



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 14 MARCH 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 Conway  
Councillor Maddern  
Councillor Matthews  
Councillor Riddick

Councillor Ritchie  
Councillor Whitman  
Councillor C Wyatt-Lowe (Vice-Chairman)  
Councillor Fisher  
Councillor Tindall  
Councillor Mills

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](mailto: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) 4/01863/18/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY EXTENSION AS A SEPARATE DWELLING - 1 AUSTINS MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JX (Pages 5 - 23)
- (b) 4/01735/18/FUL - THREE DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL (Pages 24 - 49)
- (c) 4/03191/18/FUL - DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING (RESUBMISSION) - 39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Pages 50 - 72)
- (d) 4/02937/18/FHA - TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSION - 2 THE MEADS, TRING, HP23 5JF (Pages 73 - 79)

## **6. APPEALS UPDATE (Pages 80 - 96)**



**Item 5a      4/01863/18/FUL      DEMOLITION OF EXISTING GARAGE AND  
CONSTRUCTION OF TWO STOREY EXTENSION AS A SEPARATE DWELLING.  
1 AUSTINS MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JX**



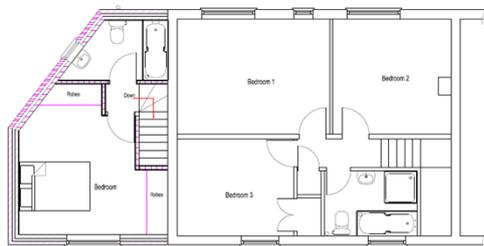
L/H Side Elevation



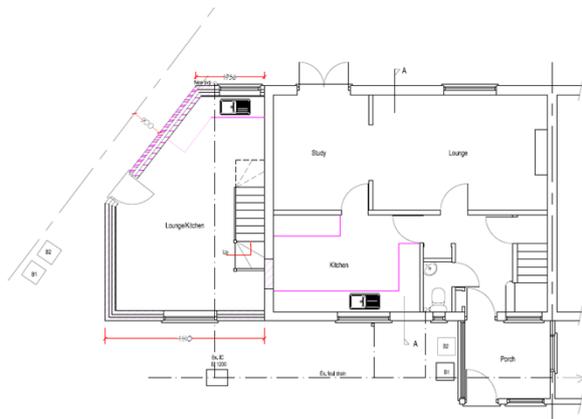
Front Elevation



Rear Elevation



First Floor Plan



Ground Floor Plan

<b>4/01863/18/FUL</b>	<b>DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY EXTENSION AS A SEPARATE DWELLING.</b>
<b>Site Address</b>	<b>1 AUSTINS MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JX</b>
<b>Applicant</b>	<b>Mr Mark Whitewood, 1 Austins Mead</b>
<b>Case Officer</b>	<b>Sally Robbins</b>
<b>Referral to Committee</b>	<b>Contrary view of Parish Council</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The principle of residential development in this location is considered acceptable. The proposal comprises the demolition of a single storey attached garage, followed by the construction of a two-storey one-bedroom dwelling with rear amenity space and associated car parking. The site has planning permission for a two storey side extension (ref. 4/03075/17/FHA), therefore the principle of the development has already been established in respect of the bulk, scale, mass and height. The sub-division of the plot is considered to be acceptable as it will not have a significant impact upon the character and appearance of the surrounding area or residential amenity of surrounding properties. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

## 3. Site Description

3.1 The application site is located on the southwest side of Austins Mead in Bovington. The site comprises a two storey semi-detached dwellinghouse composed of facing brickwork on the ground floor and cream painted render at first floor level. There is a single storey attached garage and parking on the driveway for three vehicles.

## 4. Proposal

4.1 The application seeks full planning permission for the demolition of the existing garage and the construction of a two storey one-bedroom dwelling.

## 5. Relevant Planning History

4/03075/17/FHA DEMOLITION OF GARAGE AND CONSTRUCTION OF TWO STOREY SIDE EXTENSION  
Granted  
19/03/2018

## 6. Policies

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## 6.2 Adopted Core Strategy

CS1, CS4, CS10, CS11, CS12 and CS17

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21, 58, 99 and 100; Appendices 3 and 5

## 6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)

## **7. Constraints**

- LARGE VILLAGE

## **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'
- Impact on character and appearance of surrounding area
- Impact on residential amenity
- Trees and landscaping
- Parking & highway safety
- Other

### Policy and Principle

9.2 Core Strategy (2013) Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. 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. Saved Policy 10 of the Local Plan (2004) 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 in the village 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 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 one additional housing unit on the site is sufficient to justify development.

9.7 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposal is in accordance with policies CS1, CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2018).

#### Impact on Character and Appearance of Surrounding Area

9.8 Core Strategy Policies CS10, CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Policy CS12 states that development should respect surrounding properties in terms of scale, mass, height and appearance. Saved Appendix 3 of the Local Plan promotes good layout and design practice for residential areas and seeks to ensure that proposals harmonise with the surrounding area. Furthermore, Chapter 12 of the NPPF emphasises the importance of good design in context and, in particular, paragraph 130 states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.9 As outlined above, the principle of the demolition of the garage and the construction of a two storey side extension has already been established via planning permission ref. 4/03075/17/FHA. The current proposal comprises an increase in depth of 0.45m, an increase in height of 0.2m and an increase in width of 0.54m in comparison with the approved scheme. However, the overall bulk, scale and mass of the proposed scheme is considered to be comparable to the approved scheme.

9.10 The proposed dwelling would be externally finished in materials to match the existing dwelling, including facing brickwork at ground floor level, cream painted render at first floor level, plain roof tiles and brown uPVC windows. The proposed roof would continue the form and pitch of the existing roof. The entrance door for the proposed dwelling would be on the side elevation and would therefore be discretely positioned within the streetscene.

9.11 In terms of layout, 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 11.5 m. However, a reduced rear garden depth may be acceptable for small starter homes and development backing onto or in close proximity, to open land, public open space or other amenity land.

9.12 A small amenity space would be provided to the rear of the dwelling (approximately 32 sqm). Whilst this is a modest space, it is considered that a small amenity space would be sufficient for the proposed one-bedroom dwelling. The amenity space would face the southwest and would therefore provide a valued sitting out area, albeit modest in size. Furthermore, the site is located close to open land with open countryside to the northeast of Chipperfield Road and southwest of Austins Mead, providing access to open amenity space.

9.13 It is considered that the layout, architectural style and built form of the proposed dwelling would not result in a detrimental impact upon the character and appearance of

the surrounding area. The proposal therefore complies with Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2018).

#### Impact on Residential Amenity

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

9.15 In relation to adjoining property 27 Austins Mead, the proposed dwelling would be situated at an oblique side-to-side relationship. On the side elevation of 27 is a door and window at ground floor level and an obscure glazed window at first floor level. One window is proposed on the side elevation at first floor level that would serve a bathroom and would be obscure glazed. As such it is considered that there will be no significant additional overlooking or loss of privacy in relation to no. 27.

9.16 In terms of the visual impact, the proposed dwelling would replace the existing garage, which measures 4.445m wide with a ridge height of 4.6m. The proposed dwelling would have a width of 4.51m and a ridge height of 7.4m. The separation distance between the host property and 27 Austins Mead is 4.5m at the narrowest point, widening to 7m. Taking all of the above into account, it is not considered that the proposed dwelling would have a significant impact on the light provision to no. 27's side facing windows.

9.17 Overall it is considered that the proposed development will not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2018), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Trees and Landscaping

9.18 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.

9.19 There are no trees within the site that would be affected by the proposal. However, the proposed scheme has the potential to provide some soft landscaping on site, as well as appropriate screening. Should planning permission be granted a condition would be recommended requesting details of hard surfacing materials, proposed boundary treatment and screening and other soft landscaping details.

9.20 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).

#### Impact on Parking & Highway Safety

9.21 Policy CS12 of the Core Strategy (2013) seeks to ensure that developments have

sufficient parking provision. Paragraph 105 of the NPPF (2018) states that when setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy 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.

9.22 The existing dwelling comprises three bedrooms, the maximum requirement for which is 2.25 spaces according with Saved Appendix 5 of the Local Plan. The proposed dwelling would have one bedroom, which would require a maximum of 1.25 spaces. The development would retain 2 car parking spaces for the existing dwelling and 1 car parking space for the proposed dwelling (a total of 3 spaces), which meets the maximum requirements set out in Saved Appendix 5. In addition, the application site is considered to be in a somewhat accessible location, situated close to bus stops on both sides of Chipperfield Road providing services to Hemel Hempstead and Watford and within 0.5 km of the local amenities of Bovingdon village centre. As such, it is not considered that the proposed development would have a negative impact on local parking provision.

9.23 In terms of highways safety, the Highways Authority were consulted and raised no objection to the proposal. The existing and proposed dwellings would share an access and the existing vehicle crossover would be retained, as shown on the block plan. The Highway Authority has indicated that the vehicle crossover would need to be extended, however has raised no objection, noting that Austins Mead is an unclassified local access road so vehicles are not required to enter and leave the highway in forward gear. The Highway Authority has recommended that an informative note be added to any permission with regards to the vehicle crossover.

9.24 The proposed development will not result in a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Response to Neighbour comments

9.25 Local residents have raised concerns regarding the following:

- Car parking and access
- Proposed terraced dwelling out of character
- Over development of such a small plot
- Loss of existing view, adversely affect residential amenity

9.26 These points have been addressed above other than concerns regarding overdevelopment. It is not considered that the proposal would place excessive demands on infrastructure and services, or impact on the amenity and character of the local area. Furthermore, more weight is given to paragraph 118 of the NPPF (2018), which 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.

CIL

9.27 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.

**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, other than groundworks and demolition, until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) policy CS12.</p>
3	<p>No development, other than groundworks and demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ul style="list-style-type: none"> <li>a) Hard surfacing materials</li> <li>b) All on site vehicular parking areas</li> <li>c) Details of surface water interception and disposal</li> <li>d) Means of enclosure</li> <li>e) Boundary treatment</li> <li>f) Soft landscape works</li> <li>g) Refuse storage.</li> </ul> <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</p>

	<p>safeguard the visual character of the immediate area and in order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Core Strategy (2013) Policy CS12.</p>
4	<p>Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.</p> <p>Reason: In the interest of highway safety, in accordance with Core Strategy (2013) Policy CS8.</p>
5	<p>Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the vehicle crossover, which will be restricted to a double width, i.e. as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.</p> <p>Reason: In the interest of highway safety, in accordance with Core Strategy (2013) Policy CS8.</p>
6	<p>The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development, shall be paved and shall be used for no other purpose.</p> <p>Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Core Strategy (2013).</p>
7	<p>The window at first floor level on the south elevation of the dwelling hereby permitted (labelled L/H Side Elevation on plan no. 2018-4 REV A) shall be fitted with obscured glass and non-opening below a level of 1.7m above internal floor level.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings, in accordance Core Strategy (2013) Policy CS12.</p>
8	<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, B, C and E</p> <p>Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the privacy of 27 Austins Mead and to retain the rear amenity space as a garden for the new dwelling, in accordance with Core Strategy (2013) Policy CS12 and Saved Appendix 3 of the Local Plan (2004).</p>
9	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>2018-3 REV. B 2018-4 REV. A</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. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>INFORMATIVES</p> <p>1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  <a href="https://www.hertfordshire.gov.uk/droppedkerbs/">https://www.hertfordshire.gov.uk/droppedkerbs/</a></p> <p>2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p>
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**APPENDIX A**

**Consultation responses**

### **1. Bovingdon Parish Council:**

Over development of site in congested residential area. Lack of amenity area. Unsuitable parking arrangements - no access and would be difficult as on a tight bend.

### **2. Strategic Planning:**

We do not wish to comment on this application. Please refer to policies/guidance in the DBLP/Core Strategy/Site Allocations as appropriate.

### **3. Highways Authority:**

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### CONDITIONS:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

## INFORMATIVES

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

## COMMENTS

This application is for Demolition of existing garage and construction of two storey extension as a separate dwelling.

## ACCESS

Although drawing no 2018-3 "Block Plan" does not indicate any VXOs at all, there is an existing one serving the current garage.

Furthermore, the applicant has indicated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public highway. However, a new one is required to be constructed to provide vehicular access to the proposed two new spaces in the front garden of the existing house.

## PARKING

One parking space for the new property and two for the current one are proposed. Austins Mead is an unclassified local access road so vehicles are not required to enter and leave the highway in forward gear.

## CONCLUSION

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

Comments on amended plan:

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

CONDITIONS:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop

signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

#### COMMENTS

This application is for Demolition of existing garage and construction of two storey extension as a separate dwelling.

This amendment has brought the building line of the proposed new dwelling in line with the existing property.

#### ACCESS

Although drawing no 2018-3 Rev A "Block Plan" does not indicate any VXOs at all, there is an existing one serving the current garage.

Furthermore, the applicant has indicated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public highway. However, a new one is required to be constructed to provide vehicular access to the proposed two new spaces in the front garden of the existing house.

#### PARKING

One parking space for the new property and two for the current one are proposed. Austins Mead is an unclassified local access road so vehicles are not required to enter and leave the highway in forward gear.

#### CONCLUSION

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

### Comment on amended plan:

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### CONDITIONS:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

#### INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The

applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

## COMMENTS

This application is for Demolition of existing garage and construction of two storey extension as a separate dwelling.

This amendment has brought the building line of the proposed new dwelling in line with the existing property.

This second amendment submits document 2018-3 rev B, showing the existing access.

## ACCESS

Although drawing no 2018-3 rev B "Block Plan" indicates that the existing vxo serving the current garage will be used for both properties, it is obvious from the same drawing that this will need to be extended to prevent cars bumping over both the kerb and the pavement to enter and leave the proposed parking spaces.

Although the applicant has indicated in section 8 of the application form that no new or altered vehicular access is proposed to or from the public highway, the existing one requires extending to provide vehicular access to the proposed two new spaces in the front garden of the existing house.

## PARKING

One parking space for the new property and two for the current one are proposed. Austins Mead is an unclassified local access road so vehicles are not required to enter and leave the highway in forward gear.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways,

subject to the conditions and informative notes above.

## **APPENDIX B**

### **Neighbour notification/site notice responses**

#### 2 Austins Mead (objects):

I object to the proposal, in particular "AS A SEPARATE DWELLING" for the following reasons.

Car parking space in Austins Mead is already a huge problem. A separate dwelling will more than likely bring the need for further car parking space(s).

Already due to the excessive volume of vehicles parked in Austins Mead Dacorum council refuse lorries are constantly unable to gain access around the Mead to empty the bins.

This proposal will result in my semi-detached property becoming an end of terrace. Not only is this out of character and not in keeping with the rest of Austins Mead's frontage, where all the properties are detached and semi-detached, but this change in property type will have a detrimental effect on the value of my semi-detached property.

I vehemently object to the change of use from a side extension to a one-bedroom separate dwelling which I view to be a total over development of such a small plot and needs to be inspected in person to review my grave concerns.

#### 26 Austins Mead (objects):

There is already insufficient parking in the street to accommodate any further cars associated with this new dwelling.

#### 3 Austins Mead (objects):

The proposed development is an unacceptable over-development of the site involving the loss of garden land and the open aspect of the neighbourhood. A loss of existing view to neighbouring property would also adversely affect residential amenities.

The development is also out of character in terms of its appearance and its impact on the neighbourhood. Numbers 1-5 Austins Mead are two pairs of semi-detached properties with a detached house between them. This original design gave a balanced and attractive appearance facing outwards towards Chipperfield Rd. This would be lost with the proposed development and would appear incongruous.

Parking and access around Austins Mead is an issue. The majority of properties do not have their own driveway and/or garage space and therefore park on the narrow road, verges and pavements. This already causes an issue for drivers and pedestrians. Austins Mead has many families with children who have to negotiate parked and moving vehicles.

The converting of the front garden of No 1 into a car park has been detrimental to the appearance of the properties and this together with the proposed inadequate parking space will further reduce garden land and increase the hazard whilst parking and reversing across a busy footpath to both drivers and pedestrians.

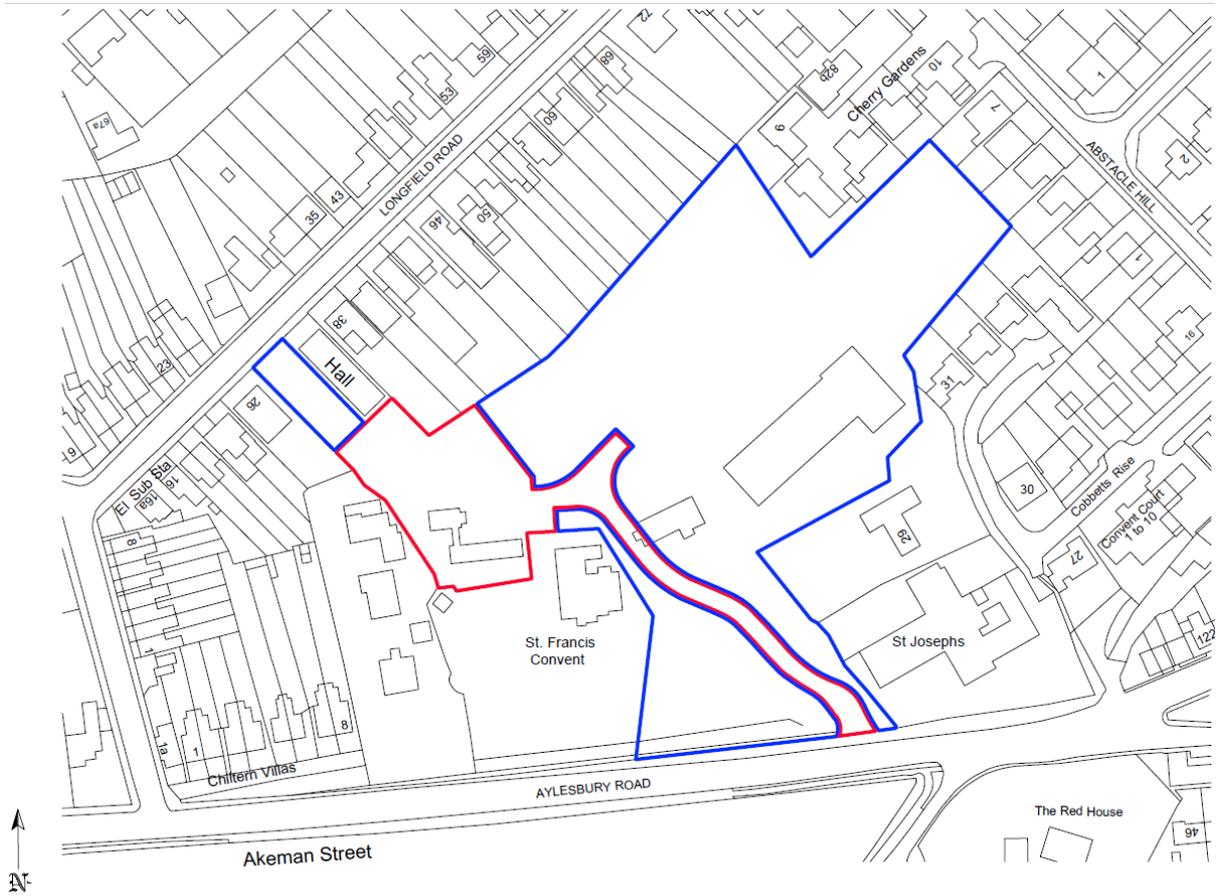
Refuse vehicles are often unable to access and empty bins because they cannot get

around tight bends. This often results in bin collections being missed and a smaller vehicle having to be sent around days after due collections. Access for emergency vehicles is a serious concern and this would only be increased by more vehicles being parked on a tight bend.

# Agenda Item 5b

Item 5b 4/01735/18/FUL THREE DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING

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



**Item 5b      4/01735/18/FUL      THREE DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING**

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



<b>4/01735/18/FUL</b>	<b>THREE DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING</b>
<b>Site Address</b>	<b>CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL</b>
<b>Applicant</b>	<b>W E Black Ltd, Hawridge Place</b>
<b>Case Officer</b>	<b>Intan Keen</b>
<b>Referral to Committee</b>	<b>Previous application refused by the Development Management Committee and contrary views of Tring Town Council</b>

## 1. Recommendation

1.1 That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning with a view to **APPROVAL** subject to the completion of a Deed of Variation to the legal agreement linked to planning permission 4/03167/17/MFA.

## 2. Summary

2.1 This application follows the initial refusal of a 40-dwelling scheme (4/01569/17/MFA) on the grounds of density, open space and loss of trees (particularly a group within the north-western corner of the site). A subsequent application for 31 residential units on the main school grounds, excluding the current application site, was approved (4/03167/18/MFA). Together with the approved application, the redevelopment of the St Francis De Sales Preparatory School site would total 34 dwellings.

2.2 Following further review of the condition of the subject trees, arboricultural advice is that two trees (protected by a Tree Preservation Order) would compromise safety on the site and to remedy this situation their felling has been recommended. The option of pruning the Beech trees has been considered however such species cannot tolerate the heavy pruning required to remedy their condition. Additionally, should the trees survive following a pruning regime they would no longer be worthy of their TPO status. Consequently, replacement tree planting been incorporated into the site layout.

2.3 As such, residential development of this part of the site is acceptable in principle, noting the condition of the trees and the most recent evidence of failing TPO trees. The proposal would be acceptable in terms of layout and detailed design relative to the approved adjoining development on the site and in relation to surrounding neighbouring properties. Car parking provision would be satisfactory. A further affordable housing unit would be secured on the wider site so that the total residential development would meet the required 35% of on-site provision. The proposal has therefore addressed the reasons for refusal of the previous application and would accord with the aims of Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19 and CS25 of the Dacorum Core Strategy 2013, the National Planning Policy Framework and saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011.

## 3. Site description

3.1 The application site comprises an area of land within the grounds of the former St Francis De Sales Preparatory School located within its western corner. It is a sloping site, accessed via the established and recently upgraded access off the northern side of Aylesbury Road and within the defined town of Tring. Following the closure of the

school in 2014, planning permission has been granted for residential development on a larger portion of the site and educational buildings have been demolished. The site is located at a height above Aylesbury Road consistent with the topography of the immediate area. The wider school site historically has been well-landscaped and several trees are protected by a Tree Preservation Order including on the application site.

3.2 Surrounding land uses are largely residential, with several single dwellings forming a shared boundary with the site, including those off Longfield Road and High Drive off Aylesbury Road (Gordon Villas); generally comprising two-storey dwellings and set on plots of varying size, shape and garden area. The site lies within a designated residential area under the adopted Dacorum Borough Local Plan 1991-2011.

#### **4. Proposal**

4.1 Planning permission is sought for the development of the site with three detached two-storey dwellings of four bedrooms each within the northern portion of the site. Each dwelling would have an allocated private garden area to the rear and parking provision for at least three cars.

4.2 Replacement tree planting to offset the loss of trees would occur within the allocated rear garden areas (of Plots 2 and 3). An area of informal open space would be provided to the south of the dwellings which would be available for residents of the whole development.

4.3 The provision of one additional affordable housing unit would be sought on the approved application so that the total development of 34 units would provide 12 affordable homes, equating to 35%.

#### **5. Relevant planning history**

5.1 The following planning history is relevant in the consideration of this application:

- 40 dwellings under 4/01569/18/MFA

5.2 This application (for demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space) was refused on 18 October 2017 for the following reason:

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

- 31 dwellings under 4/03167/18/MFA

5.3 This application (demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space (amended scheme) was granted on 9 March

2018. This site excluded the portion of land for consideration under the current application. This scheme is currently under construction and it is understood the access works off Aylesbury Road have been carried out.

- TPO application 4/02899/17/TPO

5.4 This application considered the felling of Beech tree T1 which was located at the north-western head of an avenue of trees at the current application site. This application was approved on 9 July 2018 and subsequent felling of the tree has been carried out.

5.5 The approved plans under this application indicate replacement tree planting within the area of the application site.

- 32 dwellings under 4/00029/16/MFA

5.6 This established the principle of redevelopment of the site and particularly the loss of the school and playing pitches following its consideration by the Development Management Committee and subsequent granting of planning permission on xxxx.

## **6. Policies**

### **6.1 National Policy Guidance**

National Planning Policy Framework (NPPF) 2019  
National Planning Practice Guidance (NPPG)

### **6.2 Dacorum Core Strategy 2013**

NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19, CS25, CS29, CS31 and CS32

### **6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011**

Policies 13, 18, 21, 51, 54, 58, 99, 100

### **6.4 Supplementary Planning Guidance / Documents**

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area TCA2 Miswell Lane

## **7. Constraints**

- Residential Character Area TCA2 - Miswell Lane
- Tree Preservation Order
- CIL Zone 2

## **8. Representations**

Neighbour notification/site notice responses

8.1 These are reproduced in full at Appendix A.

## Consultation responses

8.2 These are reproduced in full at Appendix B, including comments from the Council's Trees and Woodlands Department.

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on protected trees
- Density, layout and impact on street scene
- Impact on neighbouring properties
- Traffic, access and parking
- Affordable housing
- Impact on protected species
- Archaeology
- Contaminated land
- Community Infrastructure Levy

### Policy and principle

9.2 In policy terms, due to the site's designation as a residential area and its location within a town, the development of the site for residential purposes would be acceptable under Policies CS1 and CS4 of the Core Strategy. The loss of the school has been established for some time under various applications including the two recent applications referenced above.

9.3 Due to the condition of the trees to be detailed in the assessment below, the reduced cumulative number of dwellings and the associated density together with open space provision, it is considered that the principle of development of the site would be acceptable.

9.4 It is important to consider the need for housing as stipulated under Policies CS17 of the Core Strategy and paragraph 50 of the Framework and policies to optimise the use of urban land and achieving appropriate densities (saved Policy 10 of the Local Plan and paragraphs 122 and 123 of the Framework).

9.5 In considering the proposed scheme the following assessment sets out the planning benefits and harm relative to the three tiers of sustainability under paragraph 8 of the Framework, the aims of which are supported under Policy NP1 of the Core Strategy:

- Economic – creation of jobs during construction and ongoing site management;
- Social – limited further provision of housing within the site and the increase of one net affordable dwelling on the wider site;
- Environmental – the loss of trees currently posing a safety risk would be appropriately replaced within the site, trees of better condition both within and around the site would be retained and protected, provision of further informal open space for residents.

## Impact on protected trees

9.6 As noted above, the current application includes the loss of four Beech trees which form part of a short avenue formerly consisting of six trees in the western corner of the application site, four of which are subject to individual Tree Preservation Orders (544). The tree group can be appreciated from surrounding properties and parts of the immediately neighbouring roads. Due to their positive contribution to the local area, their loss formed part of the reason for refusal of a previous application. Since this refusal, an application was made to fell the tree that headed the avenue. A summary of the trees forming the avenue and their status is set out below, informed by the findings and details set out in the submitted Arboricultural Health and Safety Report (November 2018) and subsequent comments from the Council's Trees and Woodlands Department.

- T1 - this tree headed the avenue at its north-western end and its felling was consented under 4/02899/17/TPO. The works have been undertaken.
- T2 - an unprotected tree which is of poor quality likely due to its location between larger trees and following the felling of T1.
- T3 - following the felling of T1, this tree is now exposed to winds. Since its pruning 9-10 years ago it is showing signs of decay with cavities and deadwood. This would ultimately lead to major limb failure, and when this happens there would be an increased risk of further failure, requiring the tree to be felled.
- T4 - this tree is heavily reliant on T3 for protection against winds. Whilst in a better condition than T3, this tree is weak due to a constrained shape in its location where it has competed with the other trees and has also been subject to pollarding with decay at its pruning points (reported 14 June 2017). These factors mean that if T3 fails, the same is imminent for T4.
- T5 - an unprotected tree which is not worthy of retention.
- T6 - a TPO tree proposed for retention under the amended plans.

9.7 As such, the current application shall consider the removal of two TPO trees, T3 and T4.

9.8 Pruning the trees as an alternative has also been considered. However advice has been received both from the applicant's arboricultural consultant and the Council's Trees and Woodlands Department that Beech trees can only withstand small amounts of pruning. The works that are required to remedy tree T3 would be substantial to the extent that it may not survive. Should the tree survive pruning, T3 would no longer be considered worthy of its TPO status and would likely have an unnatural form that would appear odd given its context of neighbouring Beech trees on the site, including T6 and two other Beech trees in the vicinity (labelled T7 and T8), and as such would significantly reduce its contribution to the visual amenities of the area.

9.9 As such, the longevity of the trees is in question and they pose a safety risk. Whilst the school is no longer in operation, there is a risk to human health in terms of the construction works currently taking place on-site. It is understood that if a TPO

application for the felling of T3 and T4 were to be considered now, there would be justification to approve such an application based on the available reports.

9.10 A key element of the amended plans is that the retention of tree T6 is proposed, and replacement trees are shown following the loss of T1 (approved), T3 and T4, and a detailed landscaping scheme shall be reserved by condition on any planning permission.

9.11 Given the above factors, it is no longer considered that the reason for refusal of the previous scheme could be sustained under the current application.

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

#### Density, layout and impact on street scene

9.13 The key elements surrounding the previous reason for refusal are set out below.

##### *Density*

9.14 One of the reasons for refusal of the previous application for 40 dwellings was on the grounds of density. In cumulative terms the approved development and the proposal would total 34 dwellings. Numerically, the proposed dwelling density with 34 dwellings would be 22.5 dwellings per hectare, lower than the 23.1 density most recently approved on the wider site and as such would be acceptable noting the suburban character of the locality. Further, it is acknowledged that this density would not exceed the maximum range set out in saved Policy 21 of the Local Plan which stipulates densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. This should be balanced against the Residential Character Area statements for TCA1 and TCA2 which apply to the application site and require a lower dwelling density at no greater than 25 dwellings per hectare.

##### *Layout*

9.15 Rear gardens of the proposed three dwellings would be adequate. Plot 1 would have a shallower garden of 10.6m depth however this would not appear at odds with the immediately adjacent approved development due to its width (10.5m). The allocated private amenity space would be sufficient and functional and commensurate with private garden areas of nearby properties within the development. Garden depths of Plot 2 and 3 would exceed the 11.5m standard set out under saved Appendix 3 of the Local Plan.

9.16 Private parking areas for the individual dwellings would be conveniently located within or adjacent to their respective curtilages. Some informal parking would also be provided along the drive as appropriate. The development would achieve a satisfactory balance between parking provision (further assessment on parking below) and spacing around buildings and informal areas of open space.

##### *Open space*

9.17 Whilst the proposed development shall be considered on its own merits, it is important to note that the total redevelopment of the site with 34 units as currently proposed, would represent a reduction in housing numbers compared with the refused

40-unit scheme. This would have the effect of placing less demand for open space provision both on the site and within the wider town.

9.18 The approved scheme for 31 dwellings incorporates an area of open space proximate to the site's Aylesbury Road frontage that would be available for all residents (although does not form part of the current development site). This level of open space provision on-site was considered acceptable to meet the needs of the 31 dwellings approved under 4/03167/17/MFA.

9.19 To supplement this provision, the current scheme provides an amenity green located immediately opposite (south) of the three proposed dwellings. Further, an application of such a scale would not require on-site provision on its own under saved Policy 76 of the Local Plan.

9.20 Spacing between and around the dwellings would be satisfactory, noting once more that private amenity areas serving the individual homes would be sufficient compared with standards set out within the Local Plan.

9.21 It follows that the proposal has adequately addressed the reason for refusal in this regard.

#### *Impact on street scene*

9.22 The application site is largely concealed from the surrounding streets of Aylesbury Road and Longfield Road by intervening buildings and vegetation. The loss of trees would be noticeable from Longfield Road and Gordon Villas however their condition and assessment has been detailed above, noting that replacement trees would be provided along the site's northern boundary towards Longfield Road and TPO trees would remain proximate to the interface with Gordon Villas. As such, the development would not have an adverse impact on the appearance of the site when viewed in the context of these surrounding street scenes.

#### *Removal of permitted development rights*

9.23 If planning permission is granted it would be reasonable to remove permitted development rights from Plots 1 and 3 relating to Class A (extensions and alterations) to ensure sufficient garden space to Plot 1 is retained and in the interests of residential amenity within and outside the development of Plots 1 and 3 to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

9.24 The proposal would therefore achieve the aims of Policies CS11 and CS12 of the Core Strategy and paragraph 127 of the Framework.

#### Impact on neighbouring properties

9.25 The proposed dwellings would have a back-to-back relationship with the dwellings on Longfield Road and would achieve window separation distances significantly in excess of the 23m standard set out under saved Appendix 3 of the Local Plan.

9.26 Plot 3 has an identical position relative to No. 11 Gordon Villas (High Drive) compared with the 40-dwelling scheme (under 4/01569/17/MFA), where the impact on neighbours was not raised as a reason for refusal.

9.27 The submitted site layout plan indicates the main windows of this neighbouring property nearest the development, where a 45° line can be taken from the closest main rear window. This demonstrates that the two-storey part of the dwelling at Plot 3 would not cross this line which serves as an indicator as to whether the proposal would result in loss of light requiring further surveys. This is not the case and the proposal would not raise concerns with respect to loss of light to this neighbour.

9.28 The rear window to No. 11 would benefit from sufficient space around it and a view primarily towards its own rear garden and the rear garden of Plot 3 (with intervening boundary fencing and vegetation) so that visual intrusion would not be a concern in this instance.

9.29 The proposal would accord with Policy CS12 in this regard.

#### Traffic, access and parking

9.30 The development would provide a total of 12 spaces, eight of which would be private parking for occupiers of the dwellings to accord with the minimum parking standard stipulated under saved Appendix 5 of the Local Plan. There are two additional spaces in front of the garage to Plot 3 however these are not of sufficient depth and car parking layouts shall therefore be reserved by condition if planning permission is granted.

9.31 The condition relating to visibility splays as recommended by Hertfordshire Highways shall be imposed on any planning permission.

9.32 No objections were raised by the highway authority on the grounds of traffic generated by the proposal.

9.33 As such, the development would accord with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Affordable housing

9.34 The proposed development for three additional homes would increase the total development to 34 dwellings which would require 12 affordable housing units under Policy CS19 of the Core Strategy for 35% on-site provision. The applicant is agreeable to completing a Deed of Variation to the Section 106 agreement under 4/03167/18/MFA for Plot 18 to be affordable.

#### Impact on protected species

9.35 Reference is made to comments provided by Hertfordshire Ecology under a previous application (4/00029/16/MFA) which are considered relevant in the consideration of the current scheme. Specifically, it was advised that surveys carried out would require updating and further surveys could be required by condition. This is considered applicable in this instance as the Phase 1 Habitat Study assessed the existing portacabin building as negligible to very low with respect to bats. As such, three conditions have been suggested relating to:

- submission of bat re-entry surveys and bat mitigation strategy if applicable;

- submission of a Landscape and Ecological Management Plan;
- submission of a lighting design strategy for biodiversity.

9.36 The conditions are considered reasonable to accord with the aims of the NPPF and Policy CS29 of the Core Strategy.

#### Archaeology

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

#### Contaminated land

9.38 The site is located within the vicinity of a former contaminative land use and as the redevelopment would result in an end land use of greater sensitivity, standard contaminated land conditions shall be included on any planning permission to accord with the aims of Policy CS32 of the Core Strategy.

#### Community Infrastructure Levy

9.39 The development would be CIL liable with the applicable charge of £150 per square metre subject to any applicable exemptions.

### **10. Conclusions**

10.1 The condition of the trees are such that they pose a safety risk where felling has been recommended. The option to prune the two TPO trees has been discounted as Beech trees would unlikely withstand the heavy pruning required and in the event of their survival would no longer be worthy of their TPO status. Together with the allocation of the site, the proposed development for three dwellings would be acceptable in principle. The proposal would represent a satisfactory design response in layout terms, providing sufficient spacing around the buildings and retained trees, adequate private amenity space, open space and parking provision. The development would secure one additional affordable home on the larger site by Deed of Variation.

10.2 The proposal has therefore addressed the reasons for refusal of the previous application and would accord with the aims of Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19 and CS25 of the Dacorum Core Strategy 2013, the National Planning Policy Framework and saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011.

**11. RECOMMENDATION** – That planning permission be **GRANTED subject to S106 Agreement** 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.

	<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>Construction of the buildings hereby permitted shall not take place until the following details have been submitted and approved in writing by the local planning authority:</p> <p>Details of the materials to be used in the construction of the external surfaces of the dwellings;  Details of the materials of hardstanding;  Proposed finished levels and contours relative to the nearest adjacent properties.</p> <p>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 Policies CS11 and CS12 of the Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework</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>
3	<p>Prior to the commencement of the development hereby permitted, the trees shown for retention on the approved Drawing No. 18/3473/10 Rev C and approved Tree Protection Plan (Nov 2018) shall be protected during the whole period of site excavation and construction in accordance with the Tree Protection Plan or alternative method(s) for protection to be submitted and approved in writing by the local planning authority.</p> <p>Reason: In order to ensure that damage does not occur to the trees for the duration of development including site clearance to enable their retention and to safeguard the landscape character of the site in accordance with Policies CS11, CS12 and CS25 of the Dacorum Core Strategy and paragraph 127 of the National Planning Policy Framework.</p>
4	<p>Construction of the buildings hereby permitted shall not take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>means of enclosure;  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;  car parking layouts and other vehicle and pedestrian access and circulation areas;  proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).</p> <p>The approved landscape works shall be carried out prior to the first occupation</p>

	<p>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 Policies CS11 and CS12 of the Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework.</p>
5	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS11, CS12 and CS25 Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework.</p>
6	<p>Visibility splays of not less than 2.4 m x 43 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p>
7	<p>The demolition of buildings identified on the approved Site Location Plan shall not commence before submission of either of the following for approval by the local planning authority:</p> <p>up to three dusk emergence / dawn re-entry surveys, which shall be undertaken during the months of May to August (inclusive) to determine whether bats are roosting or not and, should this be the case, submission of a Bat Mitigation Strategy for approval;</p> <p>copy of approved licence from Natural England where the development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report.</p> <p>The development shall be carried out and retained in accordance with approved details.</p> <p>Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with the National Planning Policy Framework and Policy CS29 of the Dacorum Core Strategy 2013.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting bat roost sites. The bird and bat boxes shall be installed in accordance with the approved details and</p>

	<p>agreed timeframes.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.</p>
9	<p>Prior to occupation of the development hereby permitted, a lighting design strategy for biodiversity as recommended in the submitted Phase 1 Study, shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.</p> <p>Reason: To protect bat movement corridors and compensatory roosting features in accordance with Policy CS29 of the Dacorum Core Strategy 2013.</p>
10	<p>No demolition or 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"> <li>1.The programme and methodology of site investigation and recording</li> <li>2.The programme for post investigation assessment</li> <li>3. Provision to be made for analysis of the site investigation and recording</li> <li>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>5. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ol> <p>Reason: In order to ensure investigation and preservation of archaeological findings for the duration of the construction and development in accordance with Policy CS27 of the Dacorum Core Strategy 2013.</p>
11	<p>Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 10.</p> <p>The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10 and the provision made for analysis, publication and</p>

	<p>dissemination of results and archive deposition has been secured.</p> <p>Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the Dacorum Core Strategy 2013.</p>
12	<p>Prior to the commencement (excluding demolition of existing buildings) of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.</p>
13	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 13 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>

	Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.
14	<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 to Plots 1 and 3 identified on approved drawing 18/3473/10 Rev C (site layout) 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 and B</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.</p>
15	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of their respective dwellings and they shall not be converted or adapted to form living accommodation.</p> <p>Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.</p>
16	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Site Location Plan (no reference)  18/3473/10 Rev C (site layout)  18/3473/11 (Plot 1)  18/3473/12 (Plot 2)  18/3473/13 (Plot 3)  18/3472/14 (street scene)  18/3473/15 (garages)  Tree Protection Plan (dated Nov 2018)  Arboricultural survey to British Standard B.S. 5837:2012 'Trees in relation to design, demolition and construction - Recommendation' at Former St Francis House School Aylesbury Road Tring Addendum (dated 29 November 2018)  Sustainability Statement</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. The Council acted proactively through positive engagement with the applicant during the determination stage in order to carry out a full assessment and which led to improvements to the scheme. The Council has therefore acted in line with the</p>

<p>requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>Hertfordshire Highways Informatives</p> <p>1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  <a href="https://www.hertfordshire.gov.uk/droppedkerbs/">https://www.hertfordshire.gov.uk/droppedkerbs/</a></p> <p>2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p>
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1. That the planning application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to **APPROVAL** subject to the completion of a Deed of Variation to the legal agreement linked to planning permission 4/03167/17/MFA.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

The on-site provision of a total of 12 affordable housing units, adding Plot 18 of the

approved plan under 4/03167/17/MFA as an additional affordable unit.

## Appendix A - Neighbour notification / site notice responses (amended three-dwelling scheme)

### 40 Longfield Road

Buildings on new plan appear to be even closer to garden fences of Longfield Road. The houses on Longfield road already loose daylight by early afternoon due to exiting overcrowding of buildings with no west facing windows. The new buildings will be adding to overshadowed gardens and properties.

### Correspondence in relation to original four-dwelling scheme

Objecting

Address	Comments
4 PARK ROAD, TRING,,,HP23 6AT	Chiltern Society objection to felling of beech trees. Trees 3, 4 and 6 which have TPOs, should NOT be felled. This is an important wildlife corridor.
22 LONGFIELD ROAD, TRING,,,HP23 4DG	I totally object to the fact that a magnificent beech tree has already been felled to make way for these extra houses and that the developers intend to fell 3 more. The application states that the felling of the first tree means that the felling of the rest is inevitable - but this is flawed logic. The environment is being completely sacrificed for the greed of the developers.  I also object to the statement that the extra houses naturally follow on from the rest on the site. There were many objections to these original houses so to call the extra 4 houses a natural extension is ridiculous. This area has become over developed with a huge amount of building over the last 2 years which has dramatically reduced the amount of green space and parking available in an increasingly congested area.
35 LONGFIELD ROAD, TRING,,,HP23 4DG	I strongly object to this proposal which will fell a line of ancient trees which originally had a preservation order on them. The builders have already cut one down unnecessarily. Furthermore the houses will be extremely close to the current residential properties of daisy cottage 11 Gordon villas and 26 Longfield Rd and will invade privacy.
26 LONGFIELD ROAD, TRING,,,HP23 4DG	This Application is very similar to Application 4/01569/17/MFA which was rejected by the Development Management Committee last October due to TPO'd trees and the development was generally unsympathetic to the nearest adjoining houses.

	<p>This new Application does not address any of the reasons given for refusal and indeed still shows the removal of 3 perfectly healthy TPO'd trees and now 4 new houses in lieu of the 3 originally shown in this area, thereby exacerbating the overlooking issues.</p> <p>The Application appears to disregard environmental issues and ignores the advice from the Hertfordshire and Middlesex Wildlife Trust who are very concerned about the important contribution these trees make.</p> <p>One of the pairs of houses is built up right next to the boundary of to the existing house at the end of the Grace Orchard development next to Chiltern Villas. This will overlook that property as well as look directly into our open garden</p>
<p>58 LONGFIELD ROAD, TRING,,,HP23 4DF</p>	<p>This application is completely out of order. It assumes that felling of four TPO'd trees is a fait accompli, which is far from the case. There has been no application to fell them. With T1 felled, these trees have even more wildlife value.</p> <p>There is nothing in the arboricultural report that makes it necessary to fell them. Without T1 they may in fact grow better, with more light and space. T1 would not have protected them from the prevailing west wind, so that is no excuse. They are also important for the health and well-being of people in the vicinity and in the new development.</p> <p>In any event, they should either be retained or replaced. Any replacements must be native trees with similar wildlife value and which will attain similar stature. There is absolutely no excuse to replace them with houses, especially four big ones and of the height suggested. They would reduce the amenity space, and have a very negative impact on dwellings nearby, particularly in terms of overlooking.</p>
<p>38 LONGFIELD ROAD, TRING,,,HP23 4DG</p>	<p>i. Firstly, the above description is wholly inadequate and misleading as it fails to mention demolition of existing buildings on this part of the site or the felling of TPO'd trees. This may be deliberate so it flies below the radar of environmental groups such as Wildlife Trust and Chiltern Soc.</p> <p>ii. The Application is very similar to Application 4/01569/17/MFA which was rejected by the Development Management Committee last October for the very reason that this area of the site contains TPO'd trees and the development was generally unsympathetic to the nearby</p>

	<p>adjoining houses.</p> <p>iii. These concerns were then addressed by 1) excluding the area covered by this new Application all together (including three houses) and 2) by reducing the scale of development so as to mitigate the overlooking issues particularly adjacent to the eastern end of the site. This allowed permission to be granted for 31 houses (4/03167/17/MFA)</p> <p>iv. This new Application does not address any of the reasons given for the original refusal and indeed still shows the removal of 3 perfectly healthy TPO'd trees and now FOUR new houses in lieu of the TWO originally shown in this area, thereby exacerbating the overlooking issues.</p> <p>v. There has been no attempt to mitigate the previous issues as was the case in the Application for 31 houses that did address the impact on neighbours.</p> <p>vi. There is no justification to remove the TPO'd trees and therefore no reason to overturn the previous Committee decision to refuse the Application.</p> <p>vii. The Application appears to disregard environmental issues and ignores the advice from the Hertfordshire and Middlesex Wildlife Trust who are very concerned about the important contribution these trees make. Neither is there is an ecological report to justify their removal.</p> <p>viii. There has been no engagement with the local community to allow feedback to be taken into account or to discuss mitigation of the impact of the houses.</p> <p>ix. For instance, this being the highest point of the site it would not be unreasonable to reduce the ground level by 1m/1.5m thereby reducing the eaves &amp; ridge heights, lessening the overlooking directly into adjacent properties (11 Gordon Villas, 26 &amp; 38 Longfield Rd). Eaves could be further reduced in height if the upper floor windows at rear were also lowered and Velux windows inserted.</p> <p>x. Walls and fences around adjacent gardens should be replaced to a height of 2m</p> <p>xi. A Construction Plan should be Conditioned so as to preclude the use of Longfield Road &amp; Longfield Gardens for demolition &amp; construction traffic and to prevent parking of operatives' vehicles.</p>
<p>THE MARKET HOUSE,61 HIGH STREET,TRING,,HP23 4AB</p>	<p>It is important to consider the chronology of the applications relating to the whole of the former St Francis School site. 4/01569/17/MFA for 40 dwellings across the whole site. This was refused "by reason of the proposed density, the number of units, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site". The application included 2</p>

	detached dwellings on the section of the site to which this application (4/01735/18/MFA) relates. It also included the removal of trees T1-T6. Application 4/03167/17/MFA was then put forward for 31 dwellings having removed these dwellings and retaining the trees. In doing so it addressed the grounds given in italics in the first blueprint above. Permission for 31 dwellings was granted. 4/01735/18/MFA, by reinstating dwellings (2 pairs of semi-detached houses) in the area in question would have a loss of amenity, loss of open space and removal of trees.
40 LONGFIELD ROAD, TRING,,,HP23 4DG	If this application goes ahead then it will serve to outline Dacorum Borough Council's disdain for tree preservation orders. A TPO is a TPO and should not be disregarded just because a developer wants to shoehorn 4 properties onto a site which, at best, might fit three. Come on Dacorum, do the right thing please.
HUNTERS LODGE, 11 GORDON VILLAS, AYLESBURY ROAD, TRING, HP23 4DJ	I am staggered that despite previous refusal for 2 large houses on this plot a further application has been made for 4. These houses would have a serious impact on my privacy and overshadow my conservatory being just 3 meters away. I also strongly object to the removal of the trees which are all in good condition. Their removal would have a very negative impact on the surrounding area and would remove vital habitat for wildlife which I have observed from my garden. I object strongly to this application and believe that this small area of the development site be left as open land.

Supporting

Address	Comments
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Commenting

Address	Comments
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**Appendix B - Consultation responses**

Tring Town Council

It is important to consider the chronology of the applications relating to the whole of the former St Francis School site. 4/01569/17/MFA for 40 dwellings across the whole site. This was refused "by reason of the proposed density, the number of units, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site". The application included 2 detached dwellings on the section of the site to which this application (4/01735/18/MFA) relates. It also included the removal of trees T1-T6. Application

4/03167/17/MFA was then put forward for 31 dwellings having removed these dwellings and retaining the trees. In doing so it addressed the grounds given in italics in the first blueprint above. Permission for 31 dwellings was granted. 4/01735/18/MFA, by reinstating dwellings (2 pairs of semi-detached houses) in the area in question would have a loss of amenity, loss of open space and removal of trees.

### Dacorum Trees and Woodlands

4/01735/18/FUL – The Arb Survey Addendum (29/11/18) has assessed the value of beech tree retention, referring to each individual tree and its specific condition. Justification has been provided for the removal of T2 – 5, due to the presence of defects and poor form, both largely the result of a former pruning regime. It is agreed, somewhat reluctantly, that T2 – 5 should be removed to prevent foreseeable damage or injury.

Within the same part of the site, T6 – 8 are shown for retention, being of better form and condition.

The planting of a mixed native boundary hedge is appropriate for the location. The planting of Silver Lime and Tulip trees nearby is suited to urban environments.

The use of no-dig surfacing within the indicated zone is agreed to safeguard the root systems of retained trees.

The reluctance is due to the condition of the trees. If they were of worse condition, there would be full agreement to their removal. If they were of better condition, I would push for retention.

However, there are significant defects within the Beech trees that require attention. Not pruning cannot be an option for the agent or us, as the risk of failure is foreseeable. The issue will be that the extent of necessary work will reduce aesthetic value to the point where removal is justified. Beech do not respond well to heavy pruning, so will probably die from the shock that other tree species can, in some cases, easily tolerate.

### Hertfordshire Highways

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

#### CONDITIONS

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

Reason: In the interests of highway safety.

S278 Agreement Any works within the highway boundary, including alterations to the

footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

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

#### INFORMATIVES:

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

#### COMMENTS

This application is for The construction of 4 houses with associated parking and landscaping.

This proposal will bring the number of houses on this site to 356, given it application history. Both pedestrian and vehicular access will be via the existing access off Aylesbury Road (with improvements) whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the above conditions and informatives.

#### LOCATION

Convent of St. Francis de Sales preparatory School, Aylesbury Road Tring, HP24 4DL

## SITE HISTORY

The applications below for between 31 and 40 dwellings were granted with conditions by HCC:

4/03167/17/MFA Demolition of existing buildings, construction of 31 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space (amended scheme)

4/01569/17/MFA Demolition of existing buildings, construction of 40 dwellings, alterations to existing vehicular access on to Aylesbury Road, landscaping and introduction of informal public open space

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

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

## HIGHWAYS

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

## Road Safety

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

Longfield Road

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

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

## Road Safety

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

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

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

## PARKING

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

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

## ACCESSIBILITY

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

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

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

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford

The site is located on the main bus corridor to and from Aylesbury with frequent services available.

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

## OTHER COMMENTS

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

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

## Servicing Arrangements

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

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

## Conclusion

The assessment does not indicate any significant issues with the proposal to create an additional 4 dwellings on the site of the former Francis House Preparatory School.

## Chiltern Society

Chiltern Society objection to felling of beech trees.

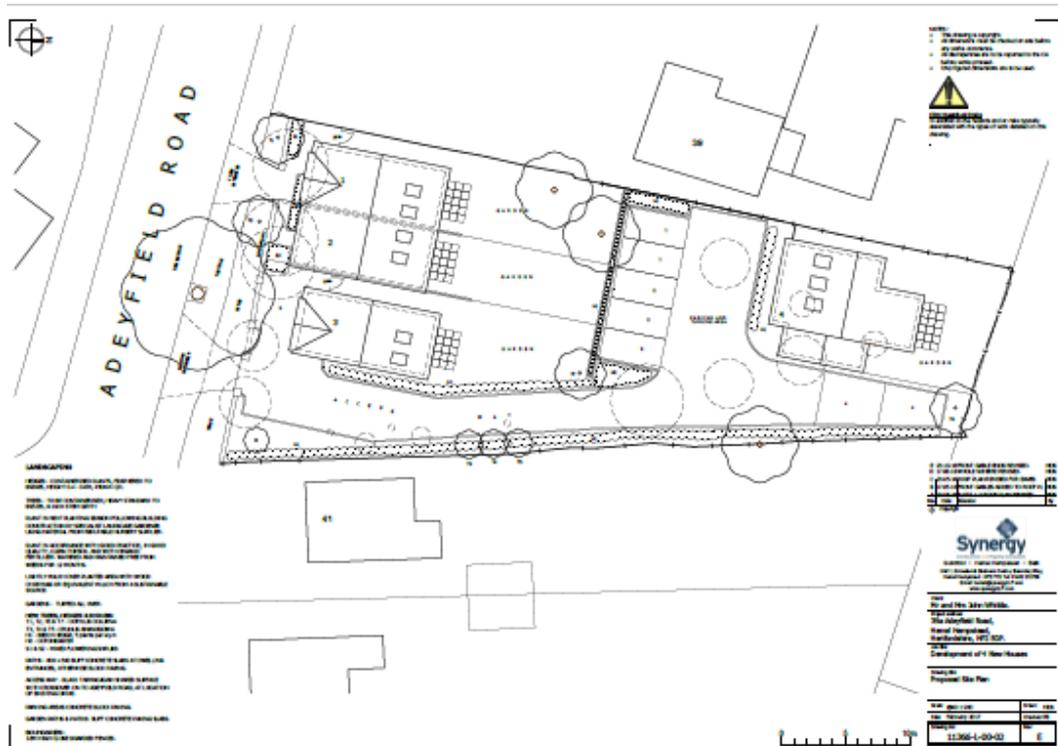
Trees 3, 4 and 6 which have TPOs, should NOT be felled.

This is an important wildlife corridor.

# Agenda Item 5c

**Item 5c      4/03191/18/FUL      DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING (RESUBMISSION)**

**39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP**





<b>4/03191/18/FUL</b>	<b>DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING (RESUBMISSION)</b>
<b>Site Address</b>	<b>39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Whittle, 39a Adeyfield Road</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Called in by ward councillor</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The site is situated within the urban area of Hemel Hempstead wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land. Therefore consideration of this application rests on density, type of dwellings, appearance, impact on neighbouring properties and highway safety.

The application follows the refusal by Members of application 4/00367/18/FUL, for three reasons; adverse impact on amenities of No. 39 (light levels and visual intrusion), terrace of properties to the front, three storeys in height would appear incongruous to the Adeyfield Road street scene, and intensification of the use of the site would adversely affect the safety and operation of the highway.

Whilst Officers considered the previous proposal acceptable and recommended approval, rather than appeal, the current application seeks to address the previous reasons for refusal. The three units to the front now comprise of a semi-detached pair and single detached unit in place of the previous terrace, the rear unit has been reduced in height by over 1m, reduced in depth and stepped away from the boundary with No. 39 to reduce its impact and the size of two of the units proposed has been reduced (2 fewer bedrooms) to lower the intensity of the use of the site.

The development proposed is considered to integrate with its surroundings. The height, size and siting of the properties proposed to face Adeyfield Road respect adjacent buildings and their design replicates common features in the existing street scene such as the small gabled roofs and bay windows. The additional dwelling to the rear would be simple in its design and form and relate well to recent surrounding developments.

As amended the proposal would not result in significant material detriment to adjoining residential amenities. The proposals utilise the existing vehicular access point, but the access would be widened to increase visibility. Given the number of units being served and the fact it is an existing access the proposal would not give rise to adverse highway issues.

The sub-division of the plot is considered to be acceptable as it will not have a significant impact upon the character and appearance of the surrounding area or residential

amenity of surrounding properties. Sufficient amenity space is provided for each of the units.

The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

### **3. Site Description**

3.1 The site is located to the east of the town centre on the northern side of Adeyfield Road and currently comprises a two storey dwelling set on a generous sized plot.

The topography of the site slopes from the front to the back and overlooks Keen Fields which is designated as open land and has a dramatic slope down and away from the application site with far reaching views both to and from the site. In addition the area slopes up to the east such that No. 41 occupies an elevated position above the application site.

### **4. Proposal**

4.1 Full planning permission is sought for the demolition of the existing building and the construction of 4 dwellings. A semi-detached pair and a single unit would be sited to the front of the plot (all three bedrooms) in place of the existing and a single four-bedroom dwelling would be constructed at the rear of the site. The existing site access would be maintained and an access road along the eastern boundary would serve the parking of all the dwellings and allow access to the rear plot. Each dwelling would be served by two-off street parking spaces and a private garden.

The proposal is an amended scheme following the refusal of application 4/00367/18/FUL. The revisions attempt to overcome Members reasons for refusal.

### **5. Relevant Planning History**

4/00367/18/FU L	DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING Refused 31/07/2018
4/01715/99/FH A	VEHICULAR CROSSOVER Granted 03/11/1999
4/01743/98/4	TWO STOREY SIDE EXTENSION Granted 23/12/1998
4/00952/98/4	TWO STOREY SIDE EXTENSION Refused 09/09/1998

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy –**

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

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

Policies 10,13, 18, 21, 51, 58,111  
Appendices 3,5 and 7.

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

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 23 Adeyfield North.
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

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

- Sustainable Development Advice Note (March 2011)
- Conservation Area Character Appraisal for Aldbury / Bovingdon / Chipper field / Frithsden / Great Gaddesden / Nettleden / Berkhamsted / Hemel Hempstead / Potten End /

## **7. Constraints**

- 15.2M AIR DIR LIMIT
- OPEN LAND
- Former Land Use
- CIL3

## **8. Representations**

### **Consultation responses**

8.1 These are reproduced in full at Appendix A

## Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, density, design and scale
- Impact on surrounding properties and amenity of future residents
- Impact on Highway Safety / parking
- other - Contamination and Fire Hydrants

### Policy and Principle

9.2 Core Strategy (2013) Policy CS4 states that appropriate residential development within residential areas in the Towns 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. Saved Policy 10 of the Local Plan (2004) 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), CS12 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 in the town. 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 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 three additional housing applies.

9.7 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposal is in accordance with policies CS1, CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2018).

#### Layout, Design, Scale, impact on street scene

9.8 The site is situated within Adeyfield North (HCA 23) wherein redevelopment and infilling opportunities are identified as limited but may be acceptable according to the development principles. Within this area the principles are defined as follows;

Design; No special requirements

Type; Overall no special requirements, but should pay respect to the type, style, size and mass of nearby adjoining development

Size; should not normally exceed two storeys

Layout; New development should follow the building line where this is clearly present. Spacing should respect that of nearby and adjacent development and should normally be provided in the medium range (2m to 5m)

Density; should normally be provided in the medium range (30-50 dwellings/ha)

9.9 The proposal is still considered acceptable. The proposal comprises four dwellings on a 0.1 hectare site, which equates to a density of 34 dwellings per hectare, which is

within the lower end of the 30-50 density prescribed in the development principles for the area. The overall layout and spacing is also acceptable. The overall layout and form of the proposal remains largely as previously proposed and refused. The main differences relate to the loss of the front terrace as this was considered out of keeping by Members. The proposal still seeks consent for three dwellings to the front facing Adeyfield Road but has been amended to comprise a semi-detached pair and a detached unit. Both types of dwelling currently feature in the Adeyfield Road street scene and as such would no longer appear incongruous or at odds with the prevailing street pattern.

9.10 Turning to design, as noted in the previous application the existing street scene is very varied and the dwellings are of no specific architectural merit. The street has a suburban quality and properties exhibit common features such as bay windows and small gables. The design of the front units would mean they would successfully integrate to comply with Policy Cs12. Similarly the rear unit is simple to relate to recent adjoining housing developments and given its set back position behind the front units it would not be readily visible in the Adeyfield Road street scene. The units would be highly visible from the open Keens Fields to the rear but no more so than recent surrounding developments.

9.11 The proposals are considered to comply with Policies CS11 and CS12 of the Core Strategy 2013 and Policy 10 of the DBLP.

#### Impact on surrounding properties and amenity of future residents

9.12 The proposed dwellings would not have a significant adverse impact on the residential amenities of adjoining properties in terms of light, privacy or visual intrusion. The impact of the proposal would largely be confined to the immediate neighbours either side of the application property; No. 41 which occupies an elevated position to the east and No. 39 which is sited at the back of the plot at a lower level.

9.13 The units proposed to the front of the plot remain set slightly forward of the existing building and as such the mass and bulk associated with them would align with the brick flank of No. 41, the dwellings remain set away from the common boundary. There would be no breach of the 45 degree line to its habitable windows and as such the development would not hinder light levels or appear visually intrusive. The overall layout and relationship of the buildings to the front of the plot remains as per previously proposed. Members previously considered this relationship acceptable and that no significant harm would be caused.

9.14 Turning to the impact on No. 39; the single storey care facility, whilst it was concluded by Officers that there would be no significant harm, Members refused the previous scheme as the rear dwelling proposed would 'adversely affect light levels and appear visually intrusive'. The rear unit has now been reduced in size and stepped away from the boundary with No. 39 in an attempt to reduce its overall impact. The depth of the building has been reduced from just under 12m to 8m at the nearest point to the common boundary and then it steps back to the original depth proposed.

9.15 The proposal as amended is considered acceptable and would not significantly harm the residential amenities of No. 39. The rear dwelling would still be located in close proximity to No. 39 and appear two storeys in height. As such the dwelling would appear highly visible and would impact on light levels but not to such a degree

as to warrant a refusal. The bedroom most affected is served by two windows, one to the side and one to the rear. Given the orientation and amended (stepped) design an acceptable level of light would continue to reach these windows. In terms of visual intrusion the rear dwelling has been reduced in height by over 1m, and reduced in depth at the point nearest the common boundary both of which would significantly reduce the overall mass and bulk and thus reduce the buildings overall visual impact. The dwelling is not considered to be overly dominant or oppressive to the detriment of residential amenity.

#### Future residents

9.16 Turning to the amenity of future residents the buildings are set 26m apart to ensure an acceptable level of privacy, each property is served by a private, enclosed rear garden which is of functional size and shape. The three houses along the main road frontage will have garden depths and widths which accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP). However, the fourth property to the rear has an appreciably smaller garden area which falls below the required standard garden depth of 11.5m. Whilst the depth falls short as it measures 5/6m, the width generous at 10m. Although it is unusual to consider a family house (4-bedroom) with substandard garden provision, in this particular case the vast expanse of public open amenity land that surrounds the site is considered to adequately compensate for the shortfall. In addition whilst the depth clearly falls short of the required depth, the generous 10m and the regular shape are such that it would provide a functional amenity.

9.17 Given the layout and siting of the properties and the limited amenity space provided it is considered necessary and reasonable to remove permitted development rights for extensions, roof additions, outbuildings and hard surfaces.

#### Impact on Highway Safety

9.18 Turning to Highway safety the proposals would not have a significant adverse impact on the safety or operation of the adjacent highway. The access and parking arrangements have not be altered since the previous refusal. It is still proposed to widen the existing vehicular access to the east of the site and this would serve all the units proposed. There is sufficient space within the site that vehicles can enter and exit in forward gear. The existing crossover to the west (which does not appear to be in regular use) to the west of the plot will be redundant, would be stopped up and the pavement and verge reinstated before the development comes into use. Two of the proposed dwellings (the rear unit and the detached unit at the front) have both been reduced in size by one bedroom, but given the parking allocation of 2 spaces remains the same it is not considered that this would alter the intensity of the use of the access which Members previously found unacceptable.

9.19 Whilst it is acknowledged that the access is at the brow of the hill and in close proximity to the junction with Mountfield Road this is an existing access point. The increased width and thus improved visibility at the crossover are therefore considered a highway benefit in addition a second existing access would be stopped up which again is preferable. Whilst it is acknowledged that the access would serve three more dwellings there is space within the site for vehicles to turn around and as such all vehicles would enter and exit in a forward motion. Herts County Council Highways were consulted and have raised no concerns subject to the imposition of conditions /

informative's. As such the proposal is considered acceptable. Moreover there are other recent developments that comprise single access points onto Adeyfield Road and comprise a far higher density of dwellings.

9.20 With regard to parking each of the dwellings would be served by two off-street parking spaces which is in line with Appendix 5 of the DBLP for this site which is on a main road served by a bus service and is within walking distance of the main town centre. In addition the current proposal represents an increase in parking provision compared to the recently approved and constructed development less than 30m to the west (No. 35/37).

9.21 It is maintained that a refusal on highway grounds could not be sustained.

#### Other Material Planning Considerations

9.22 Contamination - The site has been identified as having the potential for contamination. As such the Council's Scientific Officer has requested the imposition of the standard conditions requiring site investigations. These have been included. A construction management plan has been requested but for a development of this scale, its imposition is not considered to meet the necessary tests. In addition the Highways Authority has the power to act if there are obstructions or hazards regardless of planning decisions/conditions.

9.23 Fire - Herts Fire and rescue have confirmed that the development would need to make provision for fire hydrants (or other measures). A condition requiring these has been included.

#### 10 Response to Neighbour comments

10.1 These points have been addressed above other than concerns relating to the stability of the land. The neighbouring property No. 41 occupies an elevated position and there is concern that the development would result in landslip and the collapse of the retaining banks between the site. The stability of the land has been an issue in the past and corrective works including underpinning and structural repairs have previously been undertaken to No. 41. Whilst there is a level difference and these concerns are noted, land stability and the adequacy of retaining structures would fall outside the remit of the Local Planning Authority. Such matter would be controlled under Building regulations.

#### 11.0 CIL

11.1 Policy CS35 requires all development to make appropriate contributions towards the infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The development would be CIL liable and given its position in Zone 3; Hemel Hempstead a charge of £100 per square metre is applicable to the residential elements of the proposal.

**12. 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 constructed in accordance with the materials specified on the approved drawings / documents.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy 2013.</p>
3	<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, B, C, D, E, F.</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.</p>
4	<p>No above ground 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;  bin storage facilities  soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;  trees to be retained and measures for their protection during construction works;  proposed finished levels or contours;  car parking layouts and other vehicle and pedestrian access and circulation areas;  minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
5	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed</p>

	<p>shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p>
6	<p>6a). Contaminated Land Condition</p> <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> <p>6b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 6a 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</p>

	<p>approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).</p> <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 <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p> <p>Un-expected Contaminated Land Informative In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p>
7	<p>Prior to the occupation of the development hereby approved full details of fire hydrants or other measures to protect the development from fire will be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details and thereafter maintained as such.</p> <p>Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 &amp; CS29.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>11366-L-00-02E 11366-L-00-03H 11366-L-00-05E 11366-L-00-06B 11366-L-00-07E 11366-L-00-08D 11366-L-00-09E 11366-L-00-LP</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>ARTICLE 35;</p>

	Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process and at pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework 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**

#### **Herts County Council Highways;**

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### **CONDITIONS:**

1. Prior to the commencement of the use hereby permitted the proposed on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

2. Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 11366-L-00-03 rev G only. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the development.

Reason: In the interests of highway safety.

6. Prior to the first occupation, an amended plan showing the proposed arrangements for the collection of waste shall be completed and submitted for approval by the Local Planning Authority.

Reason: In the interests of highway safety.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

## INFORMATIVES:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

## COMMENTS

This application is for Demolition of existing dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping (resubmission).

## PARKING

The proposal is to create a total of 7 parking spaces for the new properties, on a new hard standing to be constructed in the middle of the plot.

## ACCESS

The existing property currently has an in-out driveway with two vxo's on Adeyfield Road, which is a "C" classified Local Distributor road, the C129, with a speed limit of 30mph. Vehicles are required to enter and leave the highway in forward gear.

The proposal is that the existing vxo to the south of the plot will be used for the new development, with a new driveway giving access to the parking spaces. The existing vxo to the north of the plot will be redundant and needs to be stopped up and the pavement and verge reinstated before the development comes into use.

There have been two slight accidents in the vicinity of the property in the last 3 years.

## REFUSE STORAGE AND COLLECTION

The proposal is that waste and recycling bins to be provided for each plot and placed either along Adeyfield Road on collection day or along new access way.

The rear of plots 1-3 are approximately 30m from the highway, while plot 4 is more than 40m from the highway. Roads in Herts, section 2.6.8 Refuse collection, states that vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a

storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulations). The applicant is therefore required to submit a revised plan showing the proposed arrangement for the collection of waste from the development.

## CONCLUSION

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

### **Scientific Officer**

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/03191/18/FUL for the demolition of existing dwelling and development of two 3-bed and two 4-bed dwellings, access drive, parking and landscaping.

Please be advise that we have **no objection to the proposed development in relation to Air Quality and Land Contamination.**

However, with the development located within 18m of a former contaminated land use i.e. reservoir and depot, the following planning conditions and informative are recommend should planning permission be granted.

#### **1a). Contaminated Land Condition**

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.

For the purposes of this condition:

- A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.
- A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.
- A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

**to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.**

**1b).** All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a 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.

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

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).**

**Informative:**

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

**2). Construction Management Plan Condition**

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.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos survey and control measure where applicable

**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.**

**3). Demolition Method Statement Condition**

Prior to demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place.

**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.**

#### **4). Un-expected Contaminated Land Informative**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

#### **Herts Fire and Rescue**

We have examined the application and make the following comments:

- • Our water officer has confirmed this development will need a fire hydrant.
- • Herts highways were concerned that access was not achievable and the access was less than the required 3.7m wide, the plans appear to show an access route of 4m. Can the applicant prove that there is sufficient room to turn a fire appliance round outside the furthest plot from the road?

#### **ACCESS AND FACILITIES**

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 18 tonnes.
3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### **WATER SUPPLIES**

4. Water supplies should be provided in accordance with BS 9999.
5. This authority would consider the following hydrant provision adequate:
  - • Not more than 60m from an entry to any building on the site.
  - • Not more than 120m apart for residential developments or 90m apart for commercial developments.
  - • Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
  - • Not less than 6m from the building or risk so that they remain usable during a fire.

- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations

### **Herts County Growth and Infrastructure**

Hertfordshire County Council's 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's CIL Zone 2** and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

## **Appendix B**

### **Neighbour notification/site notice responses**

**Objections have been received;**

#### **45 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Tue 22 Jan 2019**

We are not happy at all with the re-submission of this 2nd. Application as there is little change to the original one ~4/00367/18/FUL~ which has been refused.

To allow more than one residence on the 39a Site would exacerbate the now very busy flow of traffic using Adeyfield Road, bearing in mind that there are 11 . 3 & 4 bedroom dwellings where there was once 2 detached houses on the site (Nos. 35 - 37 Adeyfield Road) - giving a potential of a possible 22 extra cars wanting access on a very sharp bend in the road.

Even now us residents have problems getting in and out of our drives due to the volume of traffic and sometimes if we want to turn right and go down to the town, it is impossible, and we have to turn left up to the double roundabout and then drive back down passed our houses in order to get down to the town centre.

Therefore we oppose very strongly for any more development than one residence on the 39a site.

#### **5 MOUNTFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DR (Objects)**

**Comment submitted date: Sun 20 Jan 2019**

Our main objection to the proposed development is that of road safety due to the extra vehicles entering and exiting the estate.

This will create a staggered junction due to the location of the developments entrance being in close proximity to the busy junction of Adeyfield Road/Mountfield Road. There have been numerous accidents in the past, some very serious.

The design and layout of the new development is not in keeping with the surrounding period properties and there is a distinct over development of the site.

**43 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Sun 20 Jan 2019**

I wish to register objections to the size and scope of the proposed development at 39A Adeyfield Road, Hemel Hempstead.

I have objections on a number of grounds.

The new planning application for this property has made some changes to accommodate one of the reasons why it was turned down originally.

However those changes are merely cosmetic. The plan still occupies the same footprint as the original application and does not address the other two reasons why the original application was refused.

Those two reasons are still valid and the development should not go ahead unless those issues are resolved.

1. I have concerns regarding the impact of another 8+ vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The hill, where the proposed development is located is hazardous in bad weather and has had over the last few years at least 2 serious accidents, one almost opposite the proposed development. A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to reduce the risk.

2. The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41 Adeyfield Road has a history of subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk.

3. The property below 39A is a single story residential home for severely disabled people (39 Adeyfield Road). It already has a large new development on one side which overpowers the single story residence. The proposed development of 39A will further overshadow the single story property in an unacceptable way reducing privacy and

light. The slope of the land between 39A and 39 Adeyfield Road is considerable. This means that 39A sits much higher than its neighbour and so the impact of the proposed development is greater than if the land slope were flat. It should be noted that even the current house at 39A has had to have a huge retaining wall to prevent it falling into the neighbouring property at 39 Adeyfield Road.

I am not opposed to some redevelopment on the site of 39A but feel the proposed development is too large and will have a detrimental effect on the wellbeing of the disabled residents of 39A and make Adeyfield Road more hazardous..

I would like to suggest that the planning committee visit the site and view the proposed development from 39 Adeyfield Road. I believe they will be staggered by the potential impact of the proposed development on 39 Adeyfield Road.

#### **41 ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP (Objects)**

**Comment submitted date: Fri 18 Jan 2019**

We would like to oppose Mr & Mrs Whittle's planning proposal for 39a Adeyfield Road, for the following reasons:

- The proposal does not provide safe and satisfactory access for residents, road users and pedestrians. The impact of having more cars trying to join the road just under the brow of the hill in what is virtually a crossroads with Mountfield Road, will be a real hazard to residents trying to get in and out of driveways, and to the stream of traffic using the road, day and night, often at great speed. Adding another four dwellings so close also to the junction with Mountfield Road would dangerously affect the safety and operation of traffic on an already unsafe Adeyfield Road.
- Parking. Adeyfield Road carries a high volume of traffic. Though it is narrower than other main routes from the town centre - Queensway and St Albans Road - it has no traffic calming measures. The additional four houses are likely to bring in excess of eight cars seeking parking and access. The likelihood is that cars will start to park on the pavement in Adeyfield Road, which will be particularly dangerous for mobility scooters and those with prams and push chairs, forced to walk into the road to pass parked vehicles. It will also seriously compromise visibility for residents and traffic.
- The proposed four houses are very tall and narrow and are completely out of keeping with other property in the area which are 1930s two-storey detached and semi detacheds. The house closest to us, though sitting lower than our property by about three metres, is planned to be the same height as our house meaning that we would lose sun light and privacy. This will be completely at odds with the existing streetscape and would not integrate with adjacent properties.
- Because of its size, scale, height and position, in the back garden, the new house proposed in Plot 4 would limit light levels and be visually intrusive to the adjacent bungalow at 39, and our property at 41. This property would be totally overbearing for those living in no. 39, and would dwarf the care home.
- Unstable nature of bank that divides no. 41 from the proposed development would be

exacerbated by the excavation and construction of a 50 metre access road running along the length of the boundary between no. 41 and 39a which would also greatly add to noise disturbance. We have already had repairs to no. 41 including underpinning and structural repairs. Landslip is a continuing feature in East to West (downhill) direction as evidenced by the crumbling front garden supporting walls at no. 39a, Will any future developer be liable for any damage caused to our property?

### **3 MOUNTFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DR (Objects)**

**Comment submitted date: Thu 17 Jan 2019**

The proposed application should be denied based upon the location of the vehicle access points on to the main road, it is a very busy road and junction with Mountfield road, were numerous accident risks are present and accidents have happened. Safety is a risk with this proposal.

The proposed houses are not in keeping with the surrounding houses and will be an eye sore like the New multi house development further down the road, which appear to remain partly unsold!

There is another development directly opposite this plot also proposing more cars and traffic. 4/03150/18/FUL further examples of over crowding unsuitable developments creating unsafe road situations and ruining the local community housing types.

### **39 ADEYFIELD ROAD**

I wish to register objections to the size and scope of the proposed development at 39A Adeyfield Road, Hemel Hempstead.

I have objections on a number of grounds.

1. The property below 39A is a single story residential home for people with Severe Learning disabilities/physical disabilities/autism people. It already has a large new development on one side which overpowers the single story residence. The proposed development of 39A will further overshadow the single story property in an unacceptable way reducing privacy and light.
2. The property at No 39 boundary line with No 39A has a high raised slope that may require construction workers to have access via this property this would cause a serious concern to the health, safety and well-being of a group of vulnerable people and to staff who access a car park below the boundary wall.
3. Staff supporting people living at No 39 use the footpath on a regular basis to support people to access the community by walking or supporting people in wheelchairs. The impact of construction vehicles parked on the pathway will restrict access to the community facilities that they currently use and also the Health and Safety of having to manoeuvre round the parked vehicles at times by having to access a busy road. This has been our experience with the building

works that have occurred with the construction that has already commenced on the opposite side of this property.

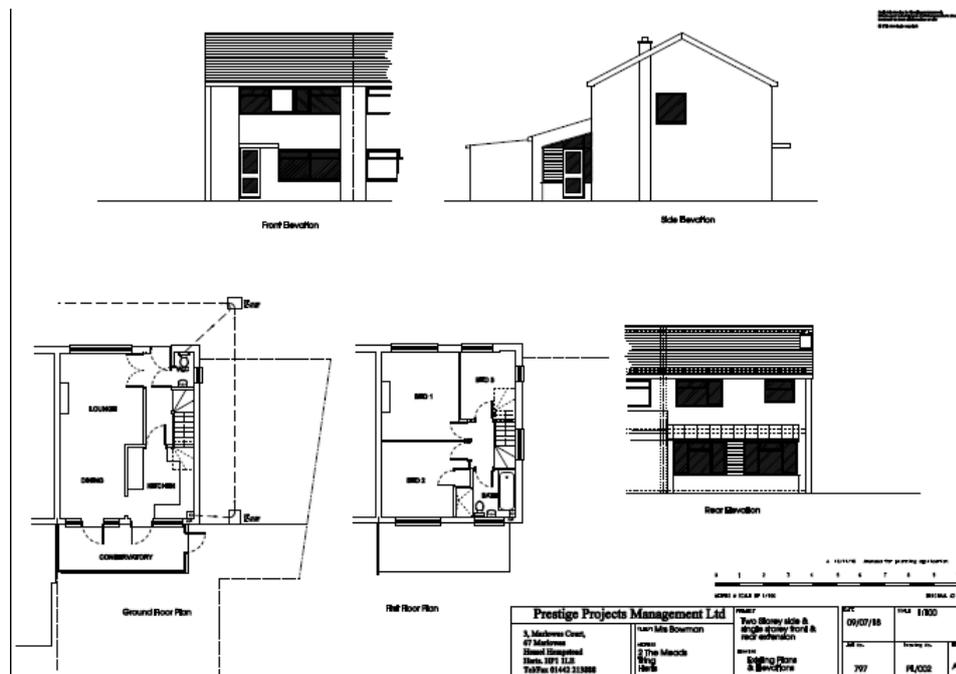
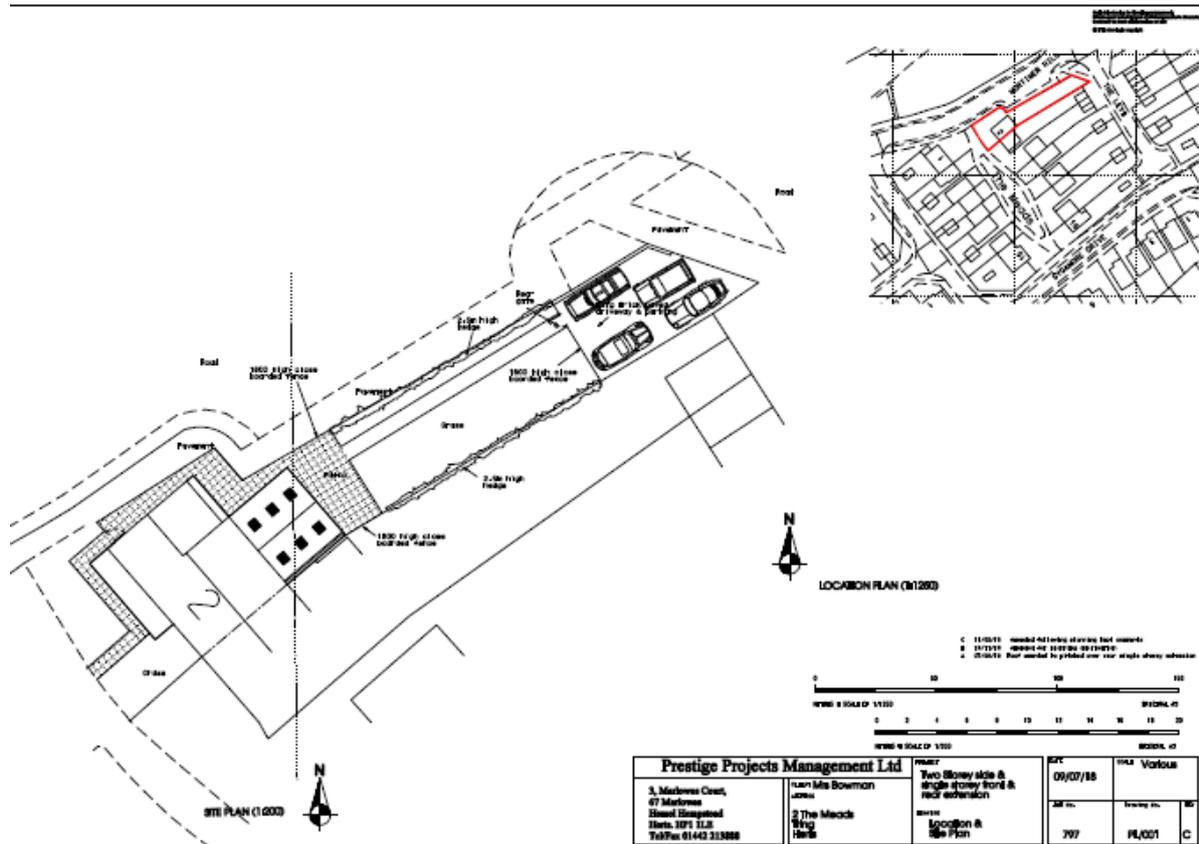
4. The proposed development frontage onto Adeyfield Road is completely out of character with the rest of the domestic properties along the road. It completely changes the aspect and degrades the visual look. Three story terrace housing of the design proposed is not appropriate. Even the development further down the road has maintained the frontage character and this should be applied to any proposed development at 39A.
5. I have concerns regarding the impact of another numerous vehicles accessing a busy road. Adeyfield Road is a main link road to the industrial area and the M1 motorway for many people. It has at least 5 bus routes including an express service to London. The road is used frequently by emergency services on 'blue light' calls to access the motorway. The proposed access road to this development will be on a particularly hazardous blind spot, just below the top of the hill. Over the last few years at least 2 serious accidents have happened on this road. A new development further down the road has already increased the potential risks and it is my view that adding to that risk would be dangerous. The proposed development should be reduced in size to reduce the risk.

The proposed plans show that it is the developer's intention to provide an access road between 39A and 41, by excavating and widening the current access to 39A. 41 Adeyfield Road has a history of severe subsidence along this boundary due to the ground conditions and slope. Creating access to the proposed development by excavations will seriously put the property at 41 at risk.

Item 5d 4/02937/18/FHA  
AND REAR EXTENSION

TWO STOREY SIDE AND SINGLE STOREY FRONT

2 THE MEADS, TRING, HP23 5JF



Item 5d 4/02937/18/FHA  
AND REAR EXTENSION

**TWO STOREY SIDE AND SINGLE STOREY FRONT**

**2 THE MEADS, TRING, HP23 5JF**

Architectural drawings showing four elevations: Front Elevation, Side Elevation, Rear Elevation, and another Side Elevation. Each drawing includes technical annotations such as 'TILES TO MATCH EXIST', 'BRICKWORK TO MATCH EXIST', and 'WOODEN COATED ALUMINIUM SLIDING FOLDING DOORS'. A scale bar at the bottom right indicates 1:100 scale.

<b>Prestige Projects Management Ltd</b> 5, Marlborough Court, 67 Marlborough Boreham Harpenden Herts SG9 1JL Tel/Fax 03442 213888		PROJECT: Two Storey side & single storey front & rear extension DRAWN BY: Proposed Elevations	DATE: 09/07/18 DRAWING NO.: 797 SCALE: 1:100 SHEET NO.: P1/004 TOTAL SHEETS: 0
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<b>4/02937/18/FHA</b>	<b>TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSION</b>
<b>Site Address</b>	<b>2 THE MEADS, TRING, HP23 5JF</b>
<b>Applicant</b>	<b>Mrs Bowman, 2 The Meads</b>
<b>Case Officer</b>	<b>Elspeth Palmer</b>
<b>Referral to Committee</b>	<b>Applicant is a DBC employee</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**.

## 2. Summary

2.1 The application seeks permission for a householder extension to a dwelling within the urban area of Tring. Within such an area development is acceptable in principle (CS4), subject to being in accordance with CS12. The development does not create any issues of loss of neighbour amenity and there is no detriment to the appearance of the street scene, or the existing building.

## 3. Site Description

3.1 The site is located on the northern end of The Meads a residential area of Tring. No 2 is the end dwelling in a row of 16 two storey semi-detached dwellings facing The Meads. The Meads is pedestrian only with a long piece of amenity land providing a buffer between the two rows of dwellings.

3.2 The site comprises a two storey brick semi-detached dwelling with a long rear garden with parking and vehicular access to the rear of the site from The Leys.

## 4. Proposal

4.1 The proposal is for a two storey side and single storey front and rear extension. The proposal allows for one extra bedroom and a larger kitchen and dining area.

## 5. Relevant Planning History

None.

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

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

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

Policies 10 and 13.  
Appendix 5 and 7.

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

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area TCA17: Chiltern Way

### **7. Constraints**

- Tring Residential Area
- CIL2

### **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 character of the dwelling
- Impact on street scene
- Impact on neighbours
- Parking

#### Policy and Principle

9.2 The site is situated within the town of Tring wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy subject to it complying with CS12.

#### Impact on the character of the dwelling

9.3 The proposal will be in character with the existing dwelling in terms of scale, design and materials.

#### Impact on Street Scene

9.4 The proposed single storey front extension will be modest in depth (1.5 metres) so will not project forward in a way that dominates in the street scene.

9.5 The two storey side extension will not project forward from the building line facing The Meads. There is no well established building line along Mortimer Hill.

9.6 The proposed rear extension will be tucked to the rear of the dwelling adjacent to the existing neighbour's extension so will not be visible from the street scene.

#### Impact on neighbours

9.7 The single storey rear extension will be in line with the neighbour's single storey rear extension so there will be no loss of privacy or significant loss of sunlight and daylight as a result of the rear extension.

9.8 The two storey side extension is well removed from neighbours (as 2 The Meads is the end dwelling in the row).

9.9 The modest single storey front extension will not have a detrimental impact on the attached neighbour.

#### Parking

9.10 There is an existing access and parking area to the rear of the site.

The Supplementary Planning Guidance "Accessibility Zones for the Designation of Car Parking Standards" states that a four bedroom dwelling in this location requires 3 spaces. There is adequate parking for at least 3 vehicles on site.

#### CIL

9.11 Policy CS35 of the Core Strategy 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 1 July 2015. This application is not CIL liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

## **10. Conclusions**

10.1 The application seeks permission for a two storey side and single storey front and rear extension to a dwelling within the urban area of Tring. Within such an area development is acceptable in principle (CS4), subject to being in accordance with CS12. The development does not create any issues of loss of neighbour amenity and there is no detriment to the appearance of the street scene, or the existing building.

The proposed single storey rear extension complies with CS 4, CS12 and Saved Appendix 7 and is therefore acceptable.

**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 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.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>PL003 REV D            PL001 REV C            PL002 REV A            PL004 REV 2D</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Informative:</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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

**Appendix A**

**Consultation responses**

**Tring Town Council**

The Council recommended no objection to this application.

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **Objections**

None at date of report writing.

Any objections received prior to the meeting will be reported at the meeting.

# Agenda Item 6

## 6. APPEALS UPDATE

### A. LODGED

4/00871/18/FUL      Simco Homes Ltd  
DEMOLITION OF EXISTING DWELLING AND CONTRUCTION  
OF THREE DWELLINGS  
AMBERLEY, HEMP LANE, WIGGINTON, TRING, HP23 6HF  
[View online application](#)

4/02770/18/FHA      Mr & Mrs Dix  
FIRST FLOOR SIDE EXTENSION WITH REAR DORMER  
WINDOW  
18 HUNTERS CLOSE, BOVINGDON, HEMEL HEMPSTEAD,  
HP3 0NF  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

None

### E. DISMISSED

4/01095/18/FUL      Margro Properties Ltd  
DEMOLITION OF EXISTING BUNGALOW AND  
CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS  
AND 7 TERRACED DWELLINGS WITH NEW ACCESS ROAD  
TO TERRACES (AMENDED SCHEME)

#### Decision

1. Appeal A is allowed and planning permission is granted for the 'Demolition of existing bungalow at 50 Chesham Road. Construction of 2No new semi-detached properties at 50 Chesham Road. Construction of 7No new terraced properties in the land to the rear of 50-53 Chesham Road. New access road to terraces at 50 - 53 Chesham Road, Bovingdon, HP3 0EA in accordance with the terms of the application, Ref 4/01779/17/FUL, dated 5 July 2017, subject to the conditions in the attached schedule.

2. Appeal B is dismissed.

#### Preliminary Matters

3. As identified above, there are two appeals on this site. The application that is the subject of Appeal B was submitted to overcome the Council's concerns in relation to the application that is the subject of Appeal A. The of dwellings would be the same but despite the description of development on the application form being the same, the layout and form of development in Appeal B would be different. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.

4. I have taken the address for Appeal B from the appeal form rather than the application form. The address on the second application form was different to the first so I have altered this in the interests of consistency. In doing this, I am satisfied that the interests of the main parties have not been compromised.

5. During the course of Appeal A, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account.

#### Application for costs

6. An application for costs in relation to both appeals was made by Margro Properties Limited against Dacorum Borough Council. This application is the subject of a separate Decision.

#### Main Issues

7. The main issues common for both appeals are the effect of the proposal on:

- i) The living conditions of the occupants of neighbouring properties; and
- ii) The character and appearance of the area.

8. However, a further main issue concerning Appeal A only is:

- iii) The effect of the proposal on highway safety.

#### Reasons

##### Living conditions

9. Both proposals would introduce new houses to the rear of the properties which front onto Chesham Road. Although elevated views would be provided from first floor windows, the majority of the housing would be centrally located within the site and would look over the central parking court and turning area. In this respect, the hardstanding would act as a buffer between the proposed dwellings and the houses that would be retained, namely Nos 51, 52 and 53 Chesham Road.

10. However, in Appeal A, plots A and B would be located closer to the side boundaries of Nos 49 and 54 Chesham Road and therefore provide the opportunity to overlook these adjacent gardens. I note in the evidence that I have before me that Appeal A was amended during the consideration of the application. This would have the result of ensuring that the first floor bedroom windows would face into the site and not

perpendicular to the shared side boundaries. In doing this, the proposal would protect the privacy levels of the adjacent houses.

11. Despite this amendment, the layout for Appeal B would be materially different. Although it splits the terrace of 7 houses into two smaller terraces of 3 and 4 houses, other than the most southerly house, the first floor windows dwellings face towards the houses which front Chesham Road. As a consequence, the end of terrace house that would be located adjacent to the north eastern side boundary of the appeal site would be afforded unhindered and elevated views into the adjoining garden of No 54. Due to this level of overlooking, Appeal B would give rise to a significant and demonstrable loss of privacy for the occupants of this property.

12. The location of this house and its relationship with No 54 would not be dissimilar to that of 31 Apple Cottages. However, the house would be closer to this adjacent building. Consequently, the proposed dwelling would enable closer views of the rear garden and the window to window distance would be less. Accordingly, the level of overlooking would be greater than that caused by the existing neighbour.

13. In contrast, the separation distances would be sufficient to ensure that the gable end of the houses adjacent to the north eastern boundary in both appeals would be located away from the living accommodation provided by No 54. Furthermore, due to the length of No 54's garden, the majority of the space would remain open. As a consequence, although the buildings would be very noticeable from the neighbouring garden, in the same way that 31 Apple Cottages is, the proposals would not have an overbearing effect on No 54. Furthermore, the size of the garden of No 49 would ensure a suitable buffer between the proposals. Consequently, the proposals would also not be overbearing when viewed from that property.

14. The proposals would introduce vehicular movements on land beyond the main Chesham Road frontage. However, the turning areas are centrally located in both proposals with driveways for 2 cars abutting the side boundaries. Due to the contained nature of the vehicular movements and small number of cars close to the side boundaries as well as their proximity from the adjacent houses, I am satisfied that exhaust fumes would not compromise existing living conditions.

15. For the reasons identified above, I conclude that Appeal B would harm the living conditions for the occupants of No 54 Chesham Road with particular regard to privacy. It would therefore not accord with Policy CS12 of the Core Strategy 2006 – 2031 (2013) (CS) which seeks development which avoids loss of privacy to surrounding properties.

16. Conversely, I find that Appeal A would not harm the living conditions for the occupants of neighbouring properties. Consequently, it would accord with Policy CS12 of the CS for the reasons given above.

Character and appearance

17. In both appeals, the site would be established by the amalgamation of the rear gardens which currently serve Nos 50 – 53 Chesham Road. The gardens would represent a large parcel of land albeit land that would be located beyond the Chesham Road frontage. Despite this, when stood within the rear gardens that make up the appeal site, the houses located within Apple Cottages can be readily seen. Many of these houses either back on to or present their gable end to the rear gardens of the houses in Chesham Road. The presence of the houses is therefore an established and defining part of the character and appearance of the area. 18. The proposals would introduce development beyond the Chesham Road frontage. However, the houses would be of a comparable bulk and mass with the houses in Apple Cottages and would be experienced in the context of this existing development. As a consequence, the proposals would be complementary to Apple Cottages and would not appear as an incongruous addition to the rear of the principal houses that front Chesham Road.

19. Both appeal proposals would also introduce a central access road with a turning

head and parking area to serve the proposed dwellings. This would result in a marked change to the appearance of the site and would introduce a significant amount of hardstanding. However, it is apparent from the submitted evidence that thought has been given to landscaping through the planting of new trees and hedges, and use of hard surfacing materials. I am therefore satisfied that subject to a landscaping scheme, which could be secured by way of a suitably worded condition, the proposal would not be dominated by the turning area and car parking spaces.

20. I therefore conclude that both Appeal A and Appeal B would not harm the character and appearance of the surrounding area. Consequently, the proposal would accord with Policies CS11 and CS12 of the CS. Taken together, these policies seek, amongst other things, development which respects adjoining properties in terms of layout, site coverage, landscaping and amenity space and which avoid large areas dominated by car parking.

#### Highway safety

21. Appeal A would provide parking spaces to the front of proposed plots 50a and 50b but they would not allow a vehicle to turn on the site. Although No 51 allows vehicles to run on site and enter the highway in a forward gear, I observed on my site visit that many houses that front onto Chesham Road have access points which do not allow for the turning of vehicles. In this respect, the appeal proposal would be comparable with many of its neighbouring properties.

22. Chesham Road is relatively straight and I have not been provided with any evidence that suggests that the existing access arrangements of those houses without turning areas have caused highway safety concerns. Although highway safety has been raised as a concern by many interested parties, there is nothing substantive in the evidence before me that indicates that the proposed access arrangement would harm highway safety. Furthermore, I note that the Highway Authority raised no objection to the proposal in relation to highway safety.

23. The proposal would provide 2 car parking spaces for each dwelling and 1 additional space adjacent to the turning area. I note the concerns from neighbouring properties in relation to the limited amount of visitor parking but I have no substantive evidence to support these concerns and therefore give this matter very limited weight.

24. Based on the evidence that I have before me, I conclude that the proposal would not harm highway safety. Consequently, the proposal would accord with Policy CS12 of the CS which requires development to provide a safe and satisfactory means of access for all users. Other Matters and Conditions

25. The proposals would increase the number of people living in the area but no evidence has been put before me to suggest that the infrastructure of the area could not sustain this or that the development in some way should mitigate against any impact. Without evidence to substantiate this comment, I give this matter very limited weight in my assessment. Furthermore, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, could not be a material consideration. I also have no evidence before me to substantiate concerns in relation to drainage and consequently give very limited weight to these concerns.

26. The site may be close to the Green Belt but it is not in the Green Belt. This therefore has no bearing on the proposals. Finally, although construction traffic may result in some disturbance, this would be temporary and I am satisfied that the appeal site is large enough to be managed in a manner that would limit any effects to an acceptable level.

27. Given my findings in relation to Appeal A, conditions are necessary in the interests of clarity and precision to establish the time limit for the implementation of development as well as the approved drawing numbers. To ensure a suitable external appearance for the proposed dwellings, a condition is also necessary in relation to material samples.

28. Conditions 4 and 5 are necessary in the interests of highways safety and condition 6 is necessary to ensure that the development is served by adequate refuse storage and parking spaces. Conditions 7, 8, 9 and 10 are necessary to ensure that the development is landscaped to a high quality and that existing planting that is to be retained is suitably protected. Conditions 11 and 12 are necessary due to the potential for contamination at the site. Finally, a condition is necessary in relation to an external lighting scheme in the interests of safety. The conditions that require work from the Appellant prior to the commencement of development have been agreed.

29. The Council suggested a condition to remove permitted development rights for the proposed dwellings as well as requiring the demolition of the existing extension that serves No 51 Chesham Road. The reason given was to safeguard the character and appearance of the area and ensure that there is the correct balance between the amount of development and land retained for gardens. The Council also made reference to Policy CS12 of the CS however this policy does not require minimum garden sizes. Although Appendix 3 to the CS suggests that gardens should have an average minimum depth, it also states that a range of garden sizes should be provided for different family compositions, ages and interests. For the reasons identified above, I am satisfied that Appeal A would entirely complement the character and appearance of the area and it would fulfil the aims of Appendix 3. There is therefore no clear justification to remove these national development rights as required by the Framework.

30. The Council also suggested conditions in relation to electric vehicle charging facilities, electronic communication equipment and secure cycle storage facilities. However, these matters are not required by policies within the Development Plan and as such, lack the justification for being imposed. therefore consider that they are not necessary to make an unacceptable development acceptable. Accordingly, I have not imposed them.

#### Conclusion

31. For the reasons identified above, Appeal A is allowed.

32. In relation to Appeal B, the proposal would demonstrably harm the living conditions of the occupants of No 54 Chesham Road and this would result in a conflict with the development plan. That the proposal would not harm the character or appearance of the area neither alters nor outweighs this conclusion and therefore, Appeal B is dismissed.

### **COST AWARDS –PARTIAL COSTS AWARDED AGAINST THE COUNCIL**

#### **Decision**

1. The application for a full award of costs in relation to Appeal A is allowed in the terms set out below.

2. The application for an award of costs in relation to Appeal B is partially allowed in the terms set out below.

#### **Reasons**

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

4. The applicant suggests that in both appeals, the Council have prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and other material considerations. It is also suggested that the Council failed to produce evidence to substantiate the reasons for refusal, and that vague, generalised or inaccurate assertions about the impact of the proposal were made and which were unsupported by any objective analysis.

5. As identified in the appeal decisions, Appeal A and Appeal B shared main issues in relation to the character and appearance of the surrounding area and in relation to living conditions. Highway safety was also a main issue for Appeal A although not for Appeal B.

6. The Council have provided a very brief and limited case in relation to both appeals. They have referred to relevant local plan policies and have also provided succinct minutes from the relevant committee meeting. However, the evidence that they have provided to articulate their concerns in relation to the main issues lacks detail. Indeed, the statements of case merely state the concerns of the Council rather than expressing them in a clear way. To my mind the Council has therefore failed to substantiate its reasons for refusal in relation to Appeal A and its concerns about the effect of Appeal B on the character and appearance of the area. Moreover, it has offered only vague and generalised assertions about the proposals' impacts, which are unsupported by objective analysis.

7. Despite this, based on the totality of the evidence before me, and as a consequence of my site visit, I have found harm in relation to the living conditions of the occupants of No 54 Chesham Road and Appeal B failed to succeed in relation to this point alone.

8. However, in relation to all other matters for both appeals, the Council have clearly failed to produce evidence to substantiate their reasons for refusal. Consequently, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. Therefore, in relation to Appeal A a full award of costs is justified and in relation to Appeal B, a partial award of costs is justified.

#### **Costs Order**

9. In relation to Appeal A and in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr Marcus Grossman, on behalf of Margro Properties Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

10. The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

11. In relation to Appeal B and in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr Marcus Grossman, on behalf of Margro Properties Limited the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to concerns in relation to the effect on the character and appearance of the surrounding area; such costs to be assessed in the Senior Courts Costs Office if not agreed

12. The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

4/01390/18/FUL

Mr Sterling

DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS) GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF

[View online application](#)

#### Decision

1. The appeal is dismissed and planning permission is refused.

#### Preliminary Matter

2. The application was presented to the Council's planning committee on 6 September 2018 at which the Council resolved to refuse planning permission. The subsequent decision was issued on 17 September 2018 but the appeal was lodged on 16 September 2018. The appeal is therefore a result of the Council not giving notice of its decision within the statutory determination period.

3. Following the Council's decision on the application that led to this appeal, revisions to the National Planning Policy Framework contained were published in February 2019 (the revised Framework). However, no changes have been made to the content directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.

#### Application for costs

4. An application for costs was made by Ben Sterling against Dacorum Borough Council. This application is the subject of a separate Decision.

#### Main Issues

5. The main issues are the effect of the proposal on: i) the living conditions of the occupants of the property known as Ivydene, with particular regard to privacy; and ii) highway safety. Reasons

#### Living conditions

6. The side elevation of the appeal building that faces towards Ivydene has two windows located at first floor level. The larger window serves a bathroom and the smaller window serves a bedroom. The proposal would remove the smaller window from the side elevation and retain the larger window which, due to internal alterations, would serve a bedroom.

7. Due to its size and location and due to the use of clear glass, I observed that the bathroom window allows for clear and unhindered views towards Ivydene. In particular, the window provides elevated views into the dining room window as well as clear views of the patio area to the side of the house. The window also enables clear and elevated views of the rear garden. The window therefore demonstrably harms the privacy of the occupants of Ivydene.

8. The smaller window also allows for views towards Ivydene. However, due to the

considerably smaller opening, these are more contained. Consequently, views of the garden are more oblique and are therefore significantly less intrusive than those provided by the larger window.

9. Based on the evidence that I have before me, when the Council was considering the proposal, the bathroom window was glazed with obscure glass. Although the change from obscure to clear glass may have been an act of permitted development, the Appellant has not provided any information in relation to when the work took place.

10. Despite this, regardless of whether or not the clear glass in the opening is lawful, the use of the room served by the window as a bedroom as opposed to a bathroom would be materially different. Mutual privacy in a bathroom is more likely to be a requirement of occupants than in a bedroom. As a consequence, I consider that a bedroom window with clear glass would give rise to a greater level of overlooking than a bathroom window with clear glass.

11. I therefore conclude that the proposal would significantly and demonstrably harm the living conditions for the occupants of Ivydene, with particular regard to privacy.

Consequently, the proposal would fail to accord with Policy CS12 of Dacorum's Local Planning Framework, Core Strategy 2006 – 2031 (2013) (CS) which seeks, amongst other things, development which avoids loss of privacy to surrounding properties.

#### Highway safety

12. The appeal site is currently served by an entry and exit arrangement which enables vehicles to enter and leave the site in a forwards gear. The proposal would utilise these existing access points but would subdivide the front of the site. This would limit the ability for vehicles to turn on the site which may result in them reversing onto the highway.

13. Many houses that front onto Hempstead Road have access points and driveways which prevent the turning of vehicles on the site. In this respect, the appeal proposal would be comparable with its neighbouring properties and I have not been provided with any substantive evidence that suggests that these access points are causing problems for highway safety. The Highway's authority raised no objection to the proposal in relation to highway safety and based on the evidence that I have before me, I have no reason to conclude differently.

14. The proposal would provide 2 car parking spaces for each dwelling which would be less than the maximum parking standards required by the Council. The Council suggest that these maximum standards should be applied as minimum standards but no clear and compelling evidence has been provided to support this assertion.

15. Therefore, based on the evidence that I have before me, I conclude that the proposal would not harm highway safety. Consequently, the proposal would accord with Policy CS12 of the CS which seeks, amongst other things, development which provides a safe and satisfactory means of access for all users.

#### Other Matters

16. An appeal for the erection of 2 new dwellings on land to the rear of the existing dwelling has recently been dismissed<sup>1</sup>. The main parties were given an opportunity to comment on any implications of that decision for this appeal and I have taken the Appellant's response into account. From the evidence that I have before me, I am satisfied that the 2 proposals are not dependent on each other. Accordingly, the appeal decision has had no bearing on my consideration of this proposal.

17. The Appellant also submitted additional information in relation to the housing land supply position of the Council in the form of a delegated officer report on a different site in Dacorum Borough. This report is not dated but it would appear to have been produced within the last 6 months. The Council were invited to comment on this matter but no response was received. Notwithstanding this, the recently published Housing Delivery Test results indicate that the Council has provided more than its required number of houses over the last 3 years.

18. In situations where a Council cannot demonstrate a 5 year supply of deliverable housing sites, paragraph 11 of the Framework is engaged, as explained in Footnote 7. This states that where the most important policies for determining the proposal are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

19. The case in relation to housing supply has not been proved. However, even if I were to conclude that the Council could not demonstrate a 5 year supply of deliverable housing sites, the benefits that one dwelling would bring, such as the creation of construction jobs, additional local expenditure and the provision of an additional dwelling to increase local supply would be limited. I therefore consider that the adverse impacts on the living conditions for the occupants of Ivydene would significantly and demonstrably outweigh the limited benefits of the proposal.

Conclusion

20. Whilst I have found that the proposal would not harm highway safety, it would significantly and demonstrably harm the living conditions of the occupants of Ivydene, with particular regard to privacy. Accordingly, and for the reasons identified above, the appeal is dismissed and planning permission is refused.

### **COSTS AWARD- partial award of costs against the council**

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The original application was recommended to the Council's planning committee for approval but subsequently refused for two reasons. The Appellant suggests that the Council refused the application despite having no valid grounds to do so.

4. The Council have provided a brief case in relation to the effect on the adjacent house known as Ivydene. However, it articulates the concern and for the reasons identified in the appeal decision, I too have concerns in relation to the effect of the proposal on the living conditions of the occupants of this property. I am therefore satisfied that in relation to this issue, the Council have not caused the appellant to incur unnecessary or wasted expense in the appeal proposal.

5. In relation to highway safety, the Council determined the application contrary to the advice of their professional advisors. Whilst the Council is not duty bound to follow the advice of its professional officers, if it is to reach an alternative decision, this has to be based on clear evidence to substantiate that reasoning. The Council have not produced any evidence to articulate how the proposal would harm highway safety and I observed on my site visit that the proposal would be comparable to many other examples of access points along the highway.

6. The appellant has therefore been put to unnecessary expense in addressing a refusal reason that the Council has not produced evidence to substantiate. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that therefore, a partial award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough

Council shall pay to Ben Sterling, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to the highway safety concerns; such costs to be assessed in the Senior Courts Costs Office if not agreed.

8. The applicant is now invited to submit to Dacorum Borough Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

4/02725/17/FUL

Mr Doolan

CONSTRUCTION OF A DETACHED ONE BEDROOMED, TWO STORY DWELLING WITH ASSOCIATED PARKING.

REAR OF 19 DOWLING COURT, HEMEL HEMPSTEAD, HP3 9NF

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Main Issues

2. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether or not the proposed development would provide a satisfactory living environment of future occupiers with particular regard to provision of private amenity space.

#### Reasons

##### Character and appearance

3. The appeal site lies at the end of the cul-de-sac of Dowling Court which consists of two storey properties in a linear arrangement along the street. The pattern of development of other properties along the same side of the street and on Deaconsfield Road which lies behind the appeal site is characterised by detached or semi-detached dwellings with long rear gardens.

4. The proposed building would be situated close to the boundary with 21 Dowling Court as well as the boundary to the rear of the site. It would also be located forward of the prevailing building line, close to the boundary at the front of the site, leaving only a small area to the side for parking and private amenity space. Although there are a few examples of other properties in the area with small rear gardens, given the close proximity of the proposed building to three boundaries and the small private amenity space, the proposed building would appear overly large for the size of the plot such that it would appear discordant in an area generally characterised by large rear gardens. 5. While acknowledging that the proposed development would be of a higher density compared to Nos 1, 2 and 3 Deaconsfield Road and 12 to 26 Seaton Road, the appellant maintains that the difference would be marginal. However in terms of character and appearance, the proposed development would lack a front and rear garden, providing only a modest area to the side of the property adjacent to a parking space for private amenity space. The above mentioned dwellings on the other hand, have substantial front and rear gardens which follow the prevailing pattern of development, and give the appearance of being appropriately sized within their plots.

6. For the foregoing reasons the proposed development would be significantly at odds with and thereby harmful to the character and appearance of the area, and would therefore conflict with Policy CS12 of the Core Strategy 2006-2031 and Appendix 3 of

the Dacorum Borough Local Plan 1991-2011 (LP) which among other things require developments to respect adjoining properties in terms of site coverage, scale and amenity space.

Living conditions

7. The appellant acknowledges that the private garden space of the proposed dwelling would be some 4.1m by 7.0m, which would fall substantially short of the recommended average minimum depth of 11.5m, as stated in Appendix 3 of the LP. This Appendix allows smaller private amenity spaces for small starter homes and infill developments, and since the proposed dwelling would be a 1 bedroom property located between existing dwellings, the provision could apply in this case. The proposed development would also be in close proximity to open land, which LP Appendix 3 also states as a criterion for allowing smaller gardens.

8. However the proposed private amenity space would be bound to one side by the 2 storey flank wall of the proposed dwelling, and on 2 sides by the existing fences which are approximately 1.8m high. Given the constrained size of the garden, these boundary conditions would result in a private amenity space that would feel confined and somewhat oppressive, particularly given that it would be smaller than most of the gardens of adjacent properties.

9. While LP Appendix 3 allows for smaller garden sizes in certain circumstances, the extent of the shortfall in this case would be significant, leading to unsatisfactory living conditions for occupants of the proposed dwelling. While vehicles are unlikely to be parked at the site permanently, the use of the parking space for private amenity space would still result in a garden depth that would fall substantially short of the recommended minimum depth stated in LP Appendix 3.

10. For the reasons given above, the proposed development would not provide a satisfactory living environment of future occupiers with particular regard to provision of private amenity space, and would conflict with Appendix 3 of the LP which seeks garden areas that are functional and compatible with the surrounding area.

11. While CS Policy CS12 deals with adjoining properties in terms of amenity space and other living conditions, it does not mention private amenity space of proposed developments. This Policy is therefore not directly relevant in this regard, such that I have not found the proposals to conflict with it. Other Matters

12. While the main parties accept that the proposed development would not harm the living conditions of neighbouring occupiers with regard to light, outlook and privacy, the lack of harm in this regard is a neutral matter that does not carry weight in favour of the development, and as such has not altered my decision.

Conclusion

13. For all the reasons given above, the appeal is dismissed.

## **F. ALLOWED**

4/01779/17/FUL

Margro Properties Limited  
DEMOLITION OF EXISTING BUNGALOW AND  
CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS.  
CONSTRUCTION OF 7 NEW TERRACED DWELLINGS ON  
LAND TO THE REAR OF 50-53 CHESHAM ROAD. NEW  
ACCESS ROAD TO TERRACES  
50 - 53 CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD,  
HP3 0EA  
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## Decision

1. Appeal A is allowed and planning permission is granted for the 'Demolition of existing bungalow at 50 Chesham Road. Construction of 2No new semi-detached properties at 50 Chesham Road. Construction of 7No new terraced properties in the land to the rear of 50-53 Chesham Road. New access road to terraces at 50 - 53 Chesham Road, Bovingdon, HP3 0EA in accordance with the terms of the application, Ref 4/01779/17/FUL, dated 5 July 2017, subject to the conditions in the attached schedule.

2. Appeal B is dismissed.

## Preliminary Matters

3. As identified above, there are two appeals on this site. The application that is the subject of Appeal B was submitted to overcome the Council's concerns in relation to the application that is the subject of Appeal A. The of dwellings would be the same but despite the description of development on the application form being the same, the layout and form of development in Appeal B would be different. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.

4. I have taken the address for Appeal B from the appeal form rather than the application form. The address on the second application form was different to the first so I have altered this in the interests of consistency. In doing this, I am satisfied that the interests of the main parties have not been compromised.

5. During the course of Appeal A, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account.

## Application for costs

6. An application for costs in relation to both appeals was made by Margro Properties Limited against Dacorum Borough Council. This application is the subject of a separate Decision.

## Main Issues

7. The main issues common for both appeals are the effect of the proposal on:

- i) The living conditions of the occupants of neighbouring properties; and
- ii) The character and appearance of the area.

8. However, a further main issue concerning Appeal A only is:

- iii) The effect of the proposal on highway safety.

## Reasons

### Living conditions

9. Both proposals would introduce new houses to the rear of the properties which front onto Chesham Road. Although elevated views would be provided from first floor windows, the majority of the housing would be centrally located within the site and would look over the central parking court and turning area. In this respect, the hardstanding would act as a buffer between the proposed dwellings and the houses that would be retained, namely Nos 51, 52 and 53 Chesham Road.

10. However, in Appeal A, plots A and B would be located closer to the side boundaries of Nos 49 and 54 Chesham Road and therefore provide the opportunity to overlook these adjacent gardens. I note in the evidence that I have before me that Appeal A was amended during the consideration of the application. This would have the result of ensuring that the first floor bedroom windows would face into the site and not perpendicular to the shared side boundaries. In doing this, the proposal would protect the privacy levels of the adjacent houses.

11. Despite this amendment, the layout for Appeal B would be materially different.

Although it splits the terrace of 7 houses into two smaller terraces of 3 and 4 houses, other than the most southerly house, the first floor windows dwellings face towards the houses which front Chesham Road. As a consequence, the end of terrace house that would be located adjacent to the north eastern side boundary of the appeal site would be afforded unhindered and elevated views into the adjoining garden of No 54. Due to this level of overlooking, Appeal B would give rise to a significant and demonstrable loss of privacy for the occupants of this property.

12. The location of this house and its relationship with No 54 would not be dissimilar to that of 31 Apple Cottages. However, the house would be closer to this adjacent building. Consequently, the proposed dwelling would enable closer views of the rear garden and the window to window distance would be less. Accordingly, the level of overlooking would be greater than that caused by the existing neighbour.

13. In contrast, the separation distances would be sufficient to ensure that the gable end of the houses adjacent to the north eastern boundary in both appeals would be located away from the living accommodation provided by No 54. Furthermore, due to the length of No 54's garden, the majority of the space would remain open. As a consequence, although the buildings would be very noticeable from the neighbouring garden, in the same way that 31 Apple Cottages is, the proposals would not have an overbearing effect on No 54. Furthermore, the size of the garden of No 49 would ensure a suitable buffer between the proposals. Consequently, the proposals would also not be overbearing when viewed from that property.

14. The proposals would introduce vehicular movements on land beyond the main Chesham Road frontage. However, the turning areas are centrally located in both proposals with driveways for 2 cars abutting the side boundaries. Due to the contained nature of the vehicular movements and small number of cars close to the side boundaries as well as their proximity from the adjacent houses, I am satisfied that exhaust fumes would not compromise existing living conditions.

15. For the reasons identified above, I conclude that Appeal B would harm the living conditions for the occupants of No 54 Chesham Road with particular regard to privacy. It would therefore not accord with Policy CS12 of the Core Strategy 2006 – 2031 (2013) (CS) which seeks development which avoids loss of privacy to surrounding properties.

16. Conversely, I find that Appeal A would not harm the living conditions for the occupants of neighbouring properties. Consequently, it would accord with Policy CS12 of the CS for the reasons given above.

#### Character and appearance

17. In both appeals, the site would be established by the amalgamation of the rear gardens which currently serve Nos 50 – 53 Chesham Road. The gardens would represent a large parcel of land albeit land that would be located beyond the Chesham Road frontage. Despite this, when stood within the rear gardens that make up the appeal site, the houses located within Apple Cottages can be readily seen. Many of these houses either back on to or present their gable end to the rear gardens of the houses in Chesham Road. The presence of the houses is therefore an established and defining part of the character and appearance of the area. 18. The proposals would introduce development beyond the Chesham Road frontage. However, the houses would be of a comparable bulk and mass with the houses in Apple Cottages and would be experienced in the context of this existing development. As a consequence, the proposals would be complementary to Apple Cottages and would not appear as an incongruous addition to the rear of the principal houses that front Chesham Road.

19. Both appeal proposals would also introduce a central access road with a turning head and parking area to serve the proposed dwellings. This would result in a marked change to the appearance of the site and would introduce a significant amount of hardstanding. However, it is apparent from the submitted evidence that thought has been

given to landscaping through the planting of new trees and hedges, and use of hard surfacing materials. I am therefore satisfied that subject to a landscaping scheme, which could be secured by way of a suitably worded condition, the proposal would not be dominated by the turning area and car parking spaces.

20. I therefore conclude that both Appeal A and Appeal B would not harm the character and appearance of the surrounding area. Consequently, the proposal would accord with Policies CS11 and CS12 of the CS. Taken together, these policies seek, amongst other things, development which respects adjoining properties in terms of layout, site coverage, landscaping and amenity space and which avoid large areas dominated by car parking.

#### Highway safety

21. Appeal A would provide parking spaces to the front of proposed plots 50a and 50b but they would not allow a vehicle to turn on the site. Although No 51 allows vehicles to run on site and enter the highway in a forward gear, I observed on my site visit that many houses that front onto Chesham Road have access points which do not allow for the turning of vehicles. In this respect, the appeal proposal would be comparable with many of its neighbouring properties.

22. Chesham Road is relatively straight and I have not been provided with any evidence that suggests that the existing access arrangements of those houses without turning areas have caused highway safety concerns. Although highway safety has been raised as a concern by many interested parties, there is nothing substantive in the evidence before me that indicates that the proposed access arrangement would harm highway safety. Furthermore, I note that the Highway Authority raised no objection to the proposal in relation to highway safety.

23. The proposal would provide 2 car parking spaces for each dwelling and 1 additional space adjacent to the turning area. I note the concerns from neighbouring properties in relation to the limited amount of visitor parking but I have no substantive evidence to support these concerns and therefore give this matter very limited weight.

24. Based on the evidence that I have before me, I conclude that the proposal would not harm highway safety. Consequently, the proposal would accord with Policy CS12 of the CS which requires development to provide a safe and satisfactory means of access for all users. Other Matters and Conditions

25. The proposals would increase the number of people living in the area but no evidence has been put before me to suggest that the infrastructure of the area could not sustain this or that the development in some way should mitigate against any impact. Without evidence to substantiate this comment, I give this matter very limited weight in my assessment. Furthermore, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, could not be a material consideration. I also have no evidence before me to substantiate concerns in relation to drainage and consequently give very limited weight to these concerns.

26. The site may be close to the Green Belt but it is not in the Green Belt. This therefore has no bearing on the proposals. Finally, although construction traffic may result in some disturbance, this would be temporary and I am satisfied that the appeal site is large enough to be managed in a manner that would limit any effects to an acceptable level.

27. Given my findings in relation to Appeal A, conditions are necessary in the interests of clarity and precision to establish the time limit for the implementation of development as well as the approved drawing numbers. To ensure a suitable external appearance for the proposed dwellings, a condition is also necessary in relation to material samples.

28. Conditions 4 and 5 are necessary in the interests of highways safety and condition 6 is necessary to ensure that the development is served by adequate refuse storage and parking spaces. Conditions 7, 8, 9 and 10 are necessary to ensure that the development

is landscaped to a high quality and that existing planting that is to be retained is suitably protected. Conditions 11 and 12 are necessary due to the potential for contamination at the site. Finally, a condition is necessary in relation to an external lighting scheme in the interests of safety. The conditions that require work from the Appellant prior to the commencement of development have been agreed.

29. The Council suggested a condition to remove permitted development rights for the proposed dwellings as well as requiring the demolition of the existing extension that serves No 51 Chesham Road. The reason given was to safeguard the character and appearance of the area and ensure that there is the correct balance between the amount of development and land retained for gardens. The Council also made reference to Policy CS12 of the CS however this policy does not require minimum garden sizes. Although Appendix 3 to the CS suggests that gardens should have an average minimum depth, it also states that a range of garden sizes should be provided for different family compositions, ages and interests. For the reasons identified above, I am satisfied that Appeal A would entirely complement the character and appearance of the area and it would fulfil the aims of Appendix 3. There is therefore no clear justification to remove these national development rights as required by the Framework.

30. The Council also suggested conditions in relation to electric vehicle charging facilities, electronic communication equipment and secure cycle storage facilities. However, these matters are not required by policies within the Development Plan and as such, lack the justification for being imposed. Therefore consider that they are not necessary to make an unacceptable development acceptable. Accordingly, I have not imposed them.

**Conclusion**

31. For the reasons identified above, Appeal A is allowed.

32. In relation to Appeal B, the proposal would demonstrably harm the living conditions of the occupants of No 54 Chesham Road and this would result in a conflict with the development plan. That the proposal would not harm the character or appearance of the area neither alters nor outweighs this conclusion and therefore, Appeal B is dismissed.

## **COST AWARDS – FULL COSTS AWARDED AGAINST THE COUNCIL**

### **Decision**

1. The application for a full award of costs in relation to Appeal A is allowed in the terms set out below.

2. The application for an award of costs in relation to Appeal B is partially allowed in the terms set out below.

### **Reasons**

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

4. The applicant suggests that in both appeals, the Council have prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and other material considerations. It is also suggested that the Council failed to produce evidence to substantiate the reasons for refusal, and that vague, generalised or inaccurate assertions about the impact of the proposal were made and which were unsupported by any objective analysis.

5. As identified in the appeal decisions, Appeal A and Appeal B shared main issues in relation to the character and appearance of the surrounding area and in relation to living

conditions. Highway safety was also a main issue for Appeal A although not for Appeal B.

6. The Council have provided a very brief and limited case in relation to both appeals. They have referred to relevant local plan policies and have also provided succinct minutes from the relevant committee meeting. However, the evidence that they have provided to articulate their concerns in relation to the main issues lacks detail. Indeed, the statements of case merely state the concerns of the Council rather than expressing them in a clear way. To my mind the Council has therefore failed to substantiate its reasons for refusal in relation to Appeal A and its concerns about the effect of Appeal B on the character and appearance of the area. Moreover, it has offered only vague and generalised assertions about the proposals' impacts, which are unsupported by objective analysis.

7. Despite this, based on the totality of the evidence before me, and as a consequence of my site visit, I have found harm in relation to the living conditions of the occupants of No 54 Chesham Road and Appeal B failed to succeed in relation to this point alone.

8. However, in relation to all other matters for both appeals, the Council have clearly failed to produce evidence to substantiate their reasons for refusal. Consequently, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. Therefore, in relation to Appeal A a full award of costs is justified and in relation to Appeal B, a partial award of costs is justified.

#### **Costs Order**

9. In relation to Appeal A and in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr Marcus Grossman, on behalf of Margro Properties Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

10. The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

11. In relation to Appeal B and in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr Marcus Grossman, on behalf of Margro Properties Limited the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to concerns in relation to the effect on the character and appearance of the surrounding area; such costs to be assessed in the Senior Courts Costs Office if not agreed

12. The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

