the Council's comments about the design considerations in permitting the replacement, it appears that the original relationship between the farmhouse and cottage has altered over time and both are sufficiently well-separated that they are viewed predominantly as independent dwellings in their own right. The farmhouse already includes dormer windows to its front roof slope and, therefore, the changes sought to the appeal property would not be uncharacteristic seen against the neighbouring dwelling. Moreover, the smaller scale of the appeal property and proportionate size of the dormers and rooflights mean that the resultant built form would not compete visually with the farmhouse.

8. I have had regard to a previous proposal for dormers to the front roof made in 2010. I note that this scheme was the subject of an unsuccessful appeal¹. However, in that case unlike here the principal consideration was the effect of the extensions on the Green Belt. Furthermore, proposals to the front roof included a large central gable. While the Inspector concluded that the changes would noticeably increase the perceived bulk of the building, I do not consider the same can be said of the dormers and rooflights in isolation without the other features that formed a substantive part of the earlier proposal. 9. Therefore, for the above reasons, I conclude that the proposed loft conversion would not harmfully effect the character and appearance of the host dwelling or its relationship with the neighbouring farmhouse. Consequently, the proposal is not contrary to Policy CS12 of the Dacorum Borough Local Plan concerning design quality in development. This policy is consistent with the Framework.

Conditions

10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the

existing building is needed in the interests of the appearance of the host dwelling and wider area.
11. For the reasons given above it is concluded that the appeal should succeed.

4/01826/18/FHA

McCarron

LOFT CONVERSION, VELUX ROOF WINDOW TO FRONT ELEVATION,
TWO DORMER WINDOWS TO REAR ELEVATION.

36 CHARLES STREET, BERKHAMSTED, HP4 3DH

[View online application](#)

Decision

1. The appeal is allowed and planning permission is granted for a loft conversion, incorporating conservation velux roof window to the front elevation and two dormer windows to the rear elevation at 36 Charles Street, Berkhamsted, HP4 3DH in accordance with the terms of the application Ref.

4/01826/18/FHA, dated 20 July 2018, subject to the following conditions:

1. The development hereby permitted shall not begin later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev C, 02 Rev A, 03 Rev A, 04 Rev C and 05 Rev C.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of 36 Charles Street and whether the proposal would preserve or enhance the character or appearance of the Berkhamsted conservation area.

Reasons

3. The appeal site relates to a well conserved residential street comprising of a variety of designs and architectural forms. The appeal dwelling is currently undergoing renovation pursuant to the earlier grant of planning permission and the key elements that are the subject of this appeal relate to features that can already be found on the adjoining dwelling at 34 Charles Street. Indeed conservation roof lights and appropriately scaled dormers can be found in quite high numbers within the conservation area, including those which are visible from the public highway along Charles Street, including those which are on principal elevations fronting the road. Furthermore, modest dormer windows are also a common feature within the rear garden scene, including a pair at no 34.
4. I acknowledge that the roof light and dormer windows imposed upon no 34 were the result of a planning permission that was granted contrary to the recommendation of officers in 2008; and whilst each case must be assessed on its own merits, the built context, particularly that in close proximity to the site is material to this decision.
5. The proposed roof light on the front elevation of the dwelling would be of a conservation type, modest in scale and therefore I consider that this would not significantly disrupt the front roof plane of the host dwelling. Neither would it constitute an incongruous feature within the street scene.
6. I note that the Council raises some concerns with regard to the replacement of the existing chimney with a dummy chimney. Provided that it matches the existing stack, as annotated on the proposed elevations, I consider that there would be no demonstrable harm to the overall character and appearance of the dwelling, with it essentially appearing akin to a replacement or rebuilt chimney. Indeed I note that the Council's Officer report stipulates that this may be acceptable and in itself was not considered to be a reason to refuse planning permission.
7. The Council's Conservation Officer highlights that the two gable dormers are identical to what was approved at no 34 and from my site visit they certainly appear to be very similar in terms of scale and appearance. I acknowledge that they were approved prior to the Article 4 (2) Direction being confirmed in 2011, as well as prior to the Berkhamsted Conservation Area Character Appraisal, which was published in 2015. However the council have not highlighted how the proposal specifically conflicts with this document and the simple case that permitted development rights have been removed simply means that proposals have to go through the planning application process, hence this appeal.
8. Dormer windows are common on the rear elevations of properties not only fronting Charles Street, but also Kitsbury Road to the north west and Roxwell Road to the north east; and whilst the rear elevation is in a fairly prominent location, due to its elevated position, many views of these would be oblique and confined to the rear garden scene. The dormer windows are relatively well proportioned and being sympathetic to those on the adjoining dwelling would largely redress the current imbalance.
9. Consequently I consider that the proposal would not give rise to demonstrable harm to the character and appearance of the host dwelling and the proposal would also preserve the character and appearance of the Conservation Area as a whole. I therefore find that pursuant to Section 16 of the National Planning Policy Framework that the proposal would not give rise to harm to a designated heritage asset and that the

proposal complies with Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Borough Local Plan (2004) which together seek to favour the conservation of heritage assets; and that alterations or extension to existing buildings in the conservation area will be permitted, provided that they are carried out in a manner which preserves or enhances the established character or appearance of the area, and amongst other things be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

Conclusion and Conditions

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.

11 Other than the standard time limit condition, the Council has suggested a condition requiring the external materials to be used in the construction of the extension to match those of the existing building, in the interests of the character and appearance of the surrounding area, this is an appropriate condition. In addition, for the avoidance of doubt, a condition requiring that the development is carried out in accordance with the approved plans is also imposed.