DEVELOPMENT CONTROL AGENDA

THURSDAY 5 NOVEMBER 2015 AT 7.00 PM
COUNCIL CHAMBER

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

Membership

Councillor Collins (Chairman)	Councillor Riddick
Councillor Guest (Vice-Chairman)	Councillor Ritchie
Councillor Birnie	Councillor Sutton
Councillor Clark	Councillor Whitman
Councillor Conway	Councillor Wyatt-Lowe
Councillor Maddern	Councillor Fisher
Councillor Matthews	Councillor Tindall

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends
a meeting of the authority at which the matter is considered -

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal
interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they
should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: Member.support@dacorum.gov.uk

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

5. INDEX TO PLANNING APPLICATIONS (Pages 5 - 6)

6. ITEM 5.01 4/02932/14/FUL - REMAGEN, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ (Pages 7 - 26)

7. ITEM 5.02 4/02578/15/FUL - BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP (Pages 27 - 40)

8. ITEM 5.03 4/02579/15/LBC - BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP (Pages 41 - 46)

9. ITEM 5.04 4/02839/15/FUL - GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP (Pages 47 - 66)

10. ITEM 5.05 4/02840/15/FUL - GARAGE COURT TO THE SOUTH OF 71 TO 81 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NW (Pages 67 - 84)

11. ITEM 5.06 4/02453/15/FHA - 257 HIGH STREET, BERKHAMSTED, HP4 1AB (Pages 85 - 91)

12. ITEM 5.07 4/02771/15/FHA - 12 NASH CLOSE, BERKHAMSTED, HP4 1FB (Pages 92 - 97)

13. ITEM 5.08 4/03047/15/LBC - 8 CASTLE STREET, BERKHAMSTED, HP4 2BQ (Pages 98 - 103)

14. APPEALS (Pages 104 - 108)

15. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms: That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the items in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to: Item 8.

16. PART 2 4/01368/15/ENA - COCKS HEAD WOOD, SHENDISH, LONDON ROAD, HEMEL HEMPSTEAD (Pages 109 - 116)

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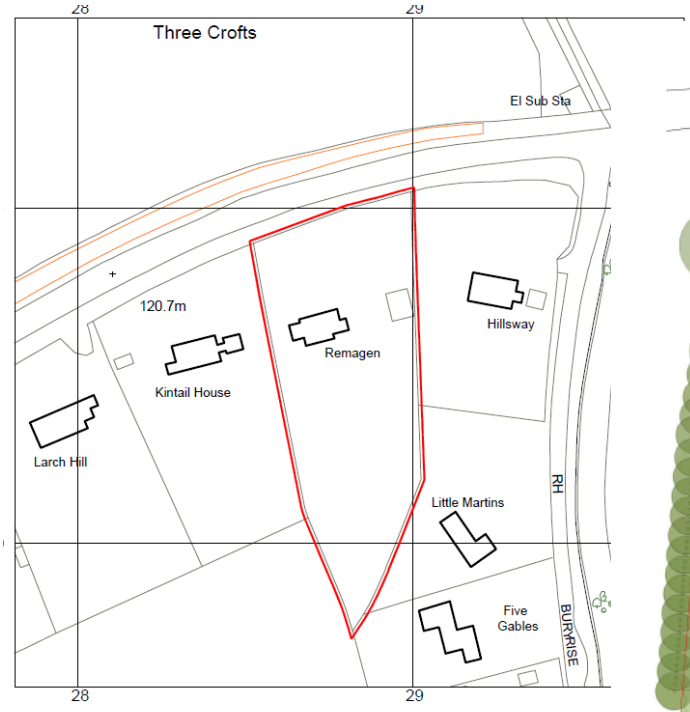
ITEM 5.01

4/02932/14/FUL- CONSTRUCTION OF TWO NEW DWELLINGS TO REPLACE ONE LARGER DWELLING AND ASSOCIATED OUTBUILDINGS

REMAGEN, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ



4/02932/14/FUL - CONSTRUCTION OF TWO NEW DWELLINGS TO REPLACE ONE LARGER DWELLING AND ASSOCIATED OUTBUILDINGS.
REMAGEN, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ.
APPLICANT: MR J INGLES.

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval. The proposal is for the replacement of a dwelling and the redevelopment of commercial buildings on the site, and this development would not result in an increase in the total built volume and floor area on the site. The new dwellings would have no greater impact on the openness of the Green Belt and the reasons for including land within it than the existing development on the site.

Site Description

The application site is located on the southern side of Box Lane and falls within the Metropolitan Green Belt. Remagen House sits within a ribbon development of dwellings along Box Lane outside of the town settlement and sits comfortably on a large spacious site extending to approximately 0.4ha. The site comprises a large two storey half-timbered dwelling, which has been previously extended, three smaller buildings approximately 15m to the east of the house and a 19m disused swimming pool and associated plant building.

The site is situated above Box Lane and is currently accessed by a curving private laneway screened by mature trees. Planting is substantial and mature throughout, forming an important part of the area's semi-rural character and adding to its established feel.

Proposal

The application proposes a replacement dwelling on the site of the existing Remagen House and the replacement of the existing outbuildings, associated with a commercial business on the site, with a new additional dwelling. The pool and plant room would be removed from the site. The existing access would form a shared driveway for the two new dwellings and the site would be divided into two. Both houses include lower ground floor levels with integral garages.

The proposed development has an equivalent floor area and footprint to the existing buildings on the site, and represents a net reduction in above ground volume of 99 m^3.

Referral to Committee

The application is referred to the Development Control Committee due to it being called in by the Head of Planning and Regeneration on the basis of public interest.

Planning History

4/01427/10/OUT	DETACHED DWELLING AND SUB-DIVISION OF PLOT Refused

Relevant Policy

National Policy
The National Planning Policy Framework
National Planning Policy Guidance

Dacorum Borough Core Strategy (September 2013)
Policy NP1 – Supporting Development
Policy CS5 – Green Belt
Policy CS17 – New Housing
Policy CS10 – Quality of Settlement Design
Policy CS11 – Quality of Neighbourhood Design
Policy CS19 – Affordable Housing
Policy CS25 – Landscape Character
Policy CS26 – Green Infrastructure
Policy CS28 – Renewable Energy
Policy CS29 – Sustainable Design and Construction

Dacorum Borough Local Plan 1991-2011 (Saved Policies)
Policy 13 – Planning Conditions and Planning Obligations
Policy 15 – Retention of Housing
Policy 21 – Density of Residential Development
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 23 – Replacement Dwellings in the Green Belt and the Rural Area

Summary of Representations

Comments received from local residents:

Cotters - Objection.

1. The father P Ingles of the applicant, J Ingles, had a proposal which was rejected by yourselves in 2010 on numerous grounds, so it is a significant surprise to see another proposal which is greater than in 2010. As the father's proposal was refused, we cannot see how you can approve a larger proposal from the son.
2. As far as we understand the site remains in the Green Belt and this has to be protected by rejecting major development proposals.
3. The current proposal will result in more visibility from our side, and potentially more loss of privacy.
4. We have 6 very old and large trees along our boundary to Remagen, and we are concerned that this development of buildings close to the boundary, will disturb the tree roots during the building period, and subsequently, may result in a weakening of the large root systems. We are sure your Tree and Woodlands department would be interested in this.
5. Consideration is needed with old trees, concerning disturbance of roots which can weaken them and make the vulnerable in high winds, so you can see our concern.
6. The proposed building/s (we notice they are on two levels due to incline of the hill) have planned skylights- we do not want to be responsible for damaging by falling

branches, currently falling straight to the ground.
7. Our property rises upwards from Box Lane, but our neighbours property Remagen, rises even steeper from Box Lane - our current 6' fence panels only just screen the walls (the roofs are still visible) of existing buildings, the proposal would mean greater visibility from our side.
8. We understand that the proposed building materials are very modern and will not be compatible with other properties in this area.
9. There is a business at the current property ie music / piano teaching in the main building, we assume this will continue but if it's in the property near out boundary, there is a possibility of noise form the activity in relation to the school - currently we hear it a bit from the house far from our property, but if nearer, there will be greater intrusion in the noise level.
We are sure you can understand why we have written at length, we feel you need this to understand the potential impact upon our property.
We hope that sense will prevail with this new development.

The Coach House, Flaunden Lane- The property lies within the Green Belt. It is one of many properties on large plots along Box Lane. Allowing that special circumstances justify replacing the existing property with two properties would set a precedent, making it impossible to refuse similar applications from other Box Lane residents. Doubling the housing density along Box Lane is a form of ribbon development contrary to the intention of the Green Belt. An additional house would add to the traffic on Box Lane which is already a busy road carrying traffic to The Mount Prison and the Market on the airfield. I therefore object to the proposal.

Bovingdon Parish Council:

[Amended scheme] Support.

Trees and Woodlands:

The Arboricultural Report is technically sound and I agree with its recommendations. The tree protection measures are satisfactory and the removal of trees listed on the tree survey is acceptable because they are mostly in poor condition. I have no further comments.

Contaminated Land:

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Herts & Middlesex Wildlife Trust:

The Trust objects to the above application because....

Bat surveys have not been completed
Answers to 2 of the tests of a European Protected Species Mitigation License have not been provided

Mitigation and compensation measures are not definitive

The bat survey submitted in support of this survey is good. The recommendations section of the report contains a number of suggestions and required courses of action that have not been resolved or definitively stated. In order for Dacorum Borough Council to be sure that the Conservation of Habitats and Species Regulations 2010 are being complied with and its duties to that legislation are being upheld, it must request greater detail and certainty of measures to be applied by the applicant.

The best way to achieve this would be for the planning authority to request further information from the applicant as an appendix to the ecological report.

The further information should include
Answers to the 3 tests of the EPSML. Without this information the planning permission is not lawful and open to challenge (R (on the application of Simon Woolley) v Cheshire East Borough Council)
All compensatory and mitigatory measures proposed must be stated definitively. For example:
A loft area of 4m x 5m x 2.2m will be created within the new development to compensate for the loss of the maternity roost identified in the ecological survey. This will be located in house x as detailed by drawing y. This area will be lined with bitumastic underfelt and not breathable membranes.
Without this information Dacorum Borough Council cannot be sure that the development would not result in a negative impact on the bat population. Therefore it would not be fulfilling its duty under the Conservation of Habitats and Species Regulations 2010, NPPF and ODPM circular 06/05. Once a definitive plan has been received this must be conditioned in the planning permission, e.g. The development shall proceed in accordance with the approved mitigation and compensation strategy (Prime Environment November 2014). All compensation measures shall be retained for a minimum of 10 years to allow a reasonable time for their occupation. No development shall take place until a copy of the European Protected Species Mitigation License required has been provided to Dacorum Borough Council.

Reason: To ensure the favourable conservation status of European Protected Species is maintained in accordance with the Conservation of Habitats and Species Regulations 2010.

All compensatory and mitigatory measures must be clearly marked on the plans. At present 2 compensatory options are presented for the dimensions of the loft space required for bats. Only the larger loft space is acceptable and compliant with The Bat Mitigation Guidelines (English Nature 2006). It is important that this is made clear in the proposals to avoid future problems arising.

Hertfordshire Ecology:

I have the following comments on the above consultation:

1. We have no ecological information on record from this site and I have no reason to consider there will be any significant ecological constraints, other than those relating to bats.

2. The property is of a type, situation and location that would require a bat survey given

the demolition proposals, and this has been undertaken. A variety of evidence of a number of bat species was found in the main house and workshop, with the possibility of a Brown long-eared bat maternity roost in the main building given the accumulation of droppings. Although the main loft void had recently been cleaned there remained good evidence of significant bat use. No bats were observed and further surveys are proposed to fully inform compensation requirements and a licence application which will be required.

3. I am unclear as to why no further activity surveys were undertaken following the discovery of evidence; it is clear that the proposal is for demolition of all of these buildings, and that will require a licence as well, so such surveys are inevitable to be legally compliant, and as well as to enable the LPA to determine the application. The inspection surveys were undertaken on 30th August which would have left ample time for activity surveys before hibernation. However, this approach may have been on the instruction of the client.

4. Technically LPAs should not determine applications where there is insufficient evidence available on impact or compensation, as this would not enable them to apply the three Habitat Regulations tests as required, given bats are a European Protected Species. Furthermore, surveys for EPS should not be conditioned, for this reason.

5. However, whilst this information is lacking, a **bat mitigation strategy** has been provided (Section 4.3 of the bat report). Drawings have been provided to demonstrate how a replacement bat roost suitable for BLE bats can be provided within the new development. Whilst this does not fully demonstrate how the bats will be accommodated (more detail is needed to inform bat use and so provide details for access, construction materials, feeding perch replacement etc…) I consider that, if this is provided by Condition, it is reasonable to assume that sufficient information will have been provided to the LPA to demonstrate continued use by bats. This information will, in any event, be a requirement for a successful licence application.

6. On this basis, I consider that the current proposals do indicate the principle as to how bats can broadly be accommodated within the new development and so the Habitat Regulations test regarding Favourable Conservation Status can be satisfied. **Consequently the LPA may proceed with determination**.

7. However, if this application is determined by the LPA with a view to approval, I consider **it is essential that an appropriate Condition is placed on any approval** to the effect that:

- Prior to any development - including any associated tree works that may affect bat use of the known roosts -further activity surveys **must** be undertaken to fully inform the development of the nature of the existing roosts;
- Appropriate compensation plans **must** be provided to demonstrate how the bats can properly be accommodated, to the satisfaction of the local authority;
- A suitable timing / logistics strategy **must** be proposed to properly accommodate the continued maternity use of the main roost;
- An acceptable lighting plan will also **need** to demonstrate appropriate unlit conditions will be present where bat access points are proposed.

The above is reflected in the recommendations of the Bat report, which I support. Given the loss of roosts, **a licence will be required** and the LPA will need this

information to take a view on the likelihood of a licence being issued, as well as ensure that development works may proceed having taken proper consideration of bats.

Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Affinity Water:

No comment received.

Strategic Planning:

No comment.

Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

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

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

Highway Comment

The above scheme follows on from the pre application in June this year to demolish the existing dwelling house and out buildings and construct a two new detached dwellings as replacements. Access will remain unchanged and connects onto Box Lane, a classified B, road. Parking is slightly increased from the current 3 off street parking spaces to 5. Highway Benefit. It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from http://www.hertsdirect.org/yourcouncil/hcc/resandperf/hertsprop/planningobs/

Subject to a financial contribution in line with current County policies for sustainable transport and the above suggested planning conditions, the County Council would not wish to object to this application.

The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

The Highway Authority will seek a standard charge contribution of £1500 per four-bedroom dwelling.

All contributions are to be index linked from the date of the agreement or Local Planning Authority committee resolution (which ever the earliest) to the date of payment.

Planning permission should therefore only be granted subject to an undertaking to secure the following:

A financial contribution of £ 1500 towards measures or services near the site to encourage walking, cycling or the use of public transport.

Conclusion

The highway authority in principle has no objection to the construction of these houses. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Herts Fire and Rescue Service:

We note that the applicant intends to widen the access road for fire appliance access; the width between the gates must be a minimum of 3.1m and the road should be capable of withstanding 12.5 tonnes in weight in order to carry a fire appliance.

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

Considerations

The Green Belt considerations for both elements of the proposal are:

Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy: the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Policy and Principle

The application site is located within the Metropolitan Green Belt, wherein there is a presumption against inappropriate development. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with certain exceptions including:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF defines previously developed land as**:**

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

In accordance with para. 89 of the NPPF, the replacement of Remagen with a new dwelling does not constitute inappropriate development in principle, so the primary consideration is whether or not it is materially larger than the existing building and whether it would cause harm to the openness, character and appearance of this part of the Green Belt.

The application follows a refused outline planning application for the subdivision of the site and the replacement of the outbuildings with a new dwelling. However, the circumstances of these two applications are not comparable since the outline application did not include any justification for the construction of a new dwelling on this site in Green Belt terms.

Evidence has been provided by the applicant to demonstrate long-term business use on part of the land adjoining the house, taking place in the workshop building and the other outbuildings. If the business use of part of the site has been lawfully established in planning terms, then this land could be defined as brownfield under the NPPF, wherein development is acceptable subject to its impact on the Green Belt. This will be assessed separately.

Lawful Use of the Site

The applicant has put forth the argument that the land containing the workshop and two other outbuildings can be defined as previously developed land for the purposes of applying Green Belt policy. The NPPF definition of previously developed, or brownfield, land excludes land in private residential gardens, but there is no statutory definition of 'garden'. It is therefore a matter of fact and degree whether the land comprises residential garden and if it falls under the NPPF's definition of 'previously developed land'.

The part of the site associated with the business is on two site levels and includes hardstanding around the buildings. The area is partially separated from the house and its garden by a hedge. The applicant has provided evidence and signed declarations to demonstrate a lawful use of the outbuildings and associated land for business, over a long period of time and distinct from the residential garden. A furniture business operated on the site from 1981, with the three outbuildings used as showroom/workshop space and for the storage of furniture. A piano trade commenced in the buildings in 1997, including piano display, sales, storage and restoration. The evidence demonstrates that the outbuildings have been used continuously for trade since 1981. The use includes a limited area of the surrounding land and forecourt used for related vehicle parking and deliveries.

The documentary evidence was reviewed by the Legal department, in whose professional view the long term business use of the buildings and surrounding land was sufficient to demonstrate, on the balance of probabilities, that the site of the workshop and storage buildings constituted previously developed land for the purposes of the NPPF. On this basis, the redevelopment of this land would is acceptable in principle, subject to its impact on the openness of the Green Belt.

Principle of Change of Use

The current trade on the site, the sale and refurbishment of pianos, is not incompatible with the residential area, however, Box Lane is a residential area and in principle the use of the land as residential does not raise objection. It is noted that the Government introduced new permitted development rights in April 2015 under a prior approval scheme for a temporary change of use from storage to residential, which is a material consideration.

Impact on the Openness of the Green Belt

The NPPF states that the test for the infilling or redevelopment of previously developed sites within the Green Belt is whether it would have a greater impact on openness and the purpose of including land within it than the existing development. The replacement of a building is acceptable in principle if it is not materially larger than the building it replaces. The proposal would see all of the existing buildings, structures, and hardstanding removed from the site except for the access drive, and the construction of one new and one replacement dwelling.

The replacement dwelling (House 01) would have a total of 280 sqm, or 113 sqm less floorspace than the existing house. It would also a smaller total volume of 702 m3, as compared with the existing dwelling, which has 898 m3. Under the tests of the NPPF, the replacement house would be materially smaller than the existing house on the site and therefore is defined as appropriate development in the Green Belt. The dwelling would be no higher than the existing house, and would be substantially narrower. It would have less impact on the openness of the Green Belt, both visually and materially, than the existing building.

The second proposed dwelling on the site (House 02), replacing the existing commercial buildings, would have 190 sqm of floorspace compared with the 77sqm of floorspace of the existing buildings. It would additionally have a volume above ground of 318 m3, as compared with 221m3 of the two largest existing commercial buildings. The calculations do not include the removal of the existing pool and plant room, or the smallest of the three commercial buildings since it is not of substantial and permanent construction. In terms of size, this development would be larger than the existing structures and would by definition have a greater impact on the Green Belt, and would be contrary to the requirements of the NPPF. However, in considering the total development of the site, there are special circumstances to justify an increase in size of the new dwelling. Taking into account the demolition of the existing dwelling and outbuildings, the proposed development would not result in an increase in the total amount of floor area or built volume on the site.

The proposed new dwelling would be constructed on the site of the existing commercial buildings, occupying a similar footprint and infilling the space between

them. Although the replacement volume would be greater than the existing commercial buildings, the new building would form a more compact and narrower area of development than the existing buildings, with a gap of 3.5m to the boundary in contrast with the large workshop building built up to the boundary. In appearance, the new building is constructed as two separate structures with a glazed link, similar to the present layout of buildings.

The NPPF states that the Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed new additional dwelling would have an above-ground volume of 318m3, which is greater than the 221m3 volume of the two largest commercial buildings.

The new dwelling would cover a greater floor area than that occupied by the existing commercial buildings by infilling the gap that is currently present between them, but in doing so, it shrinks the margins of development away from the boundary, creating a more compact and linear appearance. The replacement dwelling would similarly be reduced in width so that the spaces between the buildings and boundary are increased. At ground level, the new dwelling would be only a single storey in height, with more than half of the development located underground. As the NPPF test for previously developed sites relates to the impact on openness and on the purpose of including land within the Green Belt, a significant volume of the new dwelling would not impact upon the Green Belt.

On balance, although the proposed second dwelling would be larger than the commercial buildings on the site, due to the inverse reduction in size of the principle dwelling, there would be no increase of built form across the site and it would not be harmful to the Green Belt. This provides the special circumstances justifying this increase. The total volume of the proposed structures above ground would be reduced by 99 m3. The proposal would result in a subdivision of the site into two curtilages, which itself is an intensification of the residential use through creation of an infill dwelling. This has been considered in the development of the design, through the reduction of hard landscaping and the provision of underground storage and integral garages within each dwelling, to reduce future pressures for ancillary residential development on the site. A condition removing permitted development rights will be imposed to restrict future enlargements or outbuildings on the site.

The development is therefore acceptable in terms of its impact on the openness of the Green Belt and would not be contrary to the reasons for including land within it.

Impact on Street Scene

The HCA4 character appraisal highlights the irregular positioning of dwellings and generous spacing, which provide ‘a variety and richness to the area’s appearance.’ The site boundary is very heavily screened by mature trees and views up to the existing house and workshop are highly restricted. Because of the width of the site, and the location of the new dwelling, the development would not disrupt the regular spacing of dwellings in Box Lane and would align with the existing dwellings. The proposed new dwelling is located approximately 15m to the east of the existing house

(which is equivalent to the distance between Remagen and Kintail House) and approximately 17m to the west of Cotters. The development would not appear contrived and would not create a cramped or overdeveloped appearance in the street scene.

The existing house is a substantial white half-timbered building, and replacing it with a smaller structure of darker, more subtle palette would arguably improve the visual qualities of the site from the street scene. The replacement dwelling would be constructed further from the access, resulting in more screening from public vantage points. The new house, replacing the existing white and half-timbered workshop building, would be a dark coloured low-level structure with much of its accommodation underground, and would similarly have a modest impact on the street scene and is not considered to be detrimental.

Design/Layout

There is no predominant architectural style in the residential character area of Felden West and the introduction of a non-traditional style and varied materials is not in principle inappropriate or harmful, subject to the provision of a high quality design. The proposed form and massing is a hybrid of modern and traditional, using traditional materials and minimalist detailing. The colours would be dark and neutral and would sit well within the landscape. Both houses would be of similar construction, comprising flint, vertical timber cladding, standing seam zinc roofing, aluminium and timber windows and frameless glazing.

Amenity and Impact on Neighbours

Objection has been raised by the occupant of the neighbouring dwelling Cotters on multiple grounds. The objections relating to amenity are: greater visibility of the development, a possible loss of privacy and noise from piano lessons if the lessons occur within the new dwelling. As described above, the new dwelling would, like the existing commercial buildings, be a single storey in height and would be located a distance of 18 metres from the neighbouring property. There would not be any windows overlooking adjoining gardens and no loss of light to the neighbouring dwellings would result from the development due to the spacious nature of the site.

The occupiers raised further objections relating to land stability, damage to trees, design, and impact on Green Belt. Regarding land stability, an Engineering Statement was submitted with the application and this reports no apparent issues with slope stability or ground/surface water. However, this aspect of the development would be addressed under building regulations. The development would have no detrimental effect on the residential amenity of adjoining occupiers.

Land Contamination

The site is located within the vicinity of potentially contaminative former land uses and therefore it has been recommended by the Environmental Health department that the standard contamination conditions be applied to the development, should planning permission be granted. There is no objection in principle to the development on land contamination grounds.

Parking/ Access/ Emergency

Car parking standards require 3 spaces for each dwelling to comply with car parking standards. There is adequate room for car parking on the forecourt and driveway, in addition to the integral garages provided for each dwelling, to meet the car parking requirements.

Hertfordshire Highways have raised no objection on highway safety grounds, subject to conditions. The recommended conditions relate to construction vehicle wheel washing and the storage and delivery of materials at the site; however, these issues would normally be included within a construction management plan, and do not on their own meet the NPPF's six tests for the application of planning conditions. A pre-commencement condition requiring a construction management plan would instead be imposed.

Other Considerations

Landscaping/Trees

An arboricultural report was submitted with the application and the Tree officer supports its recommendations. There are numerous trees on the perimeter of the site, and of these, six trees are to be removed. None of these are of good quality and do not warrant retention. The tree protection measures for the retained trees are deemed to be sufficient in terms of ensuring their health and stability.

Ecology/Bats

An initial bat survey has been carried out on the site. While objections have been raised from Herts & Middlesex Wildlife Trust on the basis of incomplete information, Hertfordshire Ecology has assessed the submission and considers that the bat mitigation strategy would demonstrate how a replacement bat roost can be provided within the new development, subject to conditions requiring additional surveys and mitigation details. The list of pre-commencement conditions recommended by Herts Ecology would therefore be imposed.

Sustainability

A C-Plan energy statement and a Policy CS29 Checklist have been completed by the applicant, and both indicate that a wide range of sustainability measures will be incorporated into the development. The C-Plan rates the sustainability of the development in the mid-to-high range, with a high rating given for the "overall status". Only two categories out of 7 have a mid-range rating and no categories have a low sustainability rating. The application therefore meets the sustainability requirements set out in Policy CS29.

Affordable Housing

The entire site covers an area of .45Ha, but is providing only two dwellings and only one net additional house. The development is not considered to exceed the threshold for the provision of affordable housing set out by Policy CS19, in which affordable housing must be provided for developments in Hemel Hempstead of 10 dwellings or larger.

Community Infrastructure Levy

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.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

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

For the purposes of this condition:

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

desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

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

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

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

4 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

5 **Prior to the commencement of development, including any associated tree works, further details of bat activity and mitigation must be submitted to and approved in writing by the local planning authority. This information must include: further activity surveys to fully inform the development of the nature of the existing roosts; appropriate compensation plans to demonstrate how the bats can properly be accommodate; a suitable timing / logistics strategy to properly accommodate the continued maternity use of the main roost; and an**

acceptable lighting plan will also to demonstrate appropriate unlit conditions where bat access points are proposed.

Reason: To ensure the development will not have a detrimental impact on species protected under UK and European Legislation.

INFORMATIVE:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

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

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

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

6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B, C, D, E, F & G.

Part 2 Classes A & B.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

7 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

8 **Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority.**

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

Highways Informative: All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

9 **The window at first floor level in the East elevation of the dwelling (House 01) hereby permitted shall be non opening to 1.7 m above finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents.

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

Site location plan
331.(1).0.002
331.(1).0.001A
331.(1).0.205

331.(1).0.206
331.(1).0.207
331.(1).0.208
331.(1).0.209
331.(1).0.201
331.(1).0.202
331.(1).0.204
331.(1).0.203
331.(1).1.203 B
331.(1).1.101D
331.(1).1.001C
331.(1).1.202B
331.(1).1.102D
331.(1).1.103D
331.(1).1.104B
331.(1).1.105C
331.(1).1.201C
331.(1).2.201B
331.(1).2.202B
331.(1).2.203B
331.(1).2.204B
331.(1).2.101B
331.(1).2.102B
331.(1).2.103B
331.(1).2.104B
331.(1).3.101B
333.(1).3.102B
331.(1).3.103A
331.(1).3.104A
331.(1).3.201B
331.(1).3.202B
331.(1).3.203A
331.(1) 3.204A
331.(1).4.001
331.(1).4.002
331.(1).4.003
331.(1).4.004
331.(1).4.005
331.(1).4.006
331.(1).4.007
331.(1).4.202A
8443/02
Arboricultural Report
Design and Access Statement
Landscape and Visual Impact Assessment
Policy CS29 Checklist
Bat Building Assessment
Planning Statement
Engineering Statement
Jl 1a
Jl 2
Statutory Declaration of Mr J Ingles

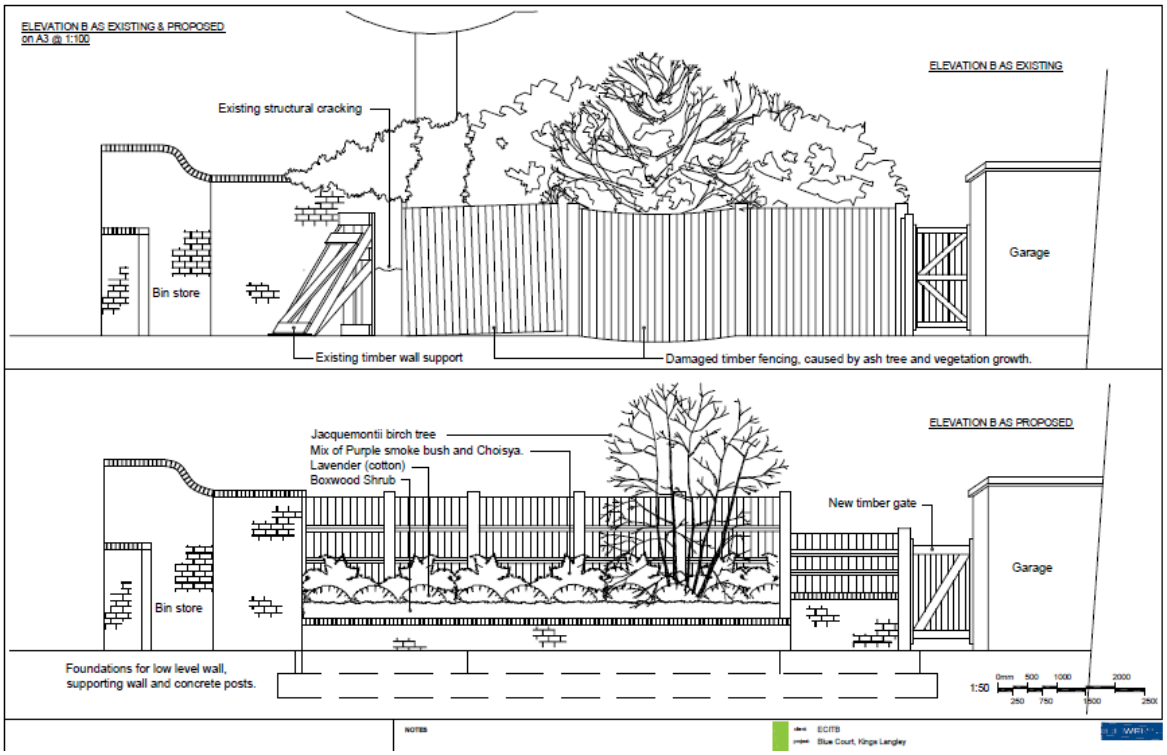
Statutory Declaration of J Michael
Statutory Declaration of W Miko

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

ITEM 5.02

4/02578/15/FUL- ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE

BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP



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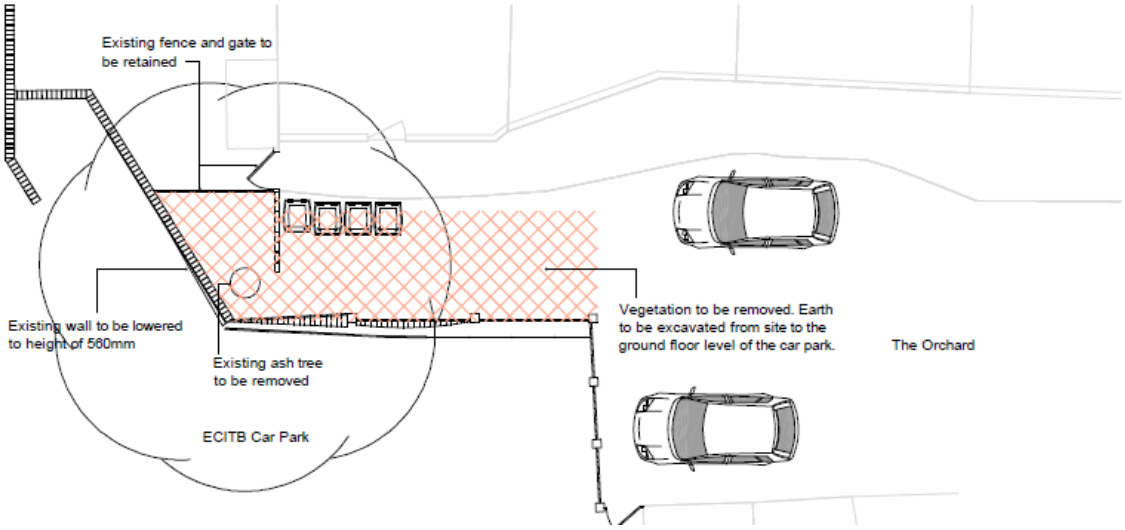
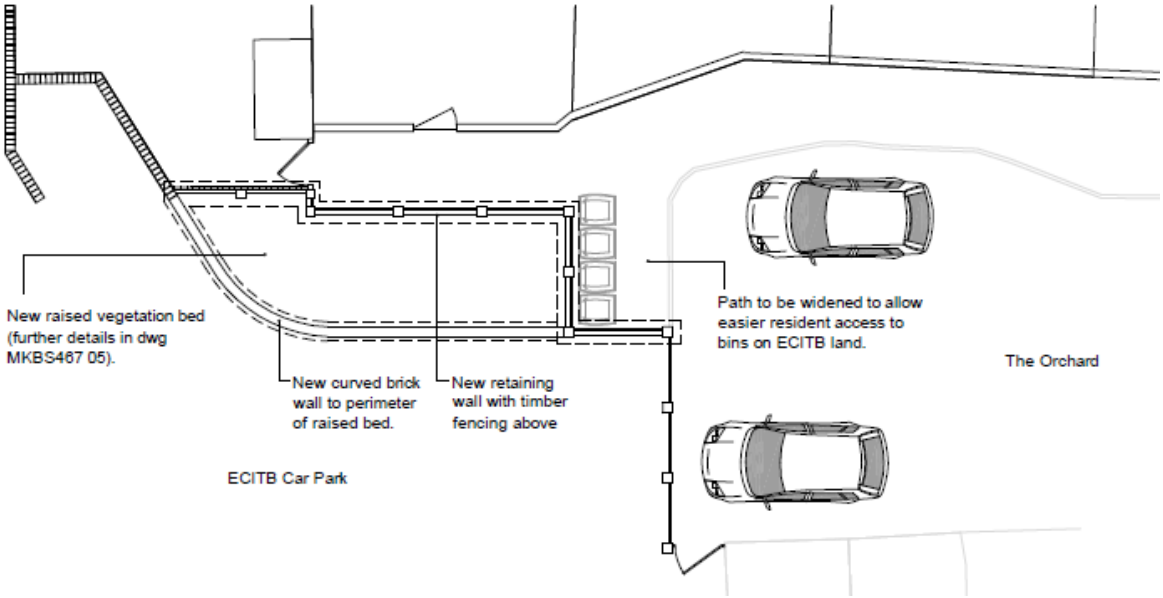
EXISTING SITE PLAN



PROPOSED SITE PLAN



4/02578/15/FUL - ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE.
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP.
APPLICANT: Mr Hazell.

[Case Officer - Keith Frost]

Summary

The application is recommended for approval.

While the loss of the Ash tree (granted TPO status by Members) is regrettable it is considered that any harm to the character and appearance of the Kings Langley conservation area is slight and overcome by the improvements to the starkness of the existing car parking area achieved through the proposed planting of a Himalayan Birch tree and the soft landscaping within the proposed raised planting area. In addition, and very importantly, significant weight must be attached to the damage the ash tree is currently causing, and will cause, to the adjacent wall and car park hard surface.

Site Description

Blue Court is a large symmetrical classical villa of a late Georgian date, situated on the corner of Church Street and the High Street in the Kings Langley Conservation Area. The building, has since 1952 been included on the statutory list of buildings of historic or architectural interest, as Grade II. This former detached residential building, had been used as a hotel until the late 1990s when the property was converted to offices. At some point in time, in either the 1980s or 1990s, the area of land to the side of the property that fronts onto Church Street was made into a large paved area for vehicle parking, with new brick boundary walling and panelled fencing put up to the rear of the site adjacent to residential development of Orchard Court and an area of hard standing and garaging.

Proposal

It is proposed to remove a TPO ash tree and a 3.5 metre section of 2.8 metre high brick walling (and a further 8 metres of 1.8 metre tall closed boarded fencing) to facilitate a new boundary layout to the north-western corner of the site that would involve the construction of a new length of curving brick walling that would be 550mm high with a raised area of planting behind, with a new length of close boarded fencing along the extended site boundary line at the rear of the raised planted area.

A concurrent application for listed building consent is being considered under 4/02579/15/LBC.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

Planning History

TPO 546	The TPO status of the ash tree subject to this application was confirmed on 30/03/15.
4/02331/14/TCA	ASH (T1) - FELL AND REMOVE ROOT BALL BECAUSE OF STRUCTURAL DAMAGE TO RETAINING WALL TO CAR PARK. Raise objections 10/10/2014
4/01055/11/TCA	WORKS TO ASH TREE Raise no objection 29/07/2011

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS13 - Quality of Public Realm
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 120

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Councillor Anderson (Kings Langley)

'Objection & call-in if recommendation is for approval'.

Councillor Anderson refers to local residents having commissioned a report by tree experts, Bartletts, that led to the tree being made the subject of a TPO by the Council, that this decision was appealed against by the applicant. However, the appeal was dismissed by the Council's TPO Appeals Committee. As such Councillor Anderson wishes the application to be referred to the Development Control Committee should the recommendation be for approval.

Kings Langley Parish Council

'The Council stands by its previous objection listed below and would be disappointed if the tree which has a TPO listing is felled.

"The Council OBJECTS to the application because it is the only tree in this part of the Conservation Area and that the case submitted for its removal is not considered to be very strong; the Council is also concerned for the loss of wildlife".

Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

It would appear that none of the works including the part demolition of the retaining wall and subsequent rebuilding and removal of large tree would affect the public highway.

Trees and Woodlands

No objection - The history of this site and tree is now well documented and while unusual, the view of officers remains the same as other officers at the time. The tree was not of sufficient merit within the landscape to warrant placing under the protection of a TPO. Furthermore it was our view that it was the cause of i) structural damage to the adjacent brick wall ii) ongoing disruption of the adjacent brick paved parking area.

On the basis of my original view, I raise no objection to the removal of the Ash tree in question and its replacement with a Himalayan Birch as shown in drawing MKBS467.

Building Control Officer

'Situation remains the same. Wall is a danger and is propped for the time being. To resolve this situation either the tree needs to be removed and the wall repaired, or if the tree is to remain then the wall will require demolishing and rebuilding further away from the tree to prevent a re-occurrence.'

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

5no. comments of objection were received from Nos. 34, 40, 44, 46 & 48 The Orchard, which raised the following (summarised) objections:

HARMED CAUSED BY LOSS OF ASH TREE

- the removal of a the ash tree, the subject of a TPO that has been assessed as being in good health.
- ash trees nationally are being lost through fungal disease and as such efforts should be made to keep this tree.
- the tree supports a variety of wildlife, such as birds and insects.
- the tree is considered important for the contribution it makes to the conservation area and to the outlook of residents of The Orchard. As such the removal of the tree would be harmful to the conservation area and adjacent residents of The Orchard whose views would be replaced with views of the fencing and wheelie bins.

OWNERSHIP / ACCESS

- the parcel of land to be enclosed by the new fencing is not believed to be owned by Blue Court rather that it is 'no mans land' not in any ones ownership.
- the parcel of land to be enclosed is not as reported by the applicant to be 'derelict' but has been maintained for at least the last two decades by the residents of Nos.46 and 48 The Orchard.
- the applicant incorrectly states that the access to Nos. 46 and 48 The Orchard, adjacent to the application site, to be the 'rear access' gateways these two properties when in fact it is the only means of access to this two properties.
- the proposal would have an impact on access to Nos. 46 and 48 The Orchard.

OTHER MATTERS

- the proposal seeks the substantial reduction in the height of part of the boundary walling with No.48 The Orchard and adversely impact on the privacy of the property.
- information presented is incorrect in that the walling is not supporting the tree (the tree was there before the wall).
- there has not been sufficient consideration given to other options that could see the tree retained, such as re-enforcing the existing walling.

Background to TPO

The following section provides a timeline of events that led to the confirmation of the TPO status of the tree:

- 29 August 2014: Application to do works to the ash tree (as it is in a conservation area), reference 4/02331/14/TCA was received.

- Objections to these works were received from No.46 The Orchard and Kings Langley Parish Council. Conversely no objections were raised by the Trees & Woodlands Officer.

- 7 October 2014: A letter (dated 3 October 2014) was received from Mr S Clarke (48 The Orchard). This was a 3-page letter written by Bartlett Consulting which contained their advice concerning the proposed development and TCA application at Blue Court. This report concluded:

'*Overall, we consider that there are no substantiated reasons why the LPA should not make a TPO to protect the Ash tree, as one is justified in the interests of amenity and is highly desirable in terms of the preservation of the character of the Conservation Area and the setting of the Listed Building.*'

- An e-mail was sent by Cllr Anderson to the Planning Officer (Patrick Doyle) and copying in the Chief Executive, Head of Legal, Group Manager Planning and the Parish Council, requesting that this TPO consideration is referred to the DCC, and put on the agenda for the 16 October. Cllr Anderson made the following comments:

'*Not delaying or objecting to the TCA would in my view therefore be in breach of the council's constitution. I would be grateful also if the Bartletts report could be copied to the members of the Development Control Committee, because it is difficult to see how*

one could argue that the council's trees advice takes precedence over the country's top tree experts.'

- 8 October 2014: The TPO Memo was sent from Trees & Woodlands to Planning. This Memo contained the recommendations of Tress Officers (Mansour Moini and Colin Chambers) and Planning Officer (Patrick Doyle) not to serve a TPO for the following reasons:

'My view is that the tree does not meet the criteria as set out Planning Practice Guidance (ID:36) "Tree Preservation Orders and trees in Conservation Areas" (March 2014) and furthermore if made the subject of a TPO, risks the Council becoming liable for ongoing repairs to an adjacent brick wall and surface to a car park. The wall is currently being held by timber supports and the car park brick paving clearly disturbed by tree roots.'

- Philip Stanley (Planning Enforcement) wrote an e-mail to Mr Clarke, copying in the Group Manager (Alex Chrusciak) explaining why the ash tree is not worthy of further protection. These reasons were contained within 4 categories: visual amenity, condition of tree, relationship with immediate surroundings, future consequences.

- 9 October 2014: The recommendation not to serve the TPO was overturned by the Group Manager for the following reason:

'The TPO is necessary to ensure all parties have proper opportunity to raise their views on the merits of the tree. The final decision has been 'called in' by Councillor Anderson and therefore the tree needs to be protected to allow the consideration to happen.'

The TPO was served and the owner of the tree, the Parish Council, Ward Members, immediate local residents and relevant internal departments were made aware of this decision.

- 10 October 2014: The Group Manager overturned the Planning Officer's recommendation not to object to application 4/02331/14/TCA. Therefore the Council's decision was to Raise Objections to this application for the following reason:

'TPO served on the 9 October 2014 contrary to officer advice. I authorised the serving of the TPO to allow further consideration of the merits of the tree in light of evidence provided on behalf of local residents.'

- 6 November 2014: Bidwells, on behalf of the landowner, wrote to the Council to formally object to the serving of the TPO and requesting that the Order be removed for the following reasons:

'The tree is a self-seeded ash tree which does not provide any positive amenity to the location within which it is found. The tree is currently causing significant damage to property and the below ground utilities which service Blue Court. This building is a

Grade II Listed building and the entire site falls within the a conservation area. Therefore the damage to the building and the site by the tree far outweighs the protection which the TPO provides. The instability of the tree is a concern and a TPO will inhibit the ability of my Client to effectively manage the tree now and in the future.'

This document had been also submitted in support of their application to fell the ash tree (4/02331/14/TCA).

- 4 March 2015: Philip Stanley informed all interested parties that the TPO appeal sub-committee had been set up for 30 March and that it would be necessary for all documents for consideration to be received by the Council by 18 March 2015.

- 16 March 2015: Bidwells sent Philip Stanley their Client's commissioned Structural Survey (Smithers Purslow Damaged Wall Report). This 4-page report (containing two drawings, SK1 & SK2 and several photographs) outlined the damage being caused by the Ash tree to the property, concluding as follows:

'The damages to the wall and paving and potentially to the adjacent drains have clearly been caused by the ash tree. It is recommended that the tree is removed, its root ball ground out, and the damaged section of the wall taken down and rebuilt. Attention should also be given to the disturbances to the block paviors to the car park.'

- 26 March 2015: A 16-page tree report was received from Tree Sense Arboricultural Consultants, commissioned by the landowner. This report was not put before Members as the deadline for comments had passed. This report made the following (abbreviated) conclusions

'From an arboricultural standpoint I do not feel that the re-location and rebuilding of the wall to the proposed new design is feasible with T1 being safely retained. T1 would need to be removed on safety grounds to achieve this. The need to at least repair the damaged and unsafe wall is undisputed, but should only be achieved without the need for any additional excavations. Due consideration must be given to the longer term impact of the tree on the repaired wall as it has not yet reached full maturity and its future growth may continue to directly impact on the structure causing damage again in the future

- 30 March 2015: The TPO appeal sub-committee considering the objections to the serving of the TPO. This involved a site visit and then further considerations at the Civic Centre.

The Agenda for the appeal sub-committee contained the following:

- Statement from Mansour Moini recommending that the tree be removed, describing the poor qualities of the tree, responding to the Bartlett report and making it clear the Council's risk of compensation should the Council refuse to agree the removal of the TPO.

- The Order for TPO 2014 (546) with Schedule and Map.
- The Smithers Purslow Damaged Wall Report with drawings SK1 & SK2.
- The Bartlett Report (written by John Lawson).
- The objection letter from Bidwells.

Members resolved to dismiss the objections and confirm the TPO. The full resolution is as follows:

> *The Tree Preservation Appeals Committee, having visited the site and considered all the evidence, and all the oral evidence, from the DBC officer with representatives of Kings Langley Parish Council and residents, but not from the Appellant who did not attend, came to the decision by 4 : 0 votes and 1 abstention to confirm the TPO Order 2014 546.*

- The TPO was confirmed.

Considerations

The principle consideration in this application relate to the impact of the proposed loss of the TPO ash tree. The impact of the proposed works on the character and appearance of the Kings Langley conservation area and on the residential amenities of surrounding properties also need consideration.

TPO Ash Tree

The brick boundary walling to the north-western corner of the car park to Blue Court is understood to have been built in the 1980s when the grounds to the south of Blue Court was turned into an area of a paved area for car parking for the premises. At that time it appears ground levels to parts of the area to the side of Blue Court were modified leading to the present situation with respect to the north-western corner of the car park where the land the other side of the boundary wall is at a higher level.

A structural survey was undertaken in July 2014, by **Smithers and Purslow**, which reported that beyond the 2.8 metre boundary wall of the car park there is an area of retained soil that was to a height of approximately 1.20 metres. This area of retained land contains an ash tree, which an accompanying tree survey report describes as being a semi-mature tree with a 700mm stem diameter and overall height of 15 metres. The structural survey identified the boundary wall to have a lateral crack running through part of it, the walling having an outward bow to it, such that the wall was considered to be in a potentially dangerous condition and has been shored up with timber propping. Furthermore the report notes that the block pavers of the car park in the vicinity of the wall and fencing had been disturbed. The conclusion reached in the report is that damage to the wall and pavers has been caused by the ash tree behind the wall, with the recommendation the tree be removed and the damaged walling taken down and rebuilt.

It is noted that Councillor Anderson has given significant weight to the **Bartlett Report** (written on behalf of the objectors). This 3-page report provides a summary of the

planning history of the site, of the Smithers and Purslow Report, and the views of the Council's Trees & Woodlands Officer. The report then goes on to describe the importance of the tree in its locality, stating that, "*The crown contains a number of dead or dying branches, a few branch stubs, but otherwise appears heathy and vigorous, and could be re-pruned and thinned at intervals. The tree, which stands at a height of 13 metres, is a prominent feature and focal point at the end of The Orchard (cul-de-sac) and is highly visible from Church Lane, such that it makes a significant contribution to the arboreal character of the Conservation Area and the setting of the Listed Building, and has a high amenity value*".

It is important to note that the Bartlett Report is not a full arboricultural assessment. While it does provide a visual assessment, it does not provide any information regarding the condition, health, stability and safety of the Ash tree in relation to the wall. Indeed the Bartlett Report simply states that this work is missing from the Smithers and Purslow Report. The Bartlett Report also states that there is an absence of supporting information to explain that the wall cannot be rebuilt, or a new wall built, with the tree retained, nor any indication that the rooting zone of the mature tree will be disturbed significantly. Overall, the Bartlett Report considers that there are no substantiated reasons why the LPA should not make a TPO to protect the Ash tree.

The information that the Bartlett Report considered to be missing has now been provided through the 16-page tree survey report from **Tree Sense Arboricultural Consultants**. This Report makes the point that trees '*are not static objects, but growing, living organisms and their condition, size and relationship to buildings, structures and other trees can change significantly and sometimes unpredictably over a period of time*'.

The Tree Sense report assessed the ash tree as to be in good structural condition and in a fair physiological condition with the tree having been managed in the past with signs of significant crown dieback evident following heavy crown reduction. Furthermore due to ground level differences and physical restraints (the brick walling), the majority of the feeder root network for the ash tree appears to have mainly developed to the north and west where the ground conditions would appear to be preferable, with the tree having it is considered developed a root to the south and east to provide physical stability.

The Tree Sense report supports the conclusions reached in the structural survey that the ash tree is the cause of the damage to both the walling and the surface of the car park. The report also concludes that as the ash tree has yet to reach maturity and would therefore cause further damage were nothing to be done.

With respect to the proposal to remove the length of failing walling and to construct a new wall, on new footings, such works would require excavation works that, based on what is being proposed, could not be achieved without causing the loss of major supportive roots found close to the tree stem. As such the author of the tree survey report concludes the proposed new walling cannot be achieved without the removal of the tree as the safety of the tree would otherwise be severely compromised. Furthermore, it is suggested that even had reinforcement works to the existing wall been considered this would undoubtedly required similar excavation works for any new walling to support the existing wall with the same harmful impact on the tree.

In addition to the structural damage being caused by the ash tree, it is also worth

emphasising that the **Council's Trees & Woodlands Officer** has stated, both at the time of the serving of the TPO and during the consideration of this application that the ash tree is not of sufficient merit to warrant placing under the protection of a TPO. The tree officer therefore on the basis that the tree is not of great merit, and is causing damage, does not object to its removal or to its replacement with a Himalayan Birch.

Notwithstanding the above it is very important to recognise that **Members** considered the status of the Ash tree during the TPO process. In March this year Members decided to confirm the TPO status of the Ash tree, having taken into account the qualities of the tree, its importance in its locality, and the structural condition of the adjacent wall. However there are two key differences between Members' consideration at the time of the TPO appeal sub-committee and the present application:

1. The 16-page Tree Sense report (which dealt with the outstanding matters highlighted in the Bartlett Report) was not put before Members during the TPO considerations.
2. While the issue of liability for compensation may have been discussed at the TPO appeal sub-committee, the Council was not at risk of a compensation claim at that time. (see later 'Liability' section).

In conclusion, it is considered that the evidence submitted regarding the structural damage, which is agreed by the Council's Building Control and Trees & Woodlands departments, outweighs any harm caused by the removal of the Ash tree.

Liability

It is further considered that a refusal of permission in this instance would risk the Council becoming liable for ongoing repairs to the adjacent brick wall and car park surface.

Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 compensation is **not** payable when a TPO is made for the loss of development value or other diminution in the value of the land.

However, it should be noted that were it to be established subsequently the protected tree is the causation or has incurred losses or damage (in excess of £500) as a consequence of the Council refusing consent to carry out works to the protected tree or where consent is granted subject to conditions or there is the refusal of any consent, agreement or approval required under a condition, the Council would be liable to compensation costs where a claim to be made within 12 months of the relevant LPA's decision.

Impact on Conservation Area

The ash tree is considered to contribute in a positive manner to the character and appearance of this part of the Kings Langley Conservation Area both in views from the land in front of The Orchards (looking south), where the tree is seen against the backdrop of the trees within the churchyard of All Saints and looking north from Church Street into the site where the ash represents the only tree of any note in those views. The importance of the ash tree in these contexts was given significant weight by Members when they confirmed the TPO status of the tree in March this year.

Conversely, the tree is considered by the Council's tree officer not to be of sufficient merit within the landscape to warrant the protection of the TPO awarded to it by the TPO Appeals Committee. Furthermore the tree officer is of the opinion that the tree is causing the structural damage to the adjacent brick wall and ongoing disruption of the adjacent brick paved parking area, something the Building Control Officer also believes is the case. It is considered that these factors would outweigh any harm to the conservation area caused by the loss of the ash tree. In addition it is considered that any harm to the conservation area would be very small for the following reasons:

- The ash tree is not a high quality individual specimen.
- The ash tree actually blocks views of the high quality trees within the All Saints churchyard when looking south from The Orchards.
- The proposal for a replacement tree would in time, it is considered, contribute to the visual appearance of this part of Kings Langley.
- Given the present lack of planting in and around the car park to Blue Court the proposed raised planted area would be a positive change for this area.

Impact on Neighbours

The applicant has provided Land Registry documentation showing that the applicant owns Blue Court and the car park land directly to the east of the site as well as the hard standing area (up to a series of garages) that lie in front (to the east of) The Orchard, including the footpath that gives access to those properties of The Orchard. As such the raised area of land and ash tree as well as the footpath to Nos.46 and 48 The Orchard are in the ownership of the applicant, who through the proposed works would be annexing a parcel of land in their ownership into the curtilage of Blue Court.

It is understood the owners of No.46 The Orchard have in recent months had undertaken works to pave to the length of the footpath to the rear of these two properties paved along with adding steps and a free standing timber handrail along with an area of hard standing outside of No. 48 for four 'wheelie' refuse bins. Under the scheme as being proposed it would appear the footpath is to be made wider and straighter (however no steps are apparently shown) with a new area for wheelie bins across the end of the proposed an indented end of the raised area of land to be enclosed by the proposed new fencing.

Given the present height of the boundary treatment to the properties of The Orchard, that front onto the area of land to be enclosed the visual impact of the new fencing or the bin store would be negligible with respect to ground floor views from these properties although it is recognised the removal of the ash tree given its size and height will have an impact on the views from these properties. Similarly given the position along the existing wall from which it is proposed to remove and rebuild the walling albeit to a lower height, this would be a point just beyond where the fencing to No. 48 The Orchard abuts and as such it is not believed the existing privacy of this property would be affected under this proposal.

Overall, therefore, the proposed works would not have a significantly detrimental impact on the residential amenities of neighbouring properties.

Ecology

Kings Langley Parish Council and local residents have objected to the loss of the ash tree on ecological grounds, stating that it would result in a loss of bird and insect habitat. However, it is considered that the value of the ash tree as a habitat is very limited (being a single specimen) and would over time be compensated by the proposed Himalayan Birch.

Conclusions

It would appear that the present situation with respect to the ongoing damage to the boundary wall to the car park of Blue Court and the surface pavers originates with the decision in the 1990s when the new car park was created with a retaining boundary wall and fencing line built close to an existing tree that was still in the process of growing.

The situation today is that the boundary wall is in a potentially dangerous condition and has had to be shored up. Shoring can only be seen as short term fix and the situation is likely to worsen as the tree continues to grow. A long term solution would ultimately be necessary.

To this end the structural report has determined that the ash tree, which is causing the damage to the walling and paving blocks needs to be removed and the existing wall taken down and rebuilt. Whilst the loss of the ash tree is considered regrettable and will have a slight negative impact locally on the character and appearance of the conservation area it is clear it is causing damage to the boundary wall and surface treatment of the car park (and will continue to do so as it grows); potentially becoming dangerous to those using the car park. As such the proposal would see this danger removed and the walling rebuilt to provide a pleasant planted area to an otherwise stark car park.

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

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **The materials and finishes of the hereby approved section of new boundary walling shall match in size, colour, and texture that of the existing walling, interms of the bricks, mortar mix and brick bond.**

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the Conservation Area, in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

3 **A replacement tree shall be planted before the end of the first planting season following the felling of ash tree in accordance with details which**

shall have been submitted to and approved in writing by the local planning authority prior to the felling of the tree.

Reason: In the interests of visual amenity. of the Conservation Area, in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

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

Project No. MKBS467; Drawing No.01
Project No. MKBS467; Drawing No.02
Project No. MKBS467; Drawing No.03
Project No. MKBS467; Drawing No.04
Project No. MKBS467; Drawing No.05
Project No. MKBS467; Drawing No.06

Design & Access Statement

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

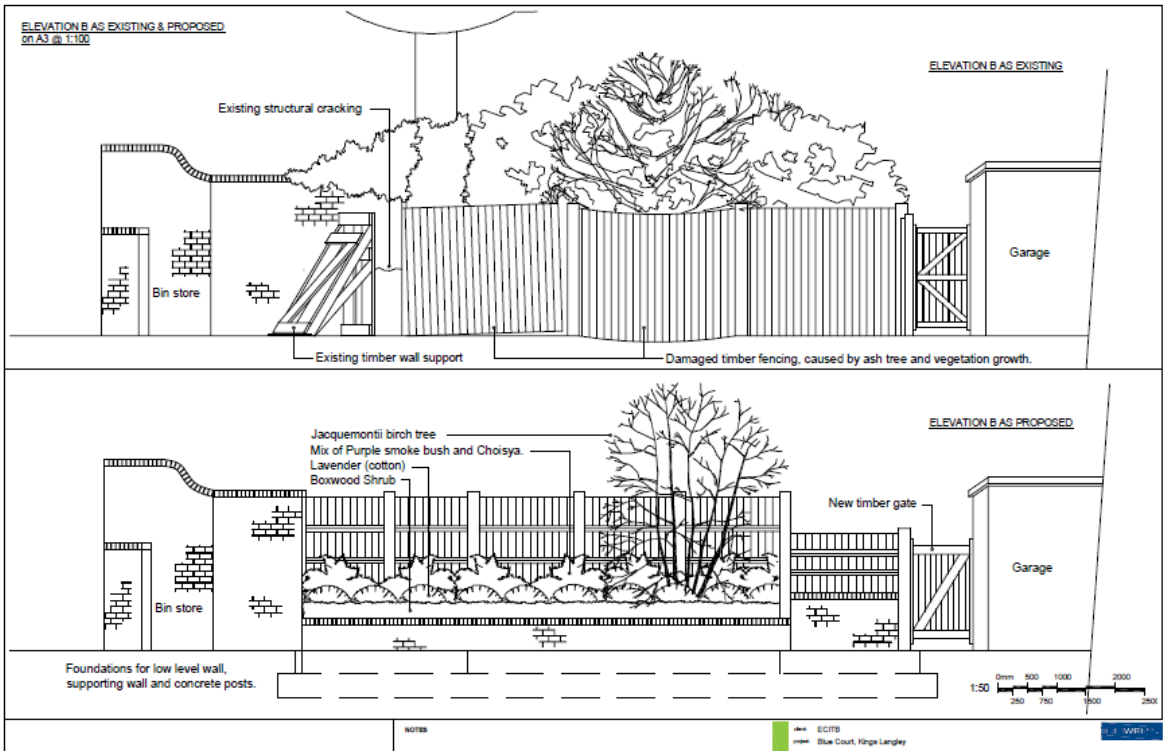
Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

ITEM 5.03

4/02579/15/LBC- ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA

BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP

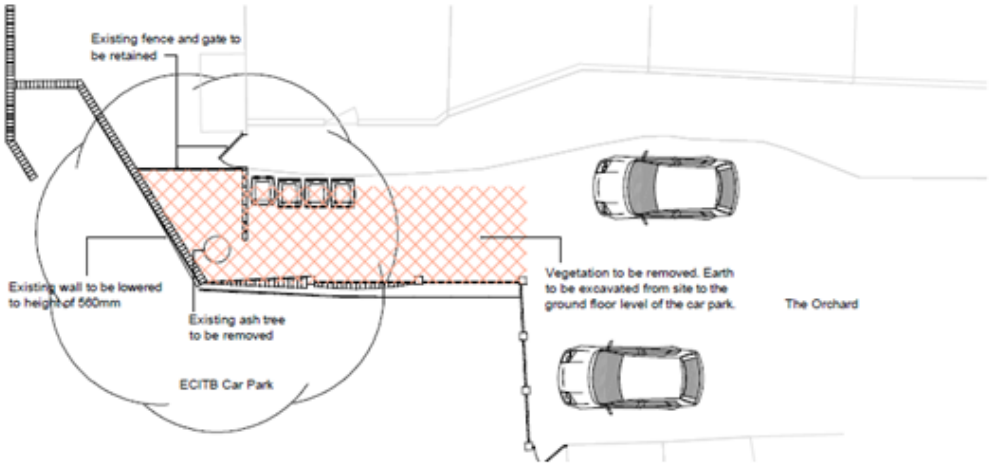


ITEM 5.03

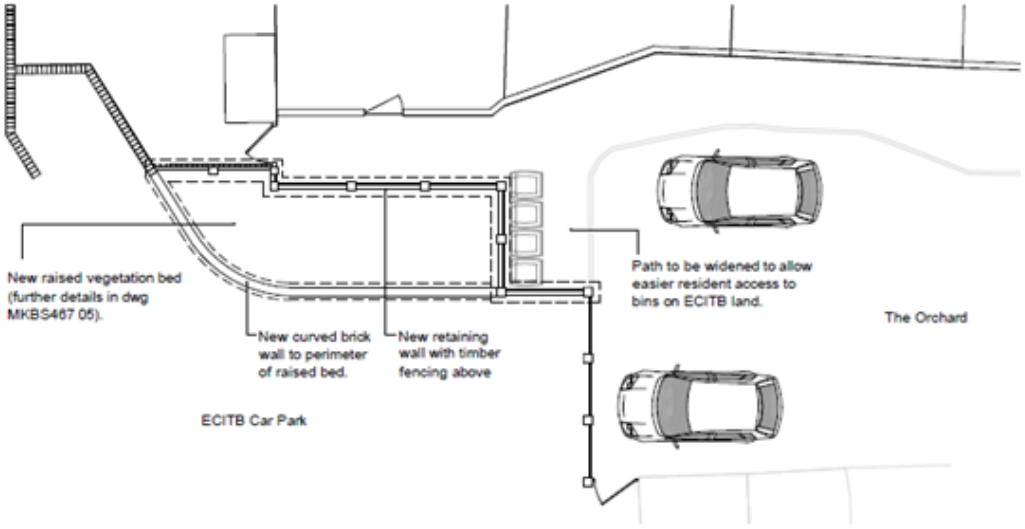
4/02579/15/LBC- ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA

BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP

EXISTING SITE PLAN



PROPOSED SITE PLAN



4/02579/15/LBC - ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA.
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP.
APPLICANT: Mr Hazell.

[Case Officer - Keith Frost]

Summary

The application is recommended for approval. The alteration to the existing boundary to form a new section of low walling with a planted landscaped area behind, bounded by close boarded fencing, would not result in any harm to an feature of historic or architectural importance and would have no adverse impact on the setting of the listed building. As such the application complies with policy CS27 of the Dacorum Borough Core Strategy.

Site Description

Blue Court is a large symmetrical classical villa of a late Georgian date, situated on the corner of Church Street and the High Street in Kings Langley. The building, has since 1952 been included on the statutory list of buildings of historic or architectural interest, as Grade II. This former detached residential building has since the late 1990s been used for offices, with the land to the Church Street side of the property having been made into a large paved area for vehicle parking with the site bounded by a mixture of brick walling, flint walling and closed panelled fencing.

Proposal

The application seeks the removal of a 3.5metre length of a 2.8 metre high brick wall and an adjoining 8 metre length of 1.8 metre tall closed boarded fencing, which form the boundary with the adjoining residential development known as The Orchard, to allow, following the removal of an existing ash tree, the construction of new length of curving brick walling that would be 550mm high with a raised area of planting behind, with a new length of close boarded fencing along the 'true' site boundary line at the rear of the raised planted area.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

Planning History

4/02578/15/FUL	ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1 NO. COMMON ASH TREE
4/02331/14/TCA	ASH (T1) - FELL AND REMOVE ROOT BALL BECAUSE OF STRUCTURAL DAMAGE TO RETAINING WALL TO CARPARK.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119

Summary of Representations

Kings Langley Parish Council

'The Council stands by its previous objection listed below and would be disappointed if the tree which has a TPO listing is felled. The Council OBJECTS to the application because it is the only tree in this part of the Conservation Area and that the case submitted for its removal is not considered to be very strong; the Council is also concerned for the loss of wildlife.'

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Considerations

Policy and Principle

Policy CS27 of the Dacorum Core Strategy requires new development to be respectful if the integrity, setting and distinctiveness of designated heritage assets that are to be protected, conserved and where appropriate enhanced.

Effects on appearance of building

The brick boundary walling physically abuts the listed building, as such alterations to the wall require the need for consent. This boundary wall is clearly modern and is understood to been built in the 1990s when the premises were converted into offices and an area for car parking was formed to the side of the property. The walling and the fencing are therefore of no historical or architectural importance.

A structural survey undertaken in July 2014 by Smithers and Purslow reported that beyond the 2.8 metre boundary wall, to the car park, there was an area of retained soil to a height of approximately 1.20 metres. This area of retained land contains an ash tree, which an accompanying tree survey report describes as being semi-mature with a 700mm stem diameter and overall height of 15 metres. It is noted the tree is the

subject of a Tree Preservation Order, however for the purposes of determining this application this is not a consideration. The structural survey identified the boundary wall had a lateral crack running through part of it with there being an outward bow to the walling, such that the wall was considered to be in a potentially dangerous condition and has been shored up with timber propping. Furthermore the report notes that the block pavers of the car park in the vicinity of the wall and fencing had been disturbed. The conclusion reached in the report is that damage to the wall and pavers has been caused by the ash tree behind the wall, with the recommendation that the tree be removed and the damaged walling taken down and rebuilt.

It is noted the parish council have raised an joint objection to this application and the corresponding application for planning permission, which has been duly noted. However it should be noted for the purposes of determining this application for Listed Building Consent the issue concerning the removal of the tree is not a material consideration. The sole considerations can be the impact of the proposed works on the listed building and its setting.

Conclusions

The proposed low level wall, which is to be in a brick to match that of the existing walling, and the fencing are considered to be of an approximate materials and form, in keeping with that already existing on site. As such the proposed boundary treatment works are considered to have no discernible adverse impact on the setting of the listed building. In summary the application is considered to comply with policy CS27 of the Dacorum Borough Core Strategy and national guidance.

RECOMMENDATION - That Listed Building Consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2 **The materials and finishes of the hereby appoved section of new boundary walling shall match, in terms of the bricks, mortar mix and brick bond, the size, colour, and texture of the existing walling,**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

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

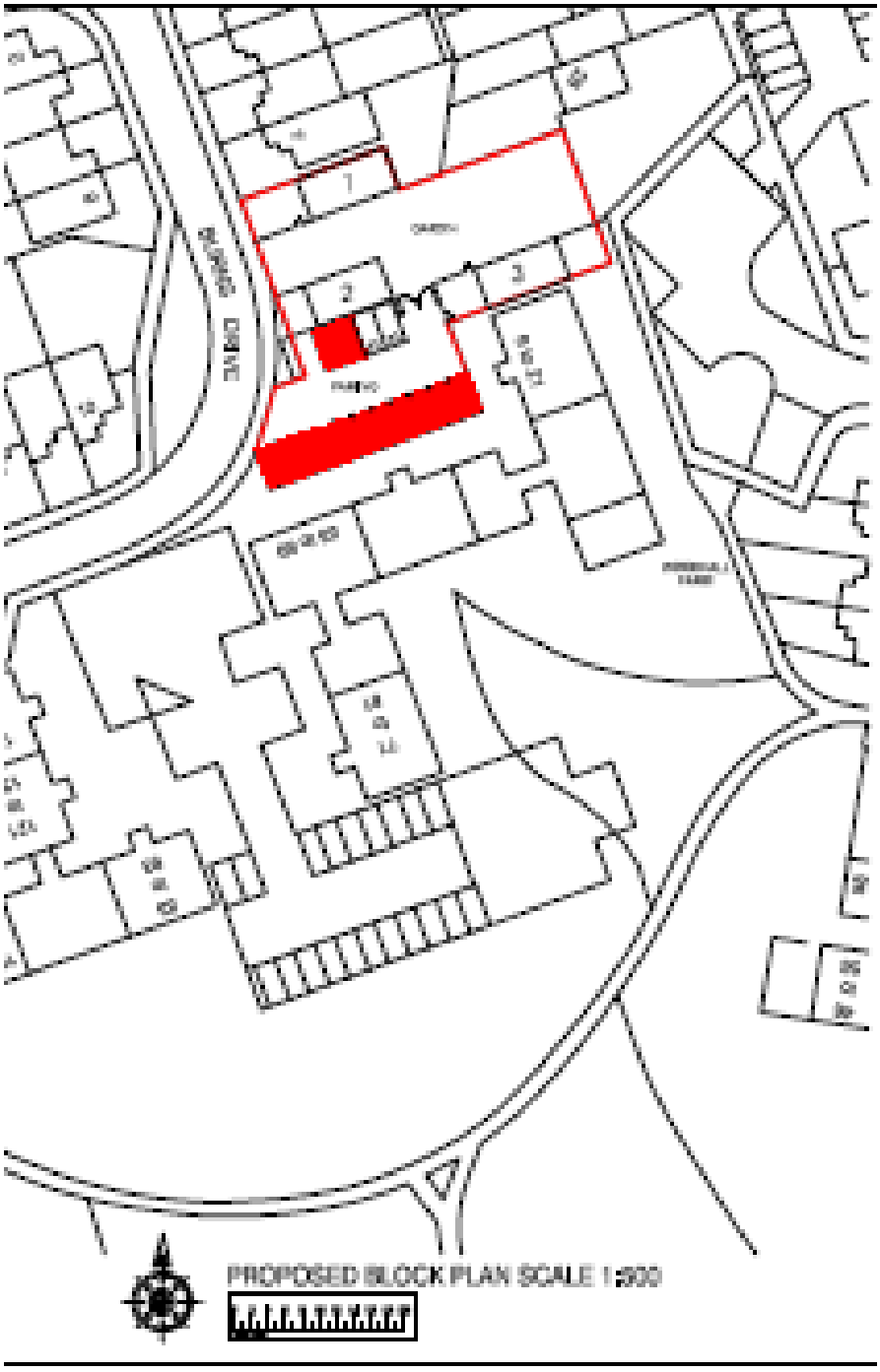
Project No. MKBS467; Drawing No.01
Project No. MKBS467; Drawing No.02
Project No. MKBS467; Drawing No.03
Project No. MKBS467; Drawing No.04
Project No. MKBS467; Drawing No.05

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

ITEM 5.04

4/02839/15/FUL- REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE 3 NO. TWO STOREY DETACHED DWELLINGS, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 11 NO. PARKING BAYS FOR COMMUNITY USE (RE-SUBMISSION)

GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP



ITEM 5.04

4/02839/15/FUL- REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE 3 NO. TWO STOREY DETACHED DWELLINGS, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 11 NO. PARKING BAYS FOR COMMUNITY USE (RE-SUBMISSION)

GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP

4/02839/15/FUL - REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE 3 NO. TWO STOREY DETACHED DWELLINGS, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 12 NO. PARKING BAYS FOR COMMUNITY USE (RE-SUBMISSION).
GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP.
APPLICANT: Rodwell Property Limited.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval.

The proposed development would optimise the use of an underused and unsightly site through the provision of three dwellings, communal and landscaped garden areas. In addition the proposal will facilitate the provision of communal parking for surrounding residents. The dwellings are considered to be consistent with the scale of development and character of the area and will respect the amenities of the neighbouring properties. Overall the proposed development will enhance the visual amenities of the area and contribute to the streetscene.

Site Description

The site is located on the eastern side of Burns Drive and within the Woodhall Farm housing estate (HCA 33: Woodhall Farm). Woodhall Farm comprises a variety of housing types and densities set out around a looping local distributor road serving small collector roads and cul-de-sacs, such as Burns Drive. Properties are generally simple in design, exhibiting design features of the 1970's mass house building. A high standard of open space and amenity land is a feature of the estate with Woodhall Farm Park to the south.

The two storey terrace dwellings adjoining the site to the north and on the opposite side of Burns Drive feature shallow pitched roofs, painted white timber bargeboarding, tile hanging and large simple timber casements. Directly to the south is a low rise three storey block of flats that accommodates Nos. 9 - 81 Burns Drive. Bordering the north-western corner is the garden of 28 Bronte Crescent; to the north the the end of terrace dwelling of No. 7 Burns Drive borders the site.

The site has an area of 0.1 hectares and currently comprises four blocks of garages in the northern part of the site providing 28 single garages. Vehicle access is from Burns Drive to the southern half of the site which is open and comprises an area of hard surfacing. A bin store and recycling station for the use of the occupants of the adjoining flatted block is positioned to the north of the vehicle entrance.

Historically the application site formed part of the flatted development (Nos. 9-81 Burns Drive) that was consented in 1974, providing open parking and garages for the occupiers. It is understood from the applicant that the garages remained largely unsold and the site was sold off as a separate entity in 1980. However a legal requirement for a right of access for the occupiers of the flats to the open areas of the site remains in place although the occupants no longer have rights to park on the site. The garages are available for rent from the landowner. At present three of the garages on the site are in use. The historic separation of the garage site from the adjacent flatted

development has resulted in displacement of vehicles in the locality, resulting in severe on-road congestion.

Proposal

The proposal involves the demolition of the existing garages and the construction of 3 no. two storey detached dwellings positioned on the footprint of the existing garages. Communal garden area with a landscaped garden is proposed together with a private patio area for Plot 3. Four parking spaces are proposed, two of which will serve Plots 2 and 3 respectively; Plot 1 will have two spaces within the frontage of the proposed dwelling. Separate bin store areas are proposed within the curtilage for each plot with the exception of Plot 1 where it will be located adjacent to the dwelling within the landscaped garden area. Secure cycle storage is proposed for eight cycles.

In order to overcome the parking displacement that occurs in proximity to the site, the applicant has offered to provide 12 parking spaces that would be available for community use. The spaces will be allocated within the southern part of the site adjacent to the vehicle entrance. The applicant proposes to secure these parking spaces for community use in perpetuity by way of a section 106 unilateral undertaking. The spaces available for the residents of these flats would be physically marked out in a different colour to those serving the proposed flats in order to differentiate the parking provision arrangements.

The application is the re-submission of an earlier scheme that was submitted this year (ref. 4/01126/15/FUL) following pre-application discussion that took place with officers in 2014 (ref. 4/01775/14/PRE). The application was withdrawn and re-submitted concurrently with an application seeking to redevelop the garage site to the south-west of this application site (ref. 4/02840/15/FUL). As with this application, the proposals involve demolition of the existing garages and the provision of a block of four flats. The applications are being submitted concurrently as a comprehensive redevelopment of both sites. This is to ensure that the total residential development over both sites will be considered in its entirety.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by Councillor Wyatt-Lowe due to concerns relating to of lack of sufficient parking and over-development of the site.

Planning History

4/00804/12/PRE Housing.

4/01775/15/PRE Construction of 3 two bed houses and 2 one bed and 2 two bed flats.

4/01126/15/FUL Redevelopment of existing garage to provide 3 No. two storey detached dwellings, together with associated amenity space and car parking.
Withdrawn 13.05.2015.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13,18, 21, 51, 58, 63, 76, 116.
Appendices 3,5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [HCA 33:Woodhall Farm]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Summary of Representations

Thames Water:

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Crime Prevention Officer:

Regarding planning application, 4/02839/15/FUL at garage court to the south of 7 Burns Drive, Hemel Hempstead, HP2 7NP for redevelopment of existing garage court to provide 3 no. two storey detached dwellings, together with associated amenity space and car parking. Provision of 11 no. parking bays for community use (re-submission)

Comments

1. Secured by Design:

I thank the applicants for addressing crime prevention in their Design and Access Statement and undertaking that if permission is granted to build to the physical standards of secured by Design. This standard which is the police approved minimum security standard, has been shown consistently to reduce the potential for burglary by 50% to 75%.

2. Redevelopment of site:
   Development of the site will remove a garage area with hidden away recess areas with little to no natural surveillance within the area. It will therefore be positive to remove a potential anti-social behaviour (ASB) area for youths to hang around in, if the area is redeveloped. Therefore I am broadly in favour of this development.

1. Having reviewed the plans on the basis of information available I am content with the application proposed as regards designing out crime.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

1. 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& the National Planning Practice Guidance (NPPG)

- 010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.
- 011 – re planning promoting appropriate security measures.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

<u>Hertfordshire Highways</u>

Hertfordshire County Council (HCC) has no objection to the proposed development subject to the conditions detailed below.

Conditions

- The development shall not begin until details of the new proposed drop kerb for the plot 1 car park spaces have been submitted and approved in writing by the Local Planning authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the proposed drop kerb for the plot 1 car parking spaces constructed in accordance with the approved details.

Reason: It is illegal to drive over the footway without a dropped kerb; it may cause damage to the surface and the kerbs.

2. A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the access of Plot 1 car park spaces, measured form the edge of the access way to the edge of the carriageway/back of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the

carriageway/footway level.

Reason: to provide adequate pedestrian visibility for drivers entering or leaving the site.

3. The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to highway users.

4. Prior to the commencement of the site works details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles shall be approved in writing by the Local Planning Authority in conjunction with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

5. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

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

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

The Highway Authority requires the alterations to or the construction of the vehicle crossover 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link: https://www.hertsdirect.org/droppedkerbs/

Description of the Proposal

The proposal is for the demolition of the existing garages and the construction of three dwellings adjacent of 7 Burns Drive, Hemel Hempstead. This application follows a previous submission (reference 4/01126/15/FUL), which was withdrawn by the Applicant in order that a further application for a nearby site could be submitted and considered by the Council concurrently.

HCC had no objection to the previous application subject to the same conditions presented in this response.

The site subject of this application is located in the north east of the town. The site is accessed from Burns Drive, a residential street located within a neighbourhood known locally as Woodhall Farm.

The application site is a roughly ‘T’ shaped parcel of land situated directly to the south of no. 7 Burns Drive. The site has an area of 0.1 hectares and a frontage onto Burns

Drive of approximately 30 metres but narrows towards the rear.

Analysis

The Roads is Hertfordshire: Design Guide 3rd Edition (RiH) only requires a Design and Access Statement for this level of development, this has been provided by the applicant.

Impact on Highway Network

Road Safety

There are no recorded accidents on Burns Drive or within close proximity of the site.

Highway Layout

Vehicle Access

The site is located on Burns Drive which is an unclassified road with speed limit of 30mph.

Vehicular access to the application site is presently taken from Burns Drive via a vehicular crossover located on the bend in the street. The application proposals would see the existing crossover retained and reused to provide access to parking bays associated with houses to Plots 2 and 3. The existing crossover would also provide access to the parking bays, which are to be made available for community use.

Additionally, the applicant proposes that a new vehicular crossover be formed from Burns Drive adjacent to no. 7 in order to provide access to the frontage parking bays associated with the house to Plot 1.

Visibility

The applicant has not provided any information on visibility site lines for vehicles entering and exiting the site. Visibility splays will need to be submitted and approved by HCC to ensure safe vehicle access to the site. Visibility splays will need to be in accordance with Roads in Hertfordshire: High Design Guide 3rd Edition which states 2.4m x 43 for roads of 30mph.

Parking

The proposals would provide two off-street spaces for each house. As stated in the previous correspondence from HCC, the proposed parking provisions layout is acceptable by highway authority.

Additionally, comments received from the Local Planning Authority at the pre-app stage indicated that any application should seek to provide parking to offset the loss of the existing garages currently occupied and additional parking to address the historical displacement. The site presently contains 28 single garages although only three are presently in use and these are understood to be used mainly for storage rather than for car parking. The application proposals would see the creation of 11 parking marked bays to the southern edge of the application site. These spaces are proposed to offset the three existing garages in use, together with a further eight spaces to make up for historical displacement.

The applicant will need to undertake a swept path analysis to justify that there is adequate manoeuvring room for the vehicles within the proposed car park and that the vehicles can exit onto the highway in a forward gear.

Disabled Parking
The applicant has not provided any information on disabled parking for this development. Provision for disabled parking needs to comply with DBC Parking Standards.

Cycle Parking
The applicant has stated that each dwelling will be provided with cycle storage space. This is aligned with the DBC Parking Standards.

Accessibility
Public Transport
The nearest railway station to the application site is Hemel Hempstead on the West Coast Mainline, 7.5km to the south west. Services from this station, provided by London Midland and Southern, provide frequent links with Central London and intermediate destinations including Apsley, Kings Langley and Watford Junction.

Shenley Road is served by three local bus services, which provide connections with Aylesbury, Hemel Hempstead town centre, Kings Langley and Watford.
Pedestrian and Cycle Access
There are no dedicated cycling facilities on the surrounding roads but due to the 30mph road speed the road network is suitable for cyclists. There are footways on either side of the carriageway providing suitable connections for pedestrians.

The accessibility of the site is considered to be adequate for the size of the development.
Refuse and Servicing
The applicant has stated that refuse collection and servicing would likely take place from the street or from the hard surfaced area to the southern end of the site. However, further justification is required by the applicant to address how delivery and services vehicles will access the site. The applicant will need to provide justification that the site can adequately be serviced by these vehicles. Planning Obligations/ Community Infrastructure Levy (CIL)
It is not considered that any planning obligations are considered applicable to the proposed development.

Trees and Woodlands

I have no objection, with regard to trees, to either of these applications being approved.

There are no trees of high quality within this Burns Drive residential estate, with some being located too close together to fully develop. All of the trees would attain a low development survey category score and so removal would not be opposed. Retention of a number of established trees would be welcomed but not insisted upon.

The provision of new trees and soft landscaping will aesthetically enhance the immediate environment. Further detail of species, planting size and maintenance

should be submitted for assessment.

Contaminated Land Officer

I note that two previous applications have been submitted in relation to this proposed residential development (4/01775/14/PRR and 4/01126/15/FUL). Records indicate that I was not consulted in respect of these applications.

However, I was contacted by Mr Matthew Letten of Spectrum Town Planning Consultants on 11 November 2014 to enquire as to whether the Council would expect to see a contaminated land survey submitted upfront with the planning application or whether this is something that is usually secured via planning condition in the event planning permission is granted. He was informed of the site's potentially contaminative former use as a fireworks factory and advised that a contaminated land assessment (Phase I Desk Study) should be undertaken and submitted with the planning application. It was suggested that any further works (intrusive investigation and remediation) could be requested via a planning condition.

I have checked the documentation submitted with this application (and the previous two), it appears that a Phase I Desk Study has not been submitted to date.

To ensure this is undertaken, I recommend that the contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Neighbour Notification

A total of 70 objections have been received from local residents; representatives of Burns Drive Management Limited whose members are the leaseholders of nos. 83-143 Burns Drive; and representatives of Burns Drive Associates Limited whose members are the leaseholders of nos. 9-81 Burns Drive. On the whole, the objections made reference to the impact of the proposed development on the on-street parking parking conditions within the Burns Drive locality. The comments are summarised below:

.In 1974 when Dacorum Council granted planning permission for the Burns Drive flats the planning permission document stipulated that 'None of the dwellings hereby permitted shall be occupied until the car parking and garage accommodation shall have been provided This shows the importance of the garages and parking spaces to the flats and Dacorum Council would have to overturn the 1974 planning permission before houses could be built.

-There are 36 flats at 9-81 Burns Drive and a recent survey showed they have 44 vehicles between them. So even if the garages were simply demolished to make 28 parking spaces then together with the 15 parking spaces there would barely be room for the 44 vehicles.

-The grant of permission for either application will only result in the permanent removal of off-street car parking spaces. This will remove any possibility of these off-street parking areas being returned to the use for which they were originally granted planning permission - serving the residents of nos. 9-81 and 83-143 Burns

Drive. The simple and incontrovertible fact remains that the application site is needed, now and in the future, to accommodate the parking requirements of nos. 83-143 Burns Drive.

- As I live in a flat the bins are emptied every week which means due to the lack car parking the roads and the paths will be blocked. It has been known not to have our bins emptied because the bin men could not get through.

- While the planning system cannot compel the owner of the application site to use the land for its authorised use, the planning system can resist proposals for unacceptable alternatives. By refusing such proposals the Council will be regulating the use of the land in the public interest. Such a refusal will give a significant, clear and important indication to the applicant (who has only owned the site since February 2015 presumably for the purposes of redevelopment) that the appropriate use of the site is as the parking area for nos. 9-81 Burns Drive.

Further comments were raised in relation to other aspects of the proposed development:

- The plan to build new housing directly next to no. 7 Burns Drive will reduce the amount of light we receive to the front of our house and garden opposite the development (8 Burns Drive)
- Asbestos is likely to be present in the garages. If so what means will be taken to ensure this is safely dealt with and none is released into the air/environment around our houses?
- Additional developments of this nature do nothing for the area of Woodhall Farm but will congest an area close to the small park and playground frequented by lots of young families in addition.
-
- If the garages were developed into flats then there would be a distinct loss of light to the current flats which would cause a damp issue as sun would never reach the flats. There would be increased vehicle traffic causing noise an disruption. There would be increased rubbish and fly tipping which is already a problem. There would be a definite visual intrusion
- It will block out the light to the properties next to the development. There is no mention of the existing car parking spaces in the application nor the trees that would need to be removed for the development to proceed.
- As having the ground floor flat besides the garages I am already not getting enough sunlights (some cracks appeared on my walls due to this particular problem and its been approved with a report by a surveyor during this year). By building flats next to my property will darken my flat even more. (73 Burns Drive)
- My first objection is it will drastically affect my daily living conditions. The light to my living room, my bedroom, kitchen and back door windows will be substantially reduced by a two storey house a metre from my windows. The garages already reduce the amount of light. (7 Burns Drive)
- If planning permission was granted the noise and the mess and the inconvenience would be unacceptable having lorries and diggers everywhere and I would strongly consider moving.
- One of the new dwellings is going to block the light coming into my living room and

will be worse for my neighbours below me.(19 Burns Drive)

- It is clear from the application that the communal gardens would be for the occupiers of the proposed houses and constitute a gated development, quite unheard of in Woodhall Farm.
- The flank wall of the new house on Plot 3 is one metre from the flank wall of the existing flats and sufficiently high to cause considerable loss of light through the lounge windows of flats 9, 15 and 19,
- The view of the park would be destroyed.
- Some of the properties would be directly facing us and give them a view into my garden from the first floor resulting in a loss of privacy.
- The gated entrance to the development is not in keeping with the style of housing already in the area and will give a hostile appearance.
- One of the proposed dwellings will be so close to my north facing window in my living room that I will lose light, (also privacy if there is a window in its wall) (15 Burns Drive)

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to established residential areas in towns and large villages, such as Hemel Hempstead where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

The proposed development would result in a density of 30 dwellings per hectare (based on one on a plot of 340m²). This would be within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. It is also consistent with the medium density range of 30 -35 dwellings per hectare set out in the development principles of the character area appraisal HCA 33: Woodhall Farm. Small dwellings of this nature would be encouraged by saved Policy 18 of the Local Plan.

Saved Policy 10 of the Local Plan seeks development to optimise the use of urban land, bringing vacant or underused land into appropriate use as soon as practicable. Of the 28 garages, only three are currently in use. The proposed development would provide three dwellings of the appropriate density compatible with the character of the area, making optimum use of a currently under-used site.

Site layout

The proposed site layout is somewhat unconventional due to the constraints imposed by the need to retain the right of way access to the central areas for the occupiers of the adjacent block of flats. However the proposed dwellings generally align with the form of the existing development. Plot 1 is positioned adjacent to the existing house No. 7 Burns Drive. It is positioned forward by approximately 1m and would be flush with the rear elevation, set back slightly at first floor level to respect the amenities of No.7. The front elevation of Plot 3 would be flush with the front building line of the block of the flats Nos. 9 to 21 Burns Drive and set only slightly further back to the rear.

The dwelling of Plot 2 sits in isolation separated by communal area and approximately 3m forward of Plot 1. However it sits between the terraced dwellings to the north to the block of flats to the south and therefore is not within an area defined by a strong uniform pattern of development. A distance of 3.0 minimum setback from the street frontage is retained which broadly accords with the front gardens of the terraced dwellings in the area.

The communal and landscaped garden areas would contribute to the open space character and ensure consistency with the density of development in the locality. Initial concerns raised about the management arrangements for this area have been addressed in the application. The area will be gated and available only for the occupiers of the proposed dwellings. Should any of the occupants of the flats wish to access this area they would need to arrange this with a management company that would be set up to facilitate such visits. Access would therefore be controlled, ensuring security and increased privacy for the occupiers of the proposed dwellings.

The landscaped garden areas within the north-west part of the site and along the boundary of Burns Drive is welcomed and would provide a visual enhancement to the site for the adjoining residents. A logical division of the site is proposed with the parking spaces available for the community located within the southern half of the site in proximity to the flats and the existing vehicle entrance from Burns Drive. The private residential component with communal amenity space is contained within the northern part.

Plot 2 is set further forward on the site separated by the communal garden and Plot 3 is further back into the site and diagonally across from Plot 2. To avoid potential overlooking between rear facing first floor bedroom windows high level windows are proposed to Plot 2 with glazing in the roof above; obscure glazing and high level windows are proposed for Plot 3.

Alterations have been incorporated into the scheme in response to comments raised by the Crime Prevention officer at the pre-application stage. In terms of the principle of the development, the Crime Prevention officer is broadly in favour of the development as it will remove a garage area with hidden away recess areas with little to no natural surveillance. The officer is satisfied with the application proposals with regard to designing out crime.

The existing garage court comprises some used and some unused flat roof blocks of garages with the site entirely covered by hard standing. In terms of layout the proposal is acceptable and would provide a significant visual improvement over the existing garage and hardstanding areas.

Impact on Street Scene

The 2.5 metre high concrete wall which links two sets of garages and aligns the boundary of Burns Drive is prominent in the street scene. The site beyond is dominated by hard standing and garages which have a detrimental visual impact on the locality. The immediate area of Burns Drive and surroundings is characterised by the open frontages of the terraced dwellings, blocks of flats and the open space of Woodhall Farm Park beyond. The proposed detached dwellings and landscaped communal areas are consistent with this residential character and are considered to make a positive contribution to the street scene.

The houses are of a simple, standard design in keeping with nearby housing and consistent with the small to medium size of dwellings within the area. The dwellings broadly mirror the nearby terraced dwellings in terms of eaves and ridge height and fenestration pattern. Facing brickwork is proposed with render at first floor; the nearby terraces have a combination of facing brickwork and hung tiles or painted white timber bargeboarding. Plot 3 introduces a front facing gable and window feature into the roof.

As outlined above the dwellings are positioned within an unconventional layout due to the access constraints of the site. The dwellings of Plots 1 and 3 respond to the building lines of the adjoining development; however Plot 2 is isolated. It maintains a set back from the street frontage and responds to the bend in Burns Drive. Visibility through the proposed boundary treatment to communal landscaped areas will be achieved. On balance it is considered that overall the staggered effect of the dwellings with communal space between will result in an improvement to the street scene.

The proposals are of a scale and layout that is in keeping with the character of the area. The application is therefore considered to integrate with the streetscape and accord with Policies CS11 and CS12 of the Core Strategy.

Impact on Trees and Landscaping

Trees and Woodlands have confirmed that they have no objection to the loss of trees on the site but would welcome the retention of a number of established trees. A condition attached to a permission would require the provision of and details of new trees and soft landscaping that aethestically enhance the environment to be submitted for approval.

Parking

The proposed development provides four parking spaces for the three dwellings, two serving Plot 1 and one space each for Plot 2 and 3. The provision for Plots 2 and 3 is slightly below the standards set out in Appendix 5 of the Local Plan which sets the standard as 1.5 spaces for a two-bed dwelling. The applicant initially proposed two spaces per dwelling which would result in an over-provision based on the standards which are a maximum. It is considered that one space per dwelling is consistent with the overall parking provision within the area and is only marginally lower than the maximum standard.

Impact on Highway Safety

There are clearly problems with the parking within Burns Drive which have resulted in on-street parking congestion. In order to alleviate the existing on-street parking the applicant has offered to enter into a unilateral undertaking that obligates the owner of the land to provide 12 parking spaces within the site that would be available free of charge in perpetuity to the residents of the adjacent flats Nos. 9 - 81 Burns Drive. A further 19 spaces are to be provided on the nearby site subject to application ref. 4/02840/15/FUL. This would result in a total of 31 spaces available for the residents of the flats Nos. 9-81 and 83 - 143 Burns Drive. The provision of these additional spaces will assist in improving the existing on-street parking issues in the area.

Impact on Neighbours

Plot 1 is positioned adjacent to No. 7 Burns Drive but maintains separation of approximately 900mm. It would be positioned forward by approximately 1.0m from the front building line and would be flush with the rear elevation at ground floor. At first floor it would be set back 1.0m from the rear building line but approximately 500mm from the first floor rear building line of No. 7. This set back will ensure that no impacts would arise to No.7 in terms of creating a sense of enclosure or loss of light to their principal windows. There is a window on the flank elevation at ground floor of No. 7 that will suffer from a reduction in light however this is a secondary window serving the kitchen. The principle windows are to the front and rear of the dwelling. No windows are proposed to the rear elevation that would overlook No. 28 Bronte Crescent. In all respects the impact on the amenities of No.7 Burns Drive and No. 28 Bronte Crescent would not be considered to be unduly harmful.

Plot 3 has a 1.0m separation with the adjoining block of flats. It is positioned flush with the front building line of the adjoining block of flats and extends approximately 500mm beyond the rear building line. As with No. 7 Burns Drive there are windows to the flank elevation of the block of flats however these windows are secondary high level windows with principle windows located on the front and rear elevations. Whilst the flank elevation windows on the lower floors will experience a reduction in light only limited weight is afforded to this impact on the basis that they not the primary windows providing light to these rooms.

Two small windows are proposed to the flank elevation of Plot 2, one of which is to be in obscured glazing. The separation distance between this windows and the flank elevation is approximately 21m, which is slightly less than the standard 23m. However due to the small size of the window and distance separation it is considered that overlooking impacts between the proposed and existing development would be minor and not unduly harmful.

Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29. A construction management plan is to be produced setting out a commitment to using sustainable materials sourced locally, an efficient use of water and recycling of waste during construction. Solar panels are proposed to the roof and further measures explored in order to achieve compliance with Building Regulations and Code for Sustainable Homes level 4.

An energy statement has been submitted that has been assessed as acceptable by C-Plan meeting a target level of 2.

CIL

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

The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing,

charities and Self Builders and may be claimed using the appropriate forms.

RECOMMENDATION – That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision and maintenance of the communal parking and subject to the following conditions:

RECOMMENDATION **-**

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy CS12.

3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with adopted Core Strategy Policy CS12.

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

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

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

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

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

5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:
Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A

person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6 **A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the access of Plot 1 car park spaces, measured form the edge of the access way to the edge of the carriageway/back of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway/footway level.**

Reason: to provide adequate pedestrian visibility for drivers entering or leaving the site.

7 **The development shall not begin until details of the disposal of surface water from the drive and parking area have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The dwelling shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users.

8 **The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statements.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

9 **The window at first floor level of Plot 2 in the north elevation and the windows at first floor level of Plot 3 in the west and north elevations hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the development hereby permitted and the adjacent dwellings in accordance with adopted Core Strategy Policy CS12.

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

Site Location Plan;
C175/13/02 Rev B;
C175/13/03 Rev A;
C175/13/04 Rev B;
C175/13/05 Rev A;

C175/13/06.

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

Article 31 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

THAMES WATER INFORMATIVE:

Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments
With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

HIGHWAYS INFORMATIVES:

All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

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

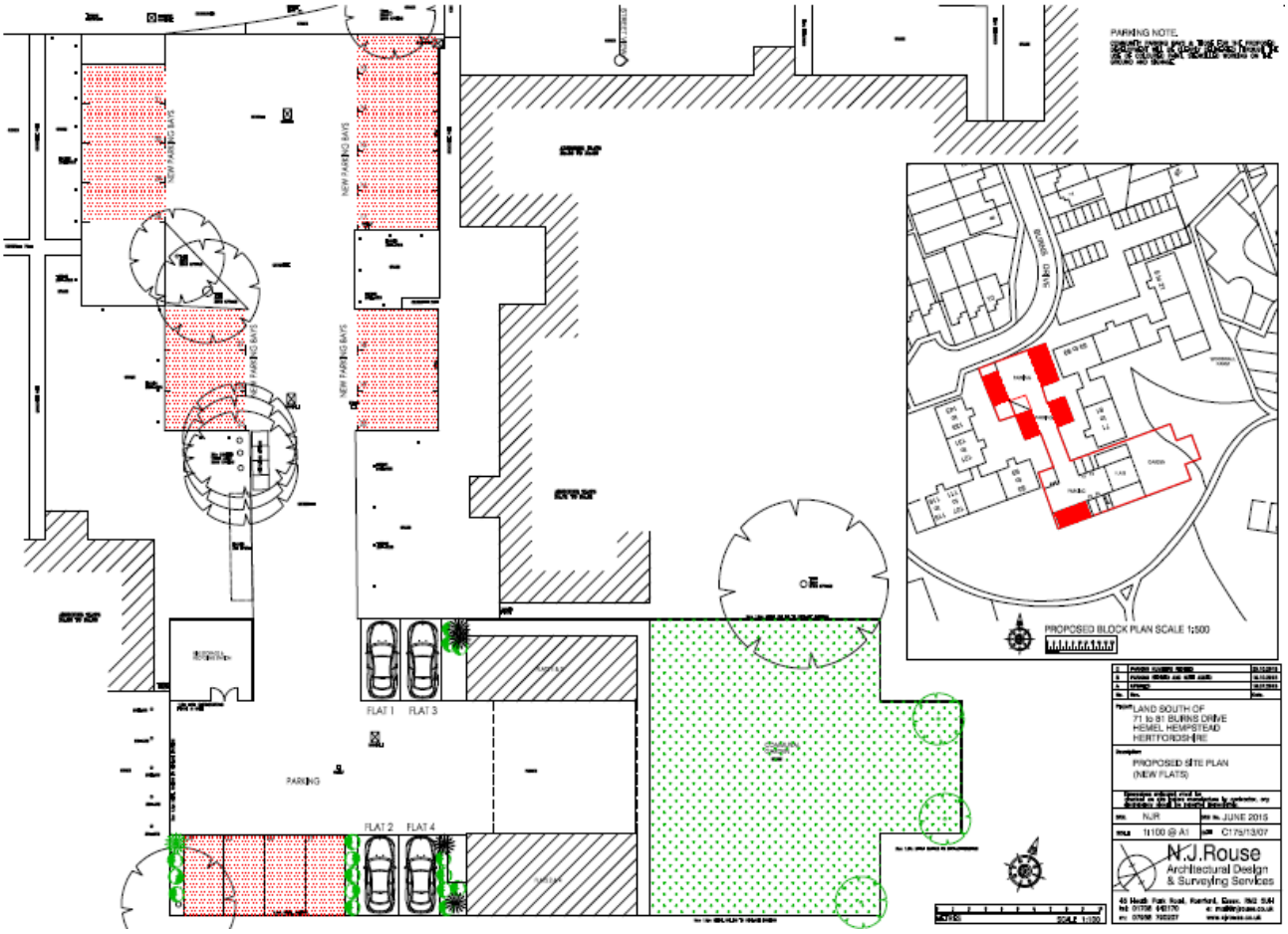
Informative:
I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

The Highway Authority requires the alterations to or the construction of the vehicle crossover 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link: https://www.hertsdirect.org/droppedkerbs/

ITEM 5.05

4/02840/15/FUL - REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE FOUR TWO-BED FLATS CONTAINED WITHIN A SINGLE BLOCK, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 15 PARKING BAYS FOR COMMUNITY USE (AMENDED DESCRIPTION ONLY)

GARAGE COURT TO THE SOUTH OF 71 TO 81 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NW



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4/02840/15/FUL - REDEVELOPMENT OF EXISTING GARAGE COURT TO PROVIDE FOUR TWO-BED FLATS CONTAINED WITHIN A SINGLE BLOCK, TOGETHER WITH ASSOCIATED AMENITY SPACE AND CAR PARKING. PROVISION OF 19 PARKING BAYS FOR COMMUNITY USE (AMENDED DESCRIPTION ONLY).
GARAGE COURT TO THE SOUTH OF 71 TO 81 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NW.
APPLICANT: Rodwell Property Limited.

[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval.

The proposed development would optimise the use of an underused and unsightly site through the provision of a block of four residential units, and a communal parking/garden area. The residential development is considered to be consistent with the scale of development and character of the area and will respect the amenities of the neighbouring properties. Overall the proposed development will enhance the visual amenities of the area and accords with adopted Core Strategy Policies CS4, CS11 and CS12; and Saved Policies 10 and 21 of the Local Plan.

Site Description

The site is located on the southern side of Burns Drive and within the Woodhall Farm housing estate (HCA 33: Woodhall Farm). Woodhall Farm comprises a variety of housing types and densities set out around a looping local distributor road serving small collector roads and cul-de-sacs, such as Burns Drive. Properties are generally simple in design, exhibiting design features of the 1970's mass house building. A high standard of open space and amenity land is a feature of the estate with Woodhall Farm Park to the south.

Directly to the east and west of the site are two low rise three storey blocks of flats that accommodates Nos. 53 - 81 and Nos. 83 - 143 Burns Drive respectively. The blocks have shallow pitched roofs with facing brick. The two storey terrace dwellings on the opposite side of Burns Drive feature shallow pitched roofs, painted white timber bargeboarding, tile hanging and large simple timber casements. Bordering the site to the south is Woodhall Farm Park which is designated as open land. The eastern-most part of the application site extends into this designated open land area and is currently fenced off from the local park.

The site has an area of 840m2 and currently comprises three blocks of garages in the southern part of the site providing 20 single garages. Vehicle access is from Burns Drive on the northern boundary. The northern half of the site is open and comprises an area of hard surfacing.

Historically the application site formed part of the flatted development (Nos. 83 -143 Burns Drive) that was consented in 1974, providing open parking and garages for the occupiers. It is understood from the applicant that the garages remained largely unsold and the site was sold off as a separate entity in 1980. However a legal requirement for a right of access for the occupiers of the flats to the open areas of the site remains in place although the occupants no longer have rights to park on the site. The garages

are available for rent from the landowner. At present four of the garages on the site are in use. The historic separation of the garage site from the adjacent flatted development has resulted in displacement of vehicles in the locality, resulting in severe on-road congestion.

Proposal

The proposal involves the demolition of the existing garages and the construction of a block of flats accommodating 4 no. two bedroom flats. The block of flats is to be positioned on the southern part of the site between the adjoining flatted block (Nos. 71 - 81 Burns Drive) and the southern boundary with the park. Due to the legal requirement to maintain access to the open areas for the residents of the adjoining flats, the ground floor of the proposed block will be positioned on the footprint of existing garages. The first and second floors will be suspended over the area between. The ground floor arrangements will include a lobby and stairwell accessing flats 1 and 3 together with cycle and other storage on the northern side of the building; similar arrangements are to be provided for flats 2 and 4 within the southern side. A communal garden area will be provided within the eastern parcel of land that is designated as open land. The area will remain largely grassed with some landscaping and an appropriate form of fencing. Access to this communal area will be reserved for the occupants of the proposed flats only. Four parking spaces are proposed within the open area to the west of the flat development, one space serving each of the four flats. A bin store and recycling station area is to be positioned along the western boundary.

In order to overcome the parking displacement that occurs in proximity to the site, the applicant has offered to provide 19 parking spaces that would be available for community use. The spaces will be allocated within the northern part of the site adjacent to the vehicle entrance, and within the western part of the site adjacent to the parking spaces allocated for the proposed flats. The applicant proposes to secure these parking spaces for community use in perpetuity by way of a section 106 unilateral undertaking. The spaces available for the residents of these flats would be physically marked out in a different colour to those serving the proposed flats in order to differentiate the parking provision arragements.As the parking spaces are to be provided for residents located outside the application site, this parking provision is not a material consideration to this application and should not be considered as such in its determination.

An application was submitted this year (ref. 4/01126/15/FUL) for redevelopment of the garage site adjacent to 7 Burns Drive following pre-application discussion that took place with officers in 2014 (ref. 4/01775/14/PRE). The application was withdrawn and re-submitted concurrently with this application (ref. 4/02839/15/FUL). As with this application, the proposals involve demolition of the existing garages and the provision of three dwellings. The applications are being submitted concurrently as a comprehensive redevelopment of both sites. This is to ensure that the total residential development over both sites will be considered in its entirety.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by Councillor Wyatt-Lowe on grounds of lack of sufficient parking and over-development of the site.

Planning History

4/00804/12/PRE Housing.

4/01775/15/PRE Construction of 3 two bed houses and 2 one bed and 2 two bed flats.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13,18, 21, 51, 58, 63, 76, 116.
Appendices 3,5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [HCA 33:Woodhall Farm]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Thames Water:

Thames Water would advise that with regard to sewerage infrastructure capacity, we

would not have any objection to the above planning application.

Contaminated Land Officer:

I note that a previous application has been submitted in relation to this proposed residential development (4/01775/14/PRE). Records indicate that I was not consulted in respect of this application, which covers this site and also the proposed redevelopment of Garage Court to the South of 7 Burns Drive, Hemel Hempstead.

However, I was contacted by Mr Matthew Letten of Spectrum Town Planning Consultants on 11 November 2014 to enquire as to whether the Council would expect to see a contaminated land survey submitted upfront with the planning application/s or whether this is something that is usually secured via planning condition in the event planning permission is granted. He was informed of the site's potentially contaminative former use as a fireworks factory and advised that a contaminated land assessment (Phase I Desk Study) should be undertaken and submitted with the planning application/s. It was suggested that any further works (intrusive investigation and remediation) could be requested via a planning condition.

I have checked the documentation submitted with this application (and the previous application), it appears that a Phase I Desk Study has not been submitted to date.

To ensure this is undertaken, I recommend that the contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Crime Prevention:

Regarding planning application 4/02840/15/FUL at garage court to the south of 71 TO 81 Burns Drive, Hemel Hempstead, HP2 7NW for redevelopment of existing garage court to provide two one-bed and two two-bed flats contained within a single block, together with associated amenity space and car parking. provision of 15 parking bays for community use

Comments
Secured by Design:
I thank the applicants for addressing crime prevention in their Design and Access Statement and undertaking that if permission is granted to build to the physical standards of secured by Design. This standard which is the police approved minimum security standard, has been shown consistently to reduce the potential for burglary by 50% to 75%.

1. Redevelopment of site:
   Development of the site will remove a garage area with hidden away recess areas with little to no natural surveillance within the area. It will therefore be positive to remove a potential anti-social behaviour (ASB) area for youths to hang around in, if the area is redeveloped. Therefore I am broadly in favour of this development.

2. Covered area under block of flats:
   This could become a gathering point for youths. Ideally I would like to see that

this area is behind a full height open top railing fence with access controlled gate (number lock would be sufficient) so residents have control of this area and the rear communal garden as well as access to their cycle stores.

3. Otherwise having reviewed the plans on the basis of information available I am content with the application proposed as regards designing out crime.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& the National Planning Practice Guidance (NPPG)

- 010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.
- 011 – re planning promoting appropriate security measures.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

Hertfordshire Highways

Decision
Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:
Decision
Hertfordshire County Council (HCC) has no objection to the proposed development subject to the conditions detailed below.

Conditions
Condition 1 - Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) sufficient space shall be provided within the site to enable a standard size family car /refuse vehicle to park, turn and re-enter the highway in a forward gear.
Reason: In the interests of satisfactory development and highway safety.

Condition 2 - : Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

Condition 3 - Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted). Details regarding how the car parking area will be managed will be submitted to and approved in writing to Local Highway Authority.

Reason: To ensure parking is not displaced onto the highway.

Description of the Proposal

The proposal is for the redevelopment of the existing garage court to the south of 71 to 81 Burns Drive. The applicant seeks to provide 4 two bedroom residential flats contained within a single three storey block. The site has previously been used for garages and has provided a total of 20 single garages. The application proposes the provision of 15 off street parking spaces for community use on land between existing the garage court and Burns Drive. These spaces are to be provided in addition to the parking being proposed for each of the flats within the development.

The site is accessed from Burns Drive, a residential street located within a neighbourhood known locally as Woodhall Farm.

Analysis
The Roads is Hertfordshire: Design Guide 3rd Edition (RiH) only requires a Design and Access Statement for this level of development, this has been provided by the applicant.

Impact on Highway Network

Road Safety
There are no recorded accidents on Burns Drive or within close proximity of the site.

Highway Layout
Vehicle Access
Vehicular access to the application site is presently taken from Burns Drive via a vehicular crossover located opposite number 10 Burns Drive. The applicant proposes to maintain this crossover to provide access to parking bays associated with the proposed flats and the additional parking bays to be made
available for community use. As this access is existing and the proposal is unlikely to generate more trips than the previous site use, this is deemed acceptable.

Refuse Storage
The applicant has stated that refuse collection and servicing would likely take place from the street or from the hard surfaced area to the southern end of the site. However, further justification is require by the applicant to address how delivery and services vehicles will access the site. The applicant will need to provide justification that the site can adequately be serviced by these vehicles.

Parking
Car Parking Provisions
The applicant proposes to provide two off-street spaces for each flat. This is higher than the maximum car parking allowance stated in the DBC Car Parking Standards which states that 2 bedroom dwellings can have maximum of 1 space per dwelling.

Additionally, the applicant has stated that comments received from the Local Planning Authority at the pre-app stage indicated that any application should seek to provide parking to offset the loss of the existing garages currently occupied and additional parking to address the historical displacement. The site presently contains 20 single garages although only four are presently in use and these are understood to be used mainly for storage rather than for car parking. The application proposals would see the creation of 15 parking marked bays. These spaces are proposed to offset the four

existing garages in use, together with a further eight spaces to make up for historical displacement.

The applicant has not provided adequate information to determine whether the car parking layout is feasible. The applicant will need to undertake a swept path analysis to justify that all the proposed car parking bays can be accessed.

Additionally, the applicant will need to justify how they will enforce the car parking allocation to ensure that residents entitled to the bays are not displaced onto the highway.

Disabled Parking
The applicant has not provided any information on disabled parking for this development. Provision for disabled parking needs to comply with DBC Parking Standards.

Cycle Parking
The applicant has stated that each dwelling will be provided with cycle storage space on the ground floor of the building. This is aligned with the DBC Parking Standards.

Accessibility
Public Transport
The main estate road (Shenley Road) is served by local bus services, which provide connections with Aylesbury, Hemel Hempstead town centre, Kings Langley and Watford.

The nearest railway station to the site is Hemel Hempstead on the West Coast Mainline, 7.5km to the south west.

Pedestrian and Cycle Access
There are no dedicated cycling facilities on the surrounding roads but due to the 30mph road speed the road network is suitable for cyclists. There are footways on either side of the carriageway providing suitable connections for pedestrians. The accessibility of the site is considered to be adequate for the size of the development.

Planning Obligations/ Community Infrastructure Levy (CIL)
It is not considered that any planning obligations are considered applicable to the proposed development.

Trees and Woodlands:

I have no objection, with regard to trees, to either of these applications being approved.

There are no trees of high quality within this Burns Drive residential estate, with some being located too close together to fully develop. All of the trees would attain a low development survey category score and so removal would not be opposed. Retention of a number of established trees would be welcomed but not insisted upon.

The provision of new trees and soft landscaping will aesthetically enhance the immediate environment. Further detail of species, planting size and maintenance should be submitted for assessment.

Response to Neighbour Notification

A total of 63 objections have been received from local residents; representatives of Burns Drive Management Limited whose members are the leaseholders of nos. 83-143 Burns Drive; and representatives of Burns Drive Associates Limited whose members are the leaseholders of nos. 9-81 Burns Drive. On the whole, the objections made reference to the impact of the proposed development on the on-street parking parking conditions within the Burns Drive locality. The comments are summarised below:

•The 48 garages and 30 existing parking spaces were meant for the 66 flats on Burns Drive. A

- The existing 48 garages would be used by flats if they were in good condition but they are not. They are not illuminated at night. They do not have proper locks, They are too small for most vehicles, the garages do not have lights inside, The rent is too high. Some of these garages should be demolished and parking spaces created to ease the parking problems.
- The on-street parking congestion is also causing further issues as emergency vehicles cannot get through, disabled people cannot ride their wheel chairs or scooter or even baby buggies safely on the footpath and roads.
- If the houses and flats were to be built then this will cause further congestion and will not solve the current parking problems endured by all the residents of Burns Drive, Bronte Crescent, Dickens court etc.
- The parking situation has deteriorated considerably since 2002 since the communal free parking was made chargeable.
- The grant of permission for either application will only result in the permanent removal of off-street car parking spaces. This will remove any possibility of these off-street parking areas being returned to the use for which they were originally granted planning permission - serving the residents of nos. 9-81 and 83-143 Burns Drive. The simple and incontrovertible fact remains that the application site is needed, now and in the future, to accommodate the parking requirements of nos. 83-143 Burns Drive.

Further comments were raised in relation to other aspects of the proposed development:

- The plan to build new housing directly next to no. 7 Burns Drive will reduce the amount of light we receive to the front of our house and garden opposite the development (8 Burns Drive)
- Asbestos is likely to be present in the garages. If so what means will be taken to ensure this is safely dealt with and none is released into the air/environment around our houses?
- Additional developments of this nature do nothing for the area of Woodhall Farm but will congest an area close to the small park and playground frequented by lots of young families in addition.
-
- If the garages were developed into flats then there would be a distinct loss of light to the current flats which would cause a damp issue as sun would never reach the

flats. There would be increased vehicle traffic causing noise an disruption. There would be increased rubbish and fly tipping which is already a problem. There would be a definite visual intrusion

- From looking at the documents submitted along with the Design and Access Statement, looking at the photos provided show a number of trees at the end of the area where the garages are currently, but on the planning application section 15 states there are no trees on the proposed site, whilst these might be within the communal gardens area of the plans, these would in all likelihood have to be removed to enable the building of the flats so the application is not accurate.
- The bin storage provided in the plans in insufficient. Each household will have three large wheelie bins on top of the bins for the flats (whose recycling facilities are due to be changed later in the year, to sync up with the changes households made in late 2014, who knows how many bins they will require but logically it would follow that as households were given more bins so will the flats.
- It will block out the light to the properties next to the development. There is no mention of the existing car parking spaces in the application nor the trees that would need to be removed for the development to proceed.

Considerations

Policy and Principle

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to established residential areas in towns and large villages, such as Hemel Hempstead where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle in the choice of homes that it provides under Policy CS18 of the Core Strategy.

The proposed development would result in a density of 50 dwellings per hectare. This would be within the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. It is also acknowledged within the character area appraisal HCA 33: Woodhall Farm that densities for blocks of flats in the area are generally 50 dwellings per hectare (Cuffley Court, Bayford Close) and as high as 88 dwellings per hectare (Valley Green). Small dwellings of this nature would be encouraged by saved Policy 18 of the Local Plan.

Saved Policy 10 of the Local Plan seeks development to optimise the use of urban land, bringing vacant or underused land into appropriate use as soon as practicable. Of the 20 garages, only four are currently in use. The proposed development would provide four flats of the appropriate density compatible with the character of the area and the immediate adjoining flatted developments, making optimum use of a currently under-used site.

The eastern part of the site is designated as open land, the purpose of which is to maintain the generally open character in towns as set out in Policy CS4 and further defined in Policy 116 of the Local Plan. Policy 116 states that open land forming part of the urban structure can be public or private open land. Any new development or change of use must be well related to the character of the existing development, its use and its open land setting. It must also ensure that the integrity and future of the

wider area of open land in which the new development is set must not be compromised.

In practical terms the use of the area of open land forming part of the application site is not changing. At present it is fenced off and access restricted. As part of the proposed development it would be utilised as communal amenity space for future occupiers which is well related to the character and use of the surrounding residential development. Defining its use as communal amenity space would not compromise the integrity and future of the wider Woodhall Farm Park. On the basis that it would not prejudice the wider area of open land the proposal would meet criterion (b) of Policy 116.

Site layout

The proposed site layout is somewhat unconventional due to the constraints imposed by the need to retain the right of way access to the central areas for the occupiers of the adjacent block of flats. However the proposed block would generally align with the front and rear building lines of the existing adjacent block of flats, albeit positioned forward slightly. It will also maintain separation with the flank wall and high level windows of Nos. 71 – 81 Burns Drive so as not to create a sense of enclosure to these residents.

The occupiers of the flats would benefit from dual aspect with views to the east over the communal gardens and open space of the park and to the west over the parking area, communal gardens of Nos. 83 – 93 Burns Drive and the open space of the park beyond. The communal garden areas are well located with easy access for future occupiers. A good standard of accommodation is provided in terms of internal floor area and circulation, provision of natural light and communal amenity space. As such the scheme accords with Policies CS4, CS11 and CS12 of the Core Strategy; and Saved Policies 10 and 21 of the Local Plan.

A logical division of the site is proposed with the parking spaces available for the community located within the northern half of the site in proximity to the flats and the existing vehicle entrance from Burns Drive. The private residential component with communal amenity space and parking is contained within the southern part.

Alterations have been incorporated into the scheme in response to comments raised by the Crime Prevention officer at the pre-application stage. In terms of the principle of the development, the Crime Prevention officer is broadly in favour of the development as it will remove a garage area with hidden away recess areas with little to no natural surveillance. Ideally they would like to see that the undercroft area beneath the flats is behind a full height open top railing fence with access controlled gate, however it is considered that this would create a hostile barrier within the site which would be out of character with its surroundings. In all other respects the officer is satisfied with the application proposals with regard to designing out crime.

Impact on Street Scene

The immediate area of Burns Drive and surroundings is characterised by the open frontages of the terraced dwellings, blocks of flats and the open space of Woodhall Farm Park beyond. The proposed block of flats and landscaped communal garden area are consistent with this residential character. The removal of the flat roofed

garages and replacement with residential development that introduces vitality and maintenance to an underused site is considered to make a positive contribution to the visual amenities of the area.

The residential block broadly mirrors the adjacent block in terms of eaves and ridge height and fenestration pattern. The slight variation in features and design is considered acceptable, allowing an individual design approach between the blocks. Facing brickwork is proposed with brick heads above the windows, a shallow pitched roof with front and rear facing gables. Render is proposed to the two central rear facing gables The simple design and scale is consistent with the character of the area and the proposals are considered to satisfactorily assimilate into the existing street scene.

The application is therefore considered to integrate with the streetscape and accords with Policies CS11 and CS12 of the Core Strategy.

Impact on Trees and Landscaping

Trees and Woodlands have confirmed that they have no objection to the loss of trees on the site but would welcome the retention of a number of established trees. A condition attached to a permission would require the provision of and details of new trees and soft landscaping that aesthetically enhance the environment to be submitted for approval.

Parking

The proposed development provides four parking spaces for the four flats, one space per unit. The provision is slightly below the standards set out in Appendix 5 of the Local Plan which sets the standard as 1.5 spaces for a two-bed dwelling. The applicant initially proposed two spaces per dwelling which would result in an over-provision based on the standards which are a maximum. It is considered that one space per dwelling is consistent with the overall parking provision within the area and is only marginally lower than the maximum standard. In addition a further 19 communal spaces will be provided which will be available for use by occupants of surrounding development.

Impact on Highway Safety

There are clearly problems with the parking within Burns Drive which have resulted in on-street parking congestion. In order to alleviate the existing on-street parking the applicant has offered to enter into a unilateral undertaking that obligates the owner of the land to provide 19 parking spaces within the site that would be available and free of charge in perpetuity to the residents of the adjacent flats Nos. 83 - 43 Burns Drive. A further 12 spaces are to be provided on the nearby site subject to application ref. 4/02839/15/FUL. This would result in a total of 31 spaces available for the residents of the flats Nos. 9-81 and 83 - 143 Burns Drive. The spaces would be physically marked out in a different colour to those serving the proposed flats in order to differentiate the parking provision arrangements.

The provision of these additional spaces will improve the current situation in terms of provision for off street parking for neighbouring residential properties and assist in dealing with the on-street parking problems in the area.

Impact on Neighbours

The proposed block maintains a separation of approximately 900mm of the adjoining block accommodating Nos. 71 – 81 Burns Drive. High level windows are positioned on the flank elevation at first and second floor. The distance separation reduces any sense of enclosure for these properties however the first floor window will suffer from some reduction in light. This however is a secondary window with the principal windows located to the front and rear of the dwelling. The front and rear building lines of the existing flats are respected so that no adverse impacts to the principal windows on these elevations would arise from the proposals.

No windows are located in the flank elevation of the properties Nos. 83 – 93 Burns Drive. The outlook from the proposed development to the west will extend over the communal gardens / open space to the south of these properties. The open space area is located some distance away and overlooking already occurs from the existing flats themselves. It is not considered that overlooking from the proposed flats would worsen this situation. Outlook from the proposed flats to the east is over the open land of the local park; there are no dwellings in proximity to the site that would experience overlooking.

As such the impact of the proposals on the amenities of the neighbouring properties would not be considered to be unduly harmful.

Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29. A construction management plan is to be produced setting out a commitment to using sustainable materials sourced locally, an efficient use of water and recycling of waste during construction. Solar panels are proposed to the roof and further measures explored in order to achieve compliance with Building Regulations and Code for Sustainable Homes level 4.

An energy statement has been submitted that has been assessed as acceptable by C-Plan meeting a target level of 2.

CIL

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

The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

RECOMMENDATION – That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision and maintenance of the

communal parking and subject to the following conditions:

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with adopted Core Strategy Policy CS12.

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

are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

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

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

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

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

5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

6 **Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site to enable a standard size family car /refuse vehicle to park, turn and re-enter the highway in a forward gear.**

Reason: In the interests of satisfactory development and highway safety.

7 **The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statements.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

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

Site Location Plan;
C175/13/07 Rev C;
C175/13/08 Rev A;
C175/13/09 Rev B.

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

THAMES WATER INFORMATIVE:

Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments
With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

HIGHWAYS INFORMATIVES:

All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highway Authority prior to commencement of the development.

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

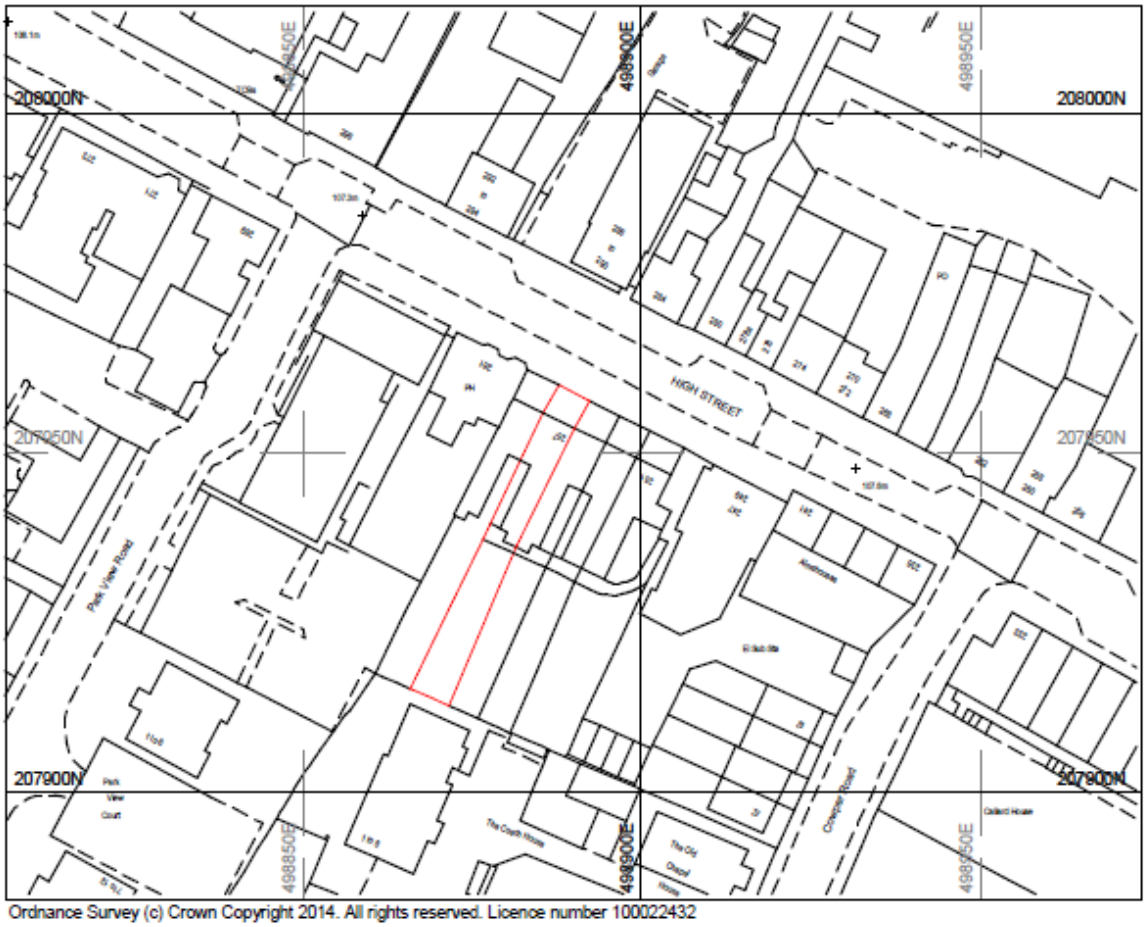
Informative:
I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

The Highway Authority requires the alterations to or the construction of the vehicle crossover 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this or use link:
https://www.hertsdirect.org/droppedkerbs/

ITEM 5.06

4/02453/15/FHA - LOFT CONVERSION WITH REAR DORMER (AMENDED SCHEME)

257 HIGH STREET, BERKHAMSTED, HP4 1AB

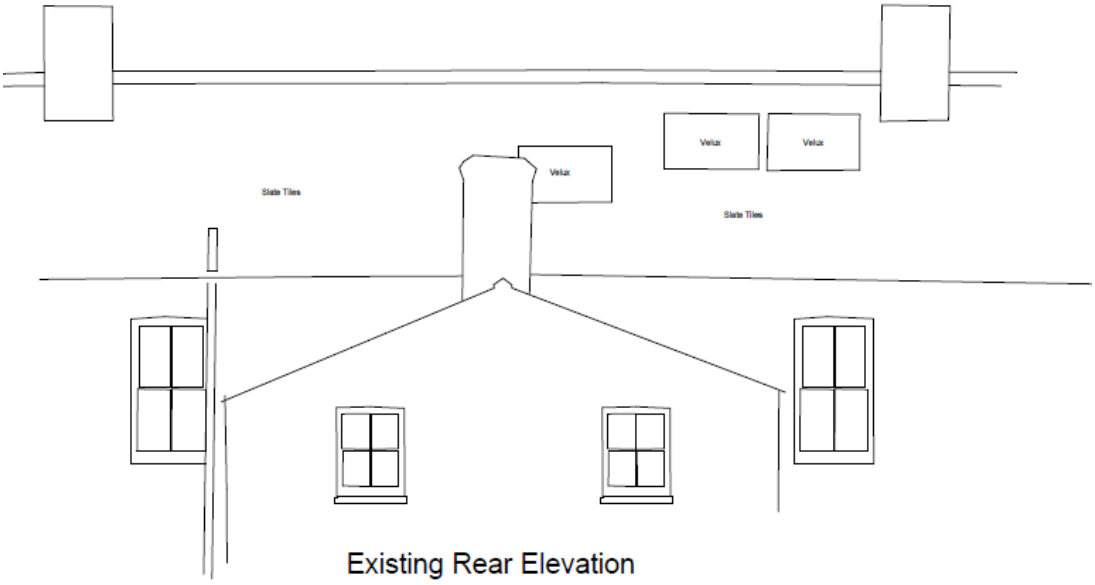


Site Location

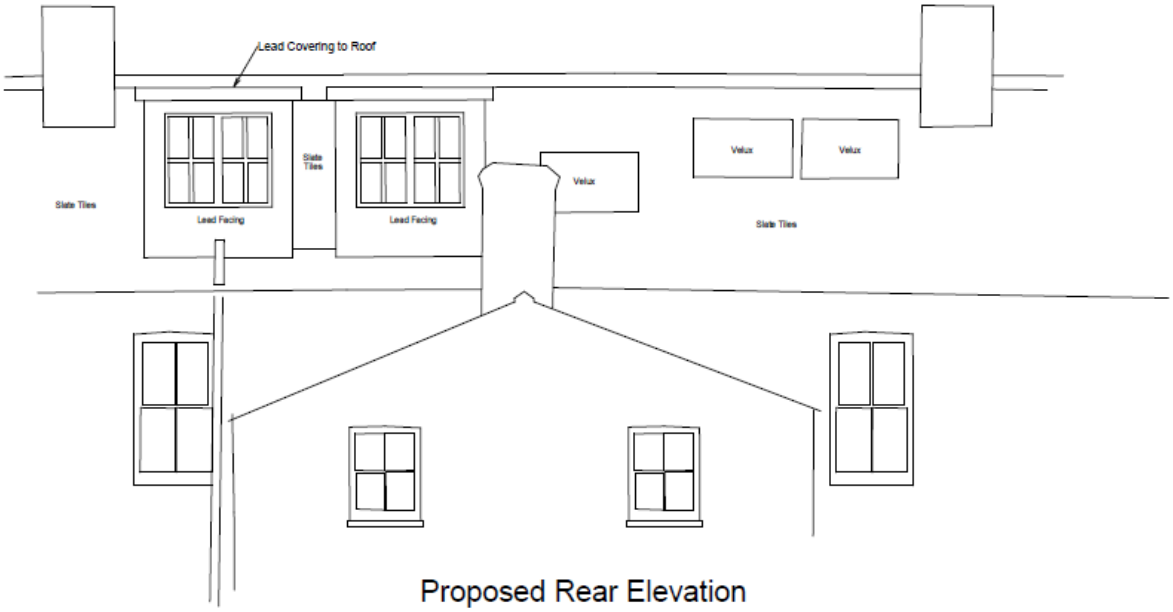
ITEM 5.06

4/02453/15/FHA - LOFT CONVERSION WITH REAR DORMER (AMENDED SCHEME)

257 HIGH STREET, BERKHAMSTED, HP4 1AB



Existing Rear Elevation



Proposed Rear Elevation

4/02453/15/FHA - LOFT CONVERSION WITH REAR DORMER (AMENDED SCHEME).
257 HIGH STREET, BERKHAMSTED, HP4 1AB.
APPLICANT: Oakwood Property Solutions Ltd - Mr Grice.

[Case Officer - Jason Seed]

Summary

The proposal comprises a loft conversion that is of an acceptable design and is to be constructed of materials to match the existing roof and as such, is considered to comply with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013), saved Policy 120 of the DBLP and accompanying Appendix 7 - Small Scale House Extensions.

Site Description

The subject site comprises a terraced two-storey late Victorian dwelling house which is situated on the southern side of High Street, Berkhamsted. The property is locally Listed and is also subject to the following constraints: Article 4 Direction, Area of Archaeological Importance, Berkhamsted Conservation Area, Town Centre.

The surrounding area is largely commercial although a number of residential units are also present.

Proposal

The application proposes a loft conversion and rear dormer.

Referral to Committee

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

Planning History

4/01837/14/FHA	LOFT CONVERSION Withdrawn 10/06/2015
4/00892/15/ENQ	ADVICE ON DORMER WINDOW (PREVIOUS APPLICATION 4/01837/14/FHA) Unknown 22/04/2015

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development

CS4 - The Towns and Large Villages
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the Use of Urban Land
Policy 120 - Development in Conservation Areas
Appendix 5 - Parking
Appendix 7 - Small Scale Residential Extensions

Supplementary Planning Guidance

Environmental Guidelines
Accessibility Zones

Advice Notes and Appraisals

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

Summary of Representations

- Berkhamsted Town Council - Concern was expressed about the flat roof of the dormer which was considered to be out of character with the neighbouring properties and stated that a pitched roof would be preferable. Further stated that the dormer should be a minimum 1m from the flank and party walls.
- Conservation and Design - No objection
- Historic Environment Unit - No objection

Considerations

Policy and Principle

Policy CS4 states that in residential areas, appropriate residential development is encouraged. The proposal site is situated within a residential terrace and as such, the principle of the development is considered to be acceptable.

Effects on Appearance of Building

Paragraph 7.1 of the Environmental Guidelines SPG states that all development should be of high quality. However, where conservation areas and/or Listed buildings are affected, there is a need for special care and attention to detail with regard to design, colour and materials.

The application is a resubmission of a previous application (4/01837/14/FHA) for a rear dormer which was withdrawn. The Council's Conservation and Design Officer acknowledges that the two 'separate (in appearance) dormers that are proposed are an improvement on the previous scheme which proposed a large, single window dormer which is considered to be out of keeping with other examples within the local area.

The dormer is proposed to be located at the rear of the property and no changes are proposed to the front of the property. The Council's Conservation and Design Officer has been consulted on the proposal and has stated that dormers are not a feature of most Victorian terraced houses but they do not have any objection in principle to the addition of a rear dormer. Whilst initial concerns were expressed regarding the scale and impact of the dormer upon the character / appearance of Camilla Terrace, these were overcome and withdrawn following further discussion and consideration of the site, its context and the proposal's particulars.

Whilst it is acknowledged that the dormer would be the only one present within the terrace, there are a number of examples of similar dormers with a mix of roof types (pitched and flat) within the immediate area and as such, it is considered that the introduction of the proposed dormer would not result in an incongruous addition and as such, it is unlikely that it would adversely impact upon Camilla Terrace.

Appendix 7 states that it is preferable for dormer windows to be located on the rear roof slopes and should meet the following guidelines:

(a) the dormer window should not extend above the ridgeline of the existing roof, but should be brought as far as possible below the ridge;
(b) the dormer margins should be set in a minimum of 1 m from the flank walls (including party walls with adjoining properties) and set in from the main rear wall; and
(c) the dormer should be clad in materials similar in appearance to the roof.

In respect of (a), the dormer is proposed to be positioned below the ridgecap of the ridgeline of the existing roof and as such, is acceptable.

The requirements of Paragraph (b) have been raised by Berkhamsted Town Council. The insetting of the dormer by 1m from the party walls was discussed with the applicant but it was considered that such a set in would result in an unacceptable reduction in the height of the area above the proposed staircase. The proposed dormer is set in approx. 300mm from each party wall which is considered to provide sufficient space to minimise the visual impact of the dormer whilst maintaining both the 'separation' and symmetry of the two windows.

Furthermore, a recent appeal decision (APP/A1910/D/15/3016580) in the Conservation Area at 3 Montague Road, Berkhamsted was allowed for both a front and rear dormer within the Berkhamsted Conservation Area with the rear dormer failing to provide a minimum distance of 1m from the flank wall. As such, the failure of this proposal to meet the criteria provided by Paragraph (b) is considered insufficient reason for refusal in this instance.

The dormer is proposed to be finished in lead facing and slate with a lead covering on the roof. It is considered that these materials are in keeping with those of the existing roof and as such, the proposal complies with the requirements of Paragraph (c).

Taking the above into consideration, it is considered that the proposal will not result in an adverse impact upon the appearance and historic integrity of this locally Listed Building in the Conservation Area and as such is considered to comply with Policy CS27 of the Core Strategy.

Impact on the Street Scene and Berkhamsted Conservation Area

It is considered that the dormer will not be visible from the High Street and as such, will not result in an adverse impact upon the street scene in this respect. Furthermore, the Council's Conservation and Design Officer has stated that the rear roof slope of the property is partly visible from Cowper Road but is not in prominent public view. Given these considerations it is considered that the proposal will result in an unacceptable impact upon the Berkhamsted Conservation Area and as such, complies with Policy CS27 of the Core Strategy and Saved Policy 120 of the DBLP. The Conservation Officer raises no objections in terms of the impact on the Conservation Area.

Impact on Trees and Landscaping

No trees or landscaping will be affected by the proposal.

Impact on Parking and Highway Safety

Appendix 7 states that the need for and ability to provide additional off-street parking should be taken into account when considering proposals for extra bedroom accommodation. The loft conversion would result in the addition of one bedroom. However, it is considered that the applicant would be able to use the loft as a bedroom without planning permission which would be outside of the Council's control. It is therefore considered that, in addition to the additional factors discussed below, the use of the loft as a bedroom would not justify a refusal of planning permission on parking grounds.

The site is situated within Zone 2 as defined by the Council's 'Accessibility Zones' SPG and as well as the subject property benefitting from an existing off-street parking space, it is considered that the site is situated within in an accessible and sustainable location. As such, it is considered that no additional parking is required within the context of the Council's 'maximum' parking standards.

Furthermore, it is considered unlikely that the proposal will result in an adverse impact upon highway safety.

Impact on Neighbours

A number of rooflights are contained within the roof slope of No. 235 but due to their orientation (positioned to the east of the dormer) it is considered that the dormer will not result in an unacceptable loss of sunlight / daylight to the roof area of No. 235. As such, it is considered that the dormer window will not result in an adverse impact upon neighbouring properties.

Sustainability

Due to the scale of the proposal the opportunity for enhancing the site's sustainability credentials are limited. However, the extension will be built to modern building standards which are considered acceptable.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards

infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

Conclusion

It is considered that the proposed dormer window is of an acceptable design and will not adversely impact upon the locally Listed host property or the wider Berkhamsted Conservation Area. Furthermore, it will not adversely impact upon the street scene or any neighbouring properties. As such, it is considered that the proposed development complies with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the DBLP and accompanying Appendix 7 - Small Scale House Extensions.

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

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

257HSBLoft/1

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

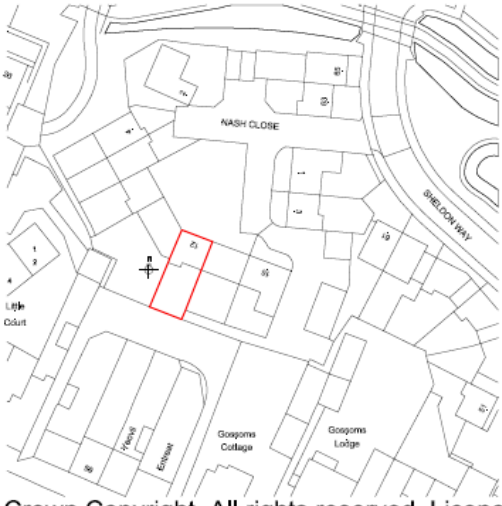
3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings .**

Reason: In the interests of the visual amenities of the Conservation Area.

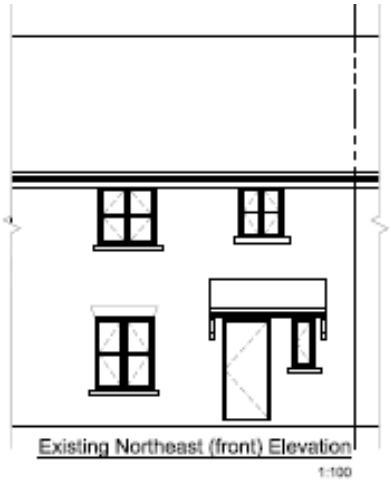
ITEM 5.07

4/02771/15/FHA - LOFT CONVERSION

12 NASH CLOSE, BERKHAMSTED, HP4 1FB

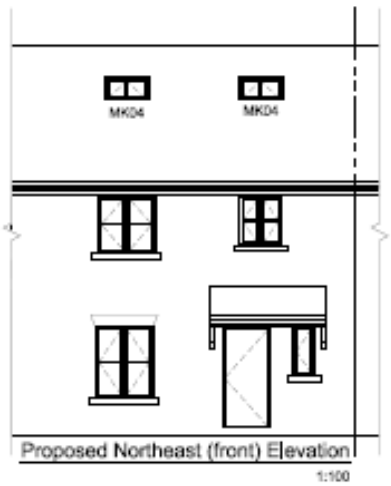


Site Location Plan
1:1250



Existing Northeast (front) Elevation
1:100

Existing Southwest (rear) Elevation
1:100



Proposed Northeast (front) Elevation
1:100

Proposed Southwest (rear) Elevation
1:100

4/02771/15/FHA - LOFT CONVERSION.
12 NASH CLOSE, BERKHAMSTED, HP4 1FB.
APPLICANT: Mr Bryant.

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval. The development is acceptable in principle within the residential area and the rear dormer would only be partially visible from Gossoms End and would not be prominent within the street scene. It would not cause harm to neighbouring amenities or place undue pressure on car parking.

Site Description

The application site is located within the recently-built Stag Lane development as a planned residential estates, near Gossoms End in Berkhamsted. This development comprises a mix of flats and houses. The houses themselves are a mix of town houses, terraces, detached and semi-detached. The application site relates to a mid-terrace house within a cul-de-sac leading from Sheldon Way. The terrace backs on to a private car park to the rear of Nos. 57-60 Gossoms End and limited views of it can be seen in the gap between Nos. 60 and 61. The terrace itself has an angle in it with the application property and No. 10 forming the 'corner', with several houses to either side. The house is constructed in brick with a slate roof, white painted timber window frames and a tiled open canopy over the front door.

The development of this estate was granted subject to the removal of Permitted Development rights including alterations to the roofs under Classes B and C.

Proposal

The application seeks to carry out a loft conversion including the construction of a box dormer on the rear roof slope and two roof lights in the front roof slope.

Referral to Committee

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

Planning History

Application 4/02672/05/FUL for construction of 150 dwellings with associated access, parking, landscaping (including deculverting of the River Bulbourne) and amenity space at land off Stag Lane, Berkhamsted was granted on 27 June 2007.

Condition 27 of this permission removed permitted development rights for extensions (specifically development under Classes A, B, C, D, E, F and H of Part 1 Schedule 2 of the General Permitted Development Order (as amended)) to enable to local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenities of the locality.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11- Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendices 5 & 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town Council

Object

Nash Close comprises part of the Stag Lane development. There are no dormers to the estate. The roofscape would be materially altered. The dormer was very wide and was almost the width of the house. The Committee queried if the dormer was the 1m minimum from the flank and party walls and the position may not be in character with the neighbouring properties CS12

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

10 Nash Close -

We are supportive of the application. They have explained why they withdrew and resubmitted. The window sizes are better now they match the other windows.
I have considered if there will be any overlooking of our garden and there will be hardly any.
Given the local housing market a loft conversion is the most cost effective way get more space and retain local friends, families, nursery, schools, jobs etc.
So we are supportive and hope the application is approved first time without the need for any appeals which would only add cost to the applicant and local taxpayers.

Considerations

The principle of the extension to this dwelling within the residential area is considered acceptable subject to compliance with Core Strategy policies CS11 and CS12.

Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

a) respect the typical density intended in an area and enhance spaces between buildings and general character;
b) preserve attractive streetscapes and enhance any positive linkages between character areas;
c) co-ordinate streetscape design between character areas;
d) protect or enhance any positive linkages between character areas;
e) incorporate natural surveillance to deter crime and the fear of crime; and
f) avoid large areas dominated by car parking.

Policy CS12 (Quality of Site Design) states that on each site development should:

a) provide a safe and satisfactory means of access for all users;
b) provide sufficient parking and sufficient space for servicing;
c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
d) retain important trees or replace them with suitable species if their loss is justified;
e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
f) integrate with the streetscene character; and
g) respect adjoining neighbours in terms of:

i) layout; ii) security; iii) site coverage; iv) scale; v) height; vi) bulk; vii) materials; and viii) landscaping and amenity space

Design and impact on streetscene

The dwellings have a simplicity in their form and a consistency in their overall design quality. It is for this reason that Permitted Development rights have been removed, specifically to control and prevent any insertions into the roofscapes. However, the objective of removing these rights is not to prevent all development, but to ensure that any alterations are sympathetic and would not be harmful to the streetscape or to the character of the residential area.

The application property is located in a terrace with only its front elevation visible within the estate itself. Views of the rear roof slope are severely restricted by its location, which is to the rear of a row of shops on Gossoms End, approximately 50 metres away from the public highway. The only views to the rear roof slopes of Nash Close are available through a 2.4 m gap between Nos. 60 and 61 Gossoms End. The application site itself is to the rear of No. 59. The rear elevation can only be viewed at an angle through this narrow gap, and only half of the roof slope can be seen from any angle from the public highway, and at a significant distance from any public vantage point.

The proposed box dormer is large in scale, although it is set down and back from the ridge and eaves, with a small setback from the party walls. However, this must be weighed against both its visibility and its relative prominence in the street scene. As

described above, because of the location of the site, there are only partial public views of the rear elevation from any angle. The rear dormer would not be visually prominent as it is set at a significant distance from the highway. Further, the external materials of the dormer can be controlled by a condition. These would be expected to be sympathetic to the existing dwelling and to match the appearance of the estate. The roof lights in the front roof slope would be expected to be a conservation style in a colour to blend with the roof tiles, akin to the details proposed at No. 65 Sheldon Way.

The development would have a modest impact on the street scene and would not cause significant harm to the appearance of the estate or to the wider area. As the full dormer would not be visible from the public highway and there would be no prominent views, it is not necessary to reduce the width of the dormer to comply with the design advice in Local Plan Appendix 7. The roof lights would be sympathetic in appearance, and on balance it is not considered that there are grounds for a refusal of a rear dormer in this location.

Other Material Considerations

There is recent case history within the estate at 65 Sheldon Way wherein a loft conversion and rear dormers were allowed at appeal. The inspector found that the scale and design of the dormers would not be harmful to the appearance of the street scene, despite the prominence of the roof slope within the estate. Parking issues were not considered to be a sufficient reason for the refusal of the application when there was adequate street parking nearby. A proposal for a large box dormer at adjoining 63 Sheldon Way was refused by the local planning authority, and the decision has not been appealed.

It is likely that further loft conversions will be sought in the Stag End estate, but each must be considered on its own merits. Where development is granted, the local planning authority will normally have control over such matters as colour and materials. The layout of the estate is highly variable and each dwelling is subject to different degrees of prominence.

Parking

The loft conversion would potentially add another bedroom to this 2-bed dwelling. At present there are two parking spaces allocated to this dwelling. Appendix 5 of the saved local plan requires that 3 bed houses have 2.25 spaces; thus the proposed development has very close to the required number of parking spaces, and as demonstrated by the appeal decision at Sheldon Way, local street parking is likely to meet parking demand at present. Other three-bed dwellings within the estate have two parking spaces each, and it would be unreasonable to require a third allocated space for the application property.

Impact on neighbouring amenity

The proposed dormers and rooflight would cause no material loss of privacy to neighbouring properties and thus have no impact on residential amenities.

Conclusion

The proposed dormer would not be prominent in the street scene and all views from

the public highway would be severely limited. It is therefore considered that the development would not have a significant detrimental impact to the surrounding area or to the character of the estate. Roof lights have been allowed elsewhere in the estate, and subject to a condition on materials, the development would accord with the requirements of Policies CS11 and CS12 of the Dacorum Core Strategy.

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

1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 **Notwithstanding the details shown on the approved plans, the roof lights hereby permitted shall be flush fitting conservation style.**

Reason: In the interests of the visual amenities of the surrounding estate in accordance with Policy CS11 of the Dacorum Core Strategy.

3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

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

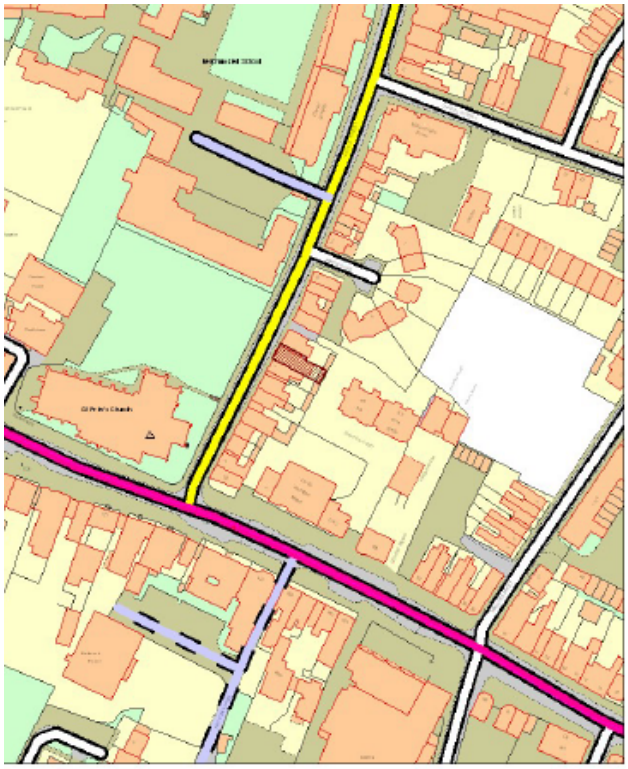
Site location plan
DD 7240.1 A. CL

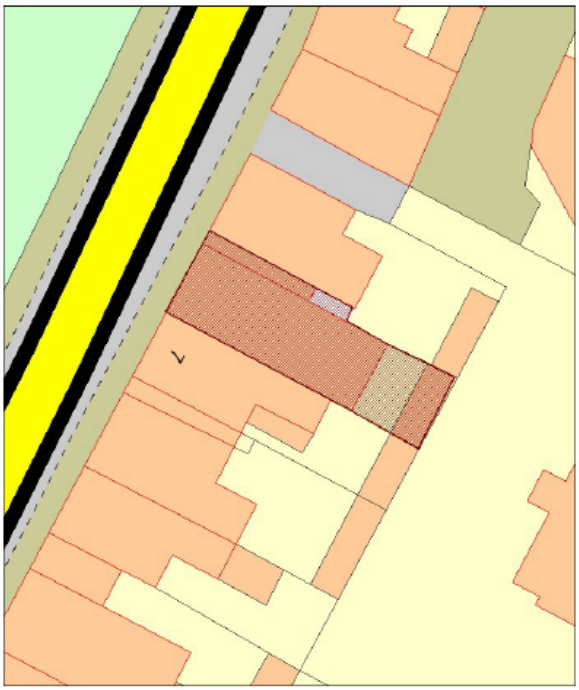
Reason: For the avoidance of doubt and in the interests of proper planning.

ITEM 5.08

4/03047/15/LBC - INTERNAL ALTERATIONS TO REPLACE PRINCIPAL ROOM FIREPLACE, MODIFY EXISTING EN-SUITE TO THE FIRST FLOOR, AND BOARD AND INSULATE LOFT FOR STORAGE

8 CASTLE STREET, BERKHAMSTED, HP4 2BQ

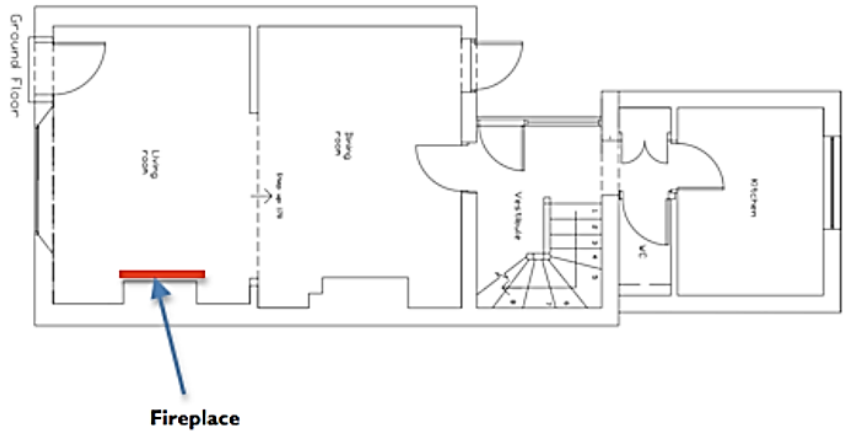


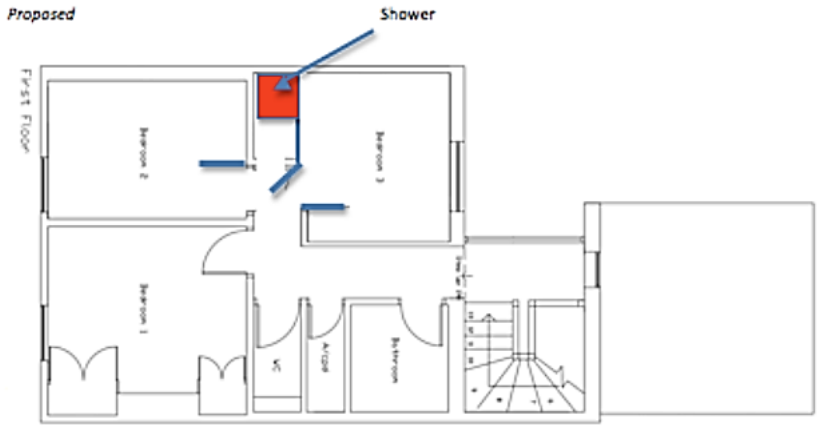


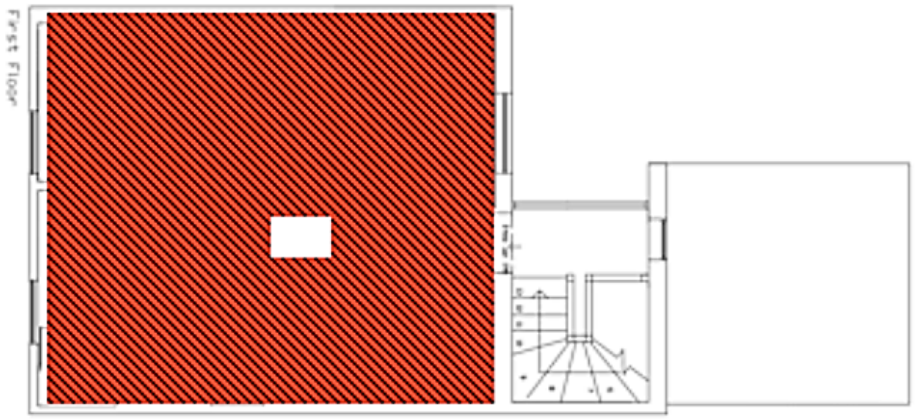
ITEM 5.08

4/03047/15/LBC - INTERNAL ALTERATIONS TO REPLACE PRINCIPAL ROOM FIREPLACE, MODIFY EXISTING EN-SUITE TO THE FIRST FLOOR, AND BOARD AND INSULATE LOFT FOR STORAGE

8 CASTLE STREET, BERKHAMSTED, HP4 2BQ







Area of Loft to be boarded
Existing loft hatch shown in white (to be retained)

4/03047/15/LBC - INTERNAL ALTERATIONS TO REPLACE PRINCIPAL ROOM FIREPLACE, MODIFY EXISTING EN-SUITE TO THE FIRST FLOOR, AND BOARD AND INSULATE LOFT FOR STORAGE.
8 CASTLE STREET, BERKHAMSTED, HP4 2BQ.
APPLICANT: Dr Moir.

[Case Officer - Keith Frost]

Summary

The application is recommended for approval. The internal alterations proposed are restricted to modern additions to the property and there would be no alteration or loss of historic fabric that would result in undue harm to the building's significance as a designated heritage asset. As such the works are considered to be accordance with Policy CS27 of the adopted Core Strategy, as well as national guidance contained within the NPPF.

Site Description

The application site is located to the eastern side of Castle Street and comprises a mid-19th century purpose built former shop that was converted in the late 1960s and extended, by a two storey extension to the rear, to form a single dwelling whilst retaining the original shop-front. This property, has since 1973, been included on the statutory list of buildings of historic or architectural interest, as Grade II and forms one of an important group of 12 listed properties set immediately opposite the church St. Peters, within the Berkhamsted Conservation Area.

Proposal

Internal alterations to the listed building to replace the existing fireplace to the ground-floor front room of the property, modify an first-floor bedroom ensuite to form a shower room accessed from the landing and insulation and boarding over of the loft space to provided storage space.

Referral to Committee

The application is referred to the Development Control Committee as the applicant is an employee of the Council.

Planning History

4/00555/12/LBC	REPLACE BUCKLING BRICKWORK ABOVE EAVES ON NORTH SIDE USING EXISTING BRICKS Granted 09/05/2012
4/01360/10/FHA	FIRST FLOOR REAR EXTENSION AND ALTERATIONS Granted 05/10/2010
4/01361/10/LBC	FIRST FLOOR REAR EXTENSION AND ALTERATIONS Granted 05/10/2010

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119.

Summary of Representations

Berkhamsted Town Council

No objection.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No responses received.

Considerations

Effects on significance of the listed building

The present ground-floor fireplace in the principle front room, which had once been the shop, is a late 20th century Georgian reproduction with a raised green marble tiled slab. This fireplace is considered to be of a style and proportion not commensurate with the building's age and status. As such the existing fireplace is of no historic significance. The proposal is for a more restrained later Georgian design of fireplace as depicted on page 4 of the Design, Access & Heritage Statement, with hearth slate set flush with the floor boards (for which there is apparently evidence to show the earlier hearth was similarly set), which architecturally and historically would be more in keeping with the building.

The recessed alcove to the existing ensuite recess to the first floor rear bedroom, which presently contains a wash basin and wardrobe hanging space is formed in plasterboard and is understood to have been created in the late 1960s when the two storey rear extension to the property was built. As such the proposal converted this recessed area into a shower room, utilising the existing services for the wash basin and by replacing the existing bi-folding doors with plasterboard walling and the formation of a new opening onto the landing would not require the loss of any historic fabric.

As for the work to board over the joists in the loft and apply a thinsulex insulation and 9mm plasterboard to the underside of the roof rafters would it is considered not to be harmful to the fabric or significance of the building and ultimately would be reversible.

Conclusions

The internal alterations proposed would be limited to modern additions to the property and as such do not require the loss or alteration of historic fabric that would be harmful to the significance of the property as a designated heritage asset.

RECOMMENDATION – That Listed Building Consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2 **The internal works to replace a ground floor fireplace, modify the first roof rear bedroom ensuite and to board and insult the loft hereby approved shall be undertaken in accordance with the details and specification set out in the Design Access & Heritage Statement unless prior written agreement has been sought and given by the Local Plan Authority to vary works. Works shall then be carried out in accordance with the agreed changes.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

3 **All new internal works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

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

Design, Access & Heritage Statement,
Location Plan @ 1:1250,
Site Plan @ 1:200,
Drawing No.1 Floor Plans (mksurveys - project no. 21336)
Drawing No.2 Elevations (mksurveys - project no. 21336)
Drawing No.3 Elevations (cross-sections) (mksurveys - project no. 21336)
Drawing No.4 Elevations (cross-sections) (mksurveys - project no. 21336)

Drawing 001: Fireplace
Drawing 002: Shower
Drawing 003: Loft

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

Article 31 Statement

Listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

6. APPEALS

A. LODGED

4/00371/14/FUL
BELGRAVE PROPERTY DEVELOPMENTS LTD
DEMOLITION OF EXISTING GARAGE AND WORKSHOP BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM DWELLING, DETACHED CAR PORT AND BIN STORE AND ASSOCIATED HARD AND SOFT LANDSCAPING.
R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1
View online application

4/00424/15/MOA
Ediston Properties Ltd on behalf of Tesco Pensions Trustees Ltd
CONSTRUCTION OF CLASS A1 RETAIL DEVELOPMENT (TO INCLUDE CONVENIENCE AND COMPARISON RETAIL FLOORPLACE AND ANCILLARY CAFE) AND CLASS A3 DRIVE-THRU CAFE/RESTAURANT UNIT (WITH ANCILLARY TAKEAWAY) TOGETHER WITH ACCESS, CAR PARKING, SERVICE YARD AND ASSOCIATED WORKS
JARMAN PARK, JARMAN WAY, HEMEL HEMPSTEAD
View online application

4/01052/14/FUL
MR D DOWIE
DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO FOUR-BEDROOM DWELLINGS, TRIPLE GARAGE AND ASSOCIATED LANDSCAPING
10 COPPER BEECH CLOSE, HEMEL HEMPSTEAD, HP3 0DG
View online application

4/02051/15/FUL
Lancaster Brown Surveys Ltd
TWO STOREY ROOF EXTENSION AND SIDE EXTENSION TO PROVIDE AN ADDITIONAL 7 DWELLING UNITS. CONVERSION TO PROVIDE 2 RESIDENTIAL UNITS AND CONVERSION OF PRIVATE STAIRCASES TO COMMUNAL.
NATIONAL WESTMINSTER BANK PLC, 12 BANK COURT, HEMEL HEMPSTEAD, HP1 1BS
View online application

4/02312/15/FUL
Mr K Pritchard
REPLACEMENT DWELLING
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU

View online application

4/02694/15/LDP MR K PRITCHARD
SINGLE STOREY SIDE AND REAR EXTENSIONS AND CONSTRUCTION OF 4 DETACHED OUTBUILDINGS
6 HIGHCROFT ROAD, FELDEN, HEMEL HEMPSTEAD, HP3 0BU
View online application

4/02893/15/ENA MR J ROBB
APPEAL AGAINST ENFORCEMENT NOTICE
LAND NORTH OF HOME FARM, FLAUNDEN BOTTOM, LATIMER, CHESHAM, HP5
View online application

4/02894/15/ENA MR J ROBB
APPEAL AGAINST ENFORCEMENT NOTICE
LAND NORTH OF HOME FARM, FLAUNDEN BOTTOM, LATIMER, CHESHAM, HP5
View online application

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/02263/15/ENA HAMBERLINS FARM - MR G EAMES
APPEAL AGAINST ENFORCEMENT NOTICE
LAND AT HAMBERLINS FARM, HAMBERLINS LANE, NORTHCHURCH, BERKHAMSTED, HP4 3TD
View online application

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/02985/14/FUL Thompson
ADDITION OF NEW TWO STOREY ONE BED DWELLING WITH REAR RETAINING WALL, ASSOCIATED GARAGE PARKING AND NEW ACCESS FROM ST PAULS ROAD.
238 QUEENSWAY, HEMEL HEMPSTEAD, HP2 5DF
View online application

The appeals was dismissed. The Inspector considered that the proposed new dwelling would disrupt the rhythm of the street and its distance from the nearest semi-detached house would result in it appearing isolated beyond the established line of dwellings thereby placing the development at odds with the regimented and strongly defined building line to the south west. The Inspector goes on to say that the need to taper the rear half of the south western flank wall would result in the dwelling having an awkward and contrived appearance and as a whole, the site is constrained lending itself to poor design. The Inspector considered that whilst the area comprises a mix of house types, there are no other detached houses in the vicinity and the introduction of a single detached dwelling of the design proposed would sharply contrast with the predominant style of dwellings in St. Pauls Road.
From a streetscene and design perspective, the Inspectorate considered that the proposal would appear as an incongruous addition to the street scene with a resulting detrimental effect on its overall character and appearance thereby running counter to adopted Core Strategy.
The second reason for refusal related to the proposed gardens and the Inspector agreed with the Council, stating that the rear garden would be very constrained at only 6.2m long, worsened by the fact that the garden would be split across two very different levels resulting in the proposed patio area being extremely hemmed-in between the rear elevation of the house and the retaining wall. Overall, the view was taken than the rear garden would lack coherence, resulting in an unacceptable poor quality space for the dwelling's occupiers.

F. ALLOWED

4/00615/15/ENA Mr R Snowling
APPEAL AGAINST ENFORCEMENT NOTICE
LAND ADJ. 32, (34) VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LP
View online application

The case related to a new end of terrace property that had not been constructed in accordance with the approved plans, in particular an integral garage had not been provided. This led to the serving of an Enforcement Notice on the grounds of insufficient

off-street parking and the impact of vehicles on the mature oak tree immediately in front of the site.

The Inspector concluded that the arrangements for parking for the new and existing house would have no material effect on existing conditions of highway safety. The failure to comply with the Council's car parking standard was justified by the sustainable location of the site as is provided for by DBLP policy 58 so as to encourage movement other than by private car and thus the Inspector found no conflict with CS12(b) in that sufficient parking is provided in this particular case.

In respect of the oak tree the Inspector agreed that this makes an positive contribution to the character and appearance of the area and could see that car movements, as a result of the new layout, overruning the grass verge close to the tree. However, the Inspector concluded that the future well being of the street tree could be protected through a condition securing additional mitigation / protection measures for the tree.

4/00723/15/FHA MR & MRS G NEWCOMBE
GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION ABOVE
5 THE OLD FORGE, TRING ROAD, LONG MARSTON, TRING, HP23 4RL
View online application

Summary of Inspectors Response

The proposed extension would relate satisfactorily to the original design concept by the continuation of the half hipped roof element and with matching roofing and facing materials. The jettied front elevation would introduce additional visual interest to the street elevation and in the context of the overall building it would be subservient and a modest addition in terms of its scale and impact. Being set well away from the side boundary with No 1 Astrope Lane, and with a limited roof form, I am also satisfied that it would not be overbearing or dominate it from a design point of view.

With regard to parking, I noted the limited size of the existing garage, its unsuitability for the parking of most modern cars and the fact that it is used for storage purposes at the current time. Furthermore I agree with the Council that one additional bedroom is unlikely to create any significant parking demand over and above what is currently the case for the existing dwelling. I also agree with the Council that the proposed extension would have no adverse effect on the occupiers of No 1 Astrope Lane, given the fact that it would be set well away from the common boundary and that the rear of an existing garage is already set forward of No 1's front elevation. There would be no issues arising from the proposed rear dormer window given that it would primarily overlook a courtyard parking area.

Given the above, the proposal would comply with Policy CS27 of the Council's Core Strategy 2013 in that it would protect the setting of the heritage assets. Conditions requiring the development to be carried out in accordance with the approved plans and for matching materials, are necessary in the interests of good planning. Accordingly, subject to those conditions, the appeal should be allowed and planning permission granted.

4/02835/14/RET Mrs Barrett
RETENTION OF BOUNDARY FENCE
ADJ. 3 & 4 ILEX COURT, MONTAGUE ROAD, BERKHAMSTED, HP4
View online application

The case related to the construction of a close board timber boundary fence enclosing the shared amenity area for Ilex Court, a 1970s development accessed off Montague Road. The appeal fence adjoins a wide public footpath linking Montague Road with Doctor's Common Road and adjoins the Berkhamsted Conservation Area. The front boundary of Ilex Court is an historic ~1m high brick wall and the appeal fence sits on top of/ behind this, rising to a height just over 2 metres and stepping down with the fall of the site.

The Inspector concluded that the fence would have a neutral effect and therefore would preserve the character and appearance of the CA. The inspector did not consider the fence to be prominent in the street scene in Montague Road, and although the fence was in a visible location, was not incongruous. The Inspector cited the variety of boundary treatments in the area, including an example of close board fencing over brick wall, in concluding that the boundary fence would not be out of place or harmful to the character or appearance of the area.

4/03613/14/FUL Mr Jump
DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH 2 DETACHED DWELLINGS WITH ASSOCIATED ACCESS ARRANGEMENTS (REVISED SCHEME).
27 HALL PARK GATE, BERKHAMSTED, HP4 2NL
View online application

This appeal was allowed and planning permission granted for demolition of an existing house and replacement with 2 detached dwellings with associated access arrangements. The Inspector considered that the main issue in the appeal was the effect of the development proposed on the character and appearance of the area also having regard to the street scene. However, the Inspector found that the proposed development would not result in harm by way of overdevelopment or detrimental effects to the character and appearance of the area and the street scene and that the proposal is in overall compliance with the provisions of the development plan and the NPPF.

In respect of the appellant's application for costs, the Inspector found that the Council's refusal to grant planning permission did not constitute unreasonable behaviour that has put the appellant to unnecessary or wasted expense and as such, the application for costs was dismissed.

Document is Restricted