



# Public Document Pack

# DEVELOPMENT MANAGEMENT

# AGENDA

**THURSDAY 26 SEPTEMBER 2019 AT 7.00 PM**  
**DBC COUNCIL CHAMBER - THE FORUM**

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

## Membership

Councillor Guest (Chairman)  
Councillor Maddern  
Councillor Riddick  
Councillor C Wyatt-Lowe (Vice-Chairman)  
Councillor Beauchamp  
Councillor Durrant

Councillor Oguchi  
Councillor McDowell  
Councillor Uttley  
Councillor Woolner  
Councillor Symington

For further information, please contact Corporate and Democratic Support or 01442 228209

## AGENDA

### 1. MINUTES

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

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

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

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

#### **4. PUBLIC PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

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

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

## 5. INDEX TO PLANNING APPLICATIONS

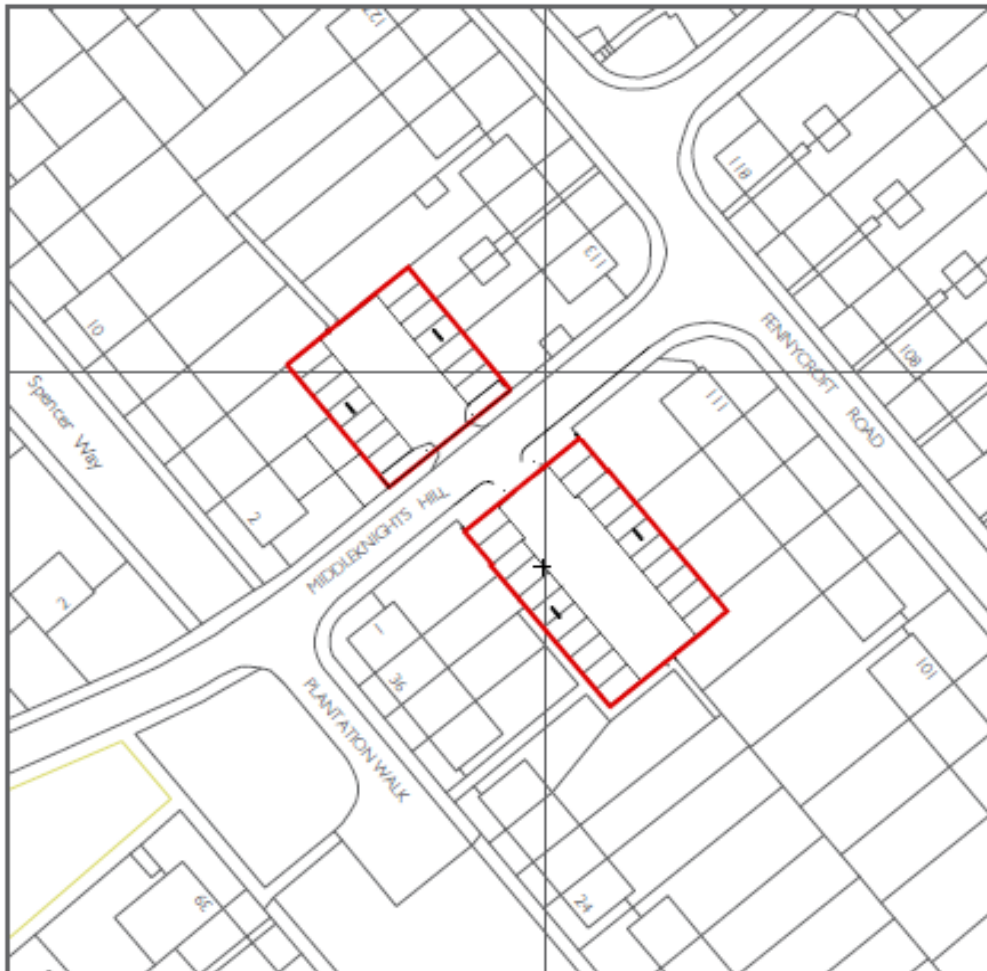
- (a) 4/00931/19/FUL - DEMOLITION OF GARAGES AND THE CONSTRUCTION OF 4 DWELLINGS COMPRISING 1X THREE BEDROOM HOUSE, 1 X ONE BEDROOM FLAT AND 2 X TWO-BEDROOM DWELLINGS AND ASSOCIATED LANDSCAPING AND PARKING AND REMOVAL OF CROSS OVER/ REINSTATEMENT OF THE PEDESTRIAN FOOTPATH TO THE NORTH PART OF THE SITE - GARAGE SITE, MIDDLEKNIGHTS HILL, HEMEL HEMPSTEAD (Pages 5 - 35)
- (b) 4/01378/19/FUL - CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE & LIGHT INDUSTRIAL) TO C A3 (CAFE) WITH PLAY AREA AND ASSOCIATED CAR PARKING - DOODLE CABOODLE, UNIT 21, SILK MILL INDUSTRIAL ESTATE, BROOK STREET, TRING, HP23 5EF (Pages 36 - 48)
- (c) 4/01430/19/FUL - DETACHED AGRICULTURAL BARN - LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE (Pages 49 - 65)
- (d) 4/01713/19/FUL - DEMOLITION OF DWELLING & CONSTRUCTION OF REPLACEMENT DWELLING INCLUDING REMOVAL OF IDENTIFIED SMALL SCALE TREES - 11 BARNCROFT ROAD, BERKHAMSTED, HP4 3NL (Pages 66 - 83)
- (e) 4/01534/19/FUL - DEMOLITION OF EXISTING COMMERCIAL/ANCILLARY RESIDENTIAL OUTBUILDING AND CONSTRUCTION OF TWO, ONE AND A HALF STOREY THREE BED SEMI DETACHED DWELLINGS - WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB (Pages 84 - 106)
- (f) 4/00171/19/FUL - DEMOLITION OF EXISTING EQUESTRIAN FACILITIES AND CONSTRUCTION OF ONE FOUR-BEDROOM DWELLING, ONE THREE-BEDROOM HOLIDAY LET, ONE WORKSHOP/BARN/CARPORT BUILDING, WITH ASSOCIATED SOFT LANDSCAPING, HARDSTANDING, AND FENCING - 1 WOODEND COTTAGES, LITTLE WOODEND, MARKYATE, ST ALBANS, AL3 8AX (Pages 107 - 130)

**6. APPEALS** (Pages 131 - 143)

## Item 5a

**4/00931/19/FUL      DEMOLITION OF GARAGES AND THE CONSTRUCTION OF 4 DWELLINGS COMPRISING 1X THREE BEDROOM HOUSE, 1 X ONE BEDROOM FLAT AND 2 X TWO-BEDROOM DWELLINGS AND ASSOCIATED LANDSCAPING AND PARKING AND REMOVAL OF CROSS OVER/ REINSTATEMENT OF THE PEDESTRIAN FOOTPATH TO THE NORTH PART OF THE SITE.**

**GARAGE SITE, MIDDLEKNIGHTS HILL, HEMEL HEMPSTEAD**



**4/00931/19/FUL DEMOLITION OF GARAGES AND THE CONSTRUCTION OF 4 DWELLINGS COMPRISING 1X THREE BEDROOM HOUSE, 1 X ONE BEDROOM FLAT AND 2 X TWO-BEDROOM DWELLINGS AND ASSOCIATED LANDSCAPING AND PARKING AND REMOVAL OF CROSS OVER/ REINSTATEMENT OF THE PEDESTRIAN FOOTPATH TO THE NORTH PART OF THE SITE.**

The image displays architectural drawings for two house types, labeled 'House Type 1' and 'House Type 2'. Each type includes a set of elevations and a section.

**House Type 1:**

- Elevations:**
  - front elevation (north):** Shows a two-story house with a central entrance, two windows on the ground floor, and four windows on the upper floor.
  - side elevation (east):** Shows a two-story house with a single window on the ground floor and a single window on the upper floor.
  - side elevation (west):** Shows a two-story house with a single window on the ground floor and a single window on the upper floor.
  - rear elevation (south):** Shows a two-story house with a large window on the ground floor and two windows on the upper floor.
- Section:**
  - section C-C:** A vertical section showing the internal structure, including the roof, walls, and floor.

**House Type 2:**

- Elevations:**
  - front elevation (south):** Shows a two-story house with a central entrance, two windows on the ground floor, and four windows on the upper floor.
  - side elevation (west):** Shows a two-story house with a single window on the ground floor and a single window on the upper floor.
  - side elevation (east):** Shows a two-story house with a single window on the ground floor and a single window on the upper floor.
  - rear elevation (north):** Shows a two-story house with a large window on the ground floor and two windows on the upper floor.
- Section:**
  - section D-D:** A vertical section showing the internal structure, including the roof, walls, and floor.

Each drawing includes a title block with the project name 'Evolution of a House', the client 'Mr. & Mrs. Smith', the architect 'Evolution Architects', and the date '10/10/2020'. The title block also includes a table for the project details.

Item	Description	Quantity	Unit
1	Foundation	1	m <sup>2</sup>
2	Ground Floor	1	m <sup>2</sup>
3	First Floor	1	m <sup>2</sup>
4	Roof	1	m <sup>2</sup>
5	External Walls	1	m <sup>2</sup>
6	Internal Walls	1	m <sup>2</sup>
7	Floor Slab	1	m <sup>2</sup>
8	Roof Slab	1	m <sup>2</sup>
9	Staircase	1	m <sup>2</sup>
10	Windows	1	m <sup>2</sup>
11	Doors	1	m <sup>2</sup>
12	External Works	1	m <sup>2</sup>
13	Internal Works	1	m <sup>2</sup>
14	Roof Works	1	m <sup>2</sup>
15	Foundation Works	1	m <sup>2</sup>
16	Ground Floor Works	1	m <sup>2</sup>
17	First Floor Works	1	m <sup>2</sup>
18	Roof Works	1	m <sup>2</sup>
19	External Works	1	m <sup>2</sup>
20	Internal Works	1	m <sup>2</sup>
21	Roof Works	1	m <sup>2</sup>
22	Foundation Works	1	m <sup>2</sup>
23	Ground Floor Works	1	m <sup>2</sup>
24	First Floor Works	1	m <sup>2</sup>
25	Roof Works	1	m <sup>2</sup>
26	External Works	1	m <sup>2</sup>
27	Internal Works	1	m <sup>2</sup>
28	Roof Works	1	m <sup>2</sup>
29	Foundation Works	1	m <sup>2</sup>
30	Ground Floor Works	1	m <sup>2</sup>
31	First Floor Works	1	m <sup>2</sup>
32	Roof Works	1	m <sup>2</sup>
33	External Works	1	m <sup>2</sup>
34	Internal Works	1	m <sup>2</sup>
35	Roof Works	1	m <sup>2</sup>
36	Foundation Works	1	m <sup>2</sup>
37	Ground Floor Works	1	m <sup>2</sup>
38	First Floor Works	1	m <sup>2</sup>
39	Roof Works	1	m <sup>2</sup>
40	External Works	1	m <sup>2</sup>
41	Internal Works	1	m <sup>2</sup>
42	Roof Works	1	m <sup>2</sup>
43	Foundation Works	1	m <sup>2</sup>
44	Ground Floor Works	1	m <sup>2</sup>
45	First Floor Works	1	m <sup>2</sup>
46	Roof Works	1	m <sup>2</sup>
47	External Works	1	m <sup>2</sup>
48	Internal Works	1	m <sup>2</sup>
49	Roof Works	1	m <sup>2</sup>
50	Foundation Works	1	m <sup>2</sup>
51	Ground Floor Works	1	m <sup>2</sup>
52	First Floor Works	1	m <sup>2</sup>
53	Roof Works	1	m <sup>2</sup>
54	External Works	1	m <sup>2</sup>
55	Internal Works	1	m <sup>2</sup>
56	Roof Works	1	m <sup>2</sup>
57	Foundation Works	1	m <sup>2</sup>
58	Ground Floor Works	1	m <sup>2</sup>
59	First Floor Works	1	m <sup>2</sup>
60	Roof Works	1	m <sup>2</sup>
61	External Works	1	m <sup>2</sup>
62	Internal Works	1	m <sup>2</sup>
63	Roof Works	1	m <sup>2</sup>
64	Foundation Works	1	m <sup>2</sup>
65	Ground Floor Works	1	m <sup>2</sup>
66	First Floor Works	1	m <sup>2</sup>
67	Roof Works	1	m <sup>2</sup>
68	External Works	1	m <sup>2</sup>
69	Internal Works	1	m <sup>2</sup>
70	Roof Works	1	m <sup>2</sup>
71	Foundation Works	1	m <sup>2</sup>
72	Ground Floor Works	1	m <sup>2</sup>
73	First Floor Works	1	m <sup>2</sup>
74	Roof Works	1	m <sup>2</sup>
75	External Works	1	m <sup>2</sup>
76	Internal Works	1	m <sup>2</sup>
77	Roof Works	1	m <sup>2</sup>
78	Foundation Works	1	m <sup>2</sup>
79	Ground Floor Works	1	m <sup>2</sup>
80	First Floor Works	1	m <sup>2</sup>
81</			

<b>4/00931/19/FUL</b>	<b>DEMOLITION OF GARAGES AND THE CONSTRUCTION OF 4 DWELLINGS COMPRISING, 1 X THREE BEDROOM HOUSE, 1 X ONE BEDROOM FLAT AND 2 X TWO BEDROOM DWELLINGS AND ASSOCIATED LANDSCAPING AND PARKING AND REMOVAL OF CROSS OVER/ REINSTATEMENT OF THE PEDESTRIAN FOOTPATH TO THE NORTH PART OF THE SITE.</b>
<b>Site Address</b>	<b>GARAGE SITE, MIDDLEKNIGHTS HILL, HEMEL HEMPSTEAD</b>
<b>Applicant</b>	<b>Thrive Homes, Westside</b>
<b>Case Officer</b>	<b>Elsbeth Palmer</b>
<b>Referral to Committee</b>	<b>The application has been referred to committee in view of the Councils financial interest in the site.</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposals would provide an appropriate use for this large area of vacant previously developed land within Hemel. The residential scheme is well designed having careful regard to the topography of the area and amenity of neighbouring dwellings. The proposals are not considered to result in significant harm to the amenities of these units through a loss in privacy, daylight or sunlight and are not considered visually intrusive. The scheme has been carefully considered to ensure that it does not result in any detriment to matters of highways safety.

2.2 The proposal is considered to meet the planning requirements set out at Policies CS4, CS8, CS12 and CS17 of the Core Strategy and as set out in Saved Policies 51, Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

## **3. Site Description**

3.1 The site lies within the established residential area of Gadebridge, this particular area features New Town development comprising predominantly terraced dwellings. shallow gable roofs, brick exteriors and regular layout pattern with defined building lines and gardens typically to the rear are characteristic of the area.

3.2 The site comprises two garage courtyards to the north and south of Middleknights Hill with 36 garages in total. There are two rights of way through the garage blocks serving dwellings along Fennycroft Road, Plantation Walk and Spencer Way.

3.3 Levels fall gently in a north-easterly direction down Middleknights Hill towards its intersection with Fennycroft Road. There are landscape features evident in the vicinity; however, the immediate street scene (between Fennycroft and Plantation Walk / Spencer Way) is dominated by hard landscaping with high boundary fencing enclosing rear gardens.

3.4 There is a high level of accessibility to services including Gadebridge (Rossgate shops at Galley Hill) local centre which is also on a bus route, located to the south of the

site. Open space in the locality includes Gadebridge Park to the east and Warners End Valley to the west.

#### **4. Proposal**

4.1 The proposal is for the demolition of the garages and construction of 4 affordable residential units comprising:

- Unit 1 - 1 bedroom (50 sqm);
- Unit 2 - 3 bedrooms (104 sqm);
- Unit 3 - 2 bedrooms (80 sqm); and
- Unit 4 - 2 bedrooms (80 sqm).

Units 1 and 2 are to be located on the northern side of Middleknights Hill with 3 and 4 on the southern side.

4.2 The tenure of the new dwellings would be for 'Affordable rent', charged at no more than 80% of market rent values in the locality. After three years, tenants will be offered the option to buy a share of their home on a Shared Ownership basis, subject to their financial circumstances.

4.3 The proposed dwellings will be two storey with hipped roofs facing Middleknights Hill. Parking for 7 vehicles will be provided.

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

5.1 No relevant planning application for the land as it has been a garage site for many years.

5.2 In September 2014, Cabinet approved the disposal of 97 garage sites, including that subject to this application, with a view to increasing the supply of housing across the Borough, minimising the future maintenance liability and driving more efficient use of its stock. A number of garages within Council ownership were not suitable for modern vehicles and were used for storage and parking for motorcycles. The Council has approximately 7,000 garages in the Borough with over 2,000 currently vacant.

#### **6. Policies**

##### **6.1 National Policy Guidance**

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

##### **6.2 Adopted Core Strategy –**

NP1, CS1, CS2, CS4, CS11, CS12, CS17, CS18 and CS32.

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

Policies 10, 13, 18, 21, 51, Appendix 3 and 5.

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



case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 6 - Gadebridge
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

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

- Sustainable Development Advice Note (March 2011)

### **7. Constraints**

- 15.2M AIR DIR LIMIT
- HCA 6 Gadebridge
- CIL3

### **8. Representations**

#### Consultation responses

8.1 These are reproduced in full at Appendix 1

#### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

### **9. Considerations**

#### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, design and scale of the development;
- Density;
- Impact on street scene;
- Impact on neighbouring properties;
- Amenity Space;
- Impact on trees and landscaping; and
- Access, parking and highways safety.

#### Policy and Principle

9.2 The application site is located within an established residential area of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy. Furthermore, there is a strong presumption in Policy CS17

in favour of promoting residential use of the land to address a need for additional housing within the Borough. Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.3 Within the Core Planning Principles outlined in the National Planning Policy Framework (NPPF) there is a strong emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF stresses this further seeking to boost the supply of housing. In addition, the NPPF encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.4 The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed urban land; the proposal is therefore in accordance with policies CS1, CS4, and CS17 of the Core Strategy (2013), saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

9.5 The site lies within HCA 6: Gadebridge Residential Character Area. Development principles for this area include:

- a variety of designs is acceptable;
- all types of dwellings are acceptable although the specific type should relate well to adjacent and nearby development in terms of design, scale and height;
- should not exceed two storeys;
- small to medium sized dwellings are acceptable;
- dwelling should front the road with a spacing of 2m to 5m expected between dwellings or group of dwellings;
- development must mainly be provided within the medium density range (30 to 35 dwellings/ha (net)). This may rise to a higher density in the range of 35-50 dwellings/ha (net) for sites at or close to the Rossgate Local Centre in cases where the character and appearance of the area is not unduly harmed.

#### Layout, Design and Scale

9.6 The proposed new dwellings face Middleknights Hill with landscaped parking areas along the frontage and amenity space to the side and rear. This part of the street scene is unusual in that few houses face the road but as you progress up the Hill most dwellings face the road with a variety of frontage widths and depths. The scheme provides more than 2m to 5m spacing between groups of dwellings. The scale of the dwellings in terms of height and bulk are similar to that found along Middleknights Hill. The design of the proposed dwellings in that they are brick, two storey with hipped roofs and a small single storey front projection will be in character with the surrounding area.

## Density

9.7 The Site measures approximately 0.1ha that equates to 40 dwellings per hectare. The Character Area Appraisal (HCA6) advocates a medium density of 25-35 dwellings/hectare in the area, rising to 50 dph at or close to Rossgate Local Centre. Saved Local Plan Policy 21, advises that: '*Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net*'. Therefore, the proposed residential density is considered sustainable given the Site's context.

9.8 The proposal will comply with CS12 in terms of respecting adjoining properties.

## Impact on Street Scene

9.9 The proposed new dwellings do not sit forward of the existing building line at first floor level so do not project forward in a way that dominates in the street scene. They are of similar scale, design and materials to the neighbouring dwellings.

9.10 The proposed frontages will comprise landscaped parking areas for the new dwellings.

9.11 There will be no detrimental impact on the street scene as a result of the proposal so the proposal will comply with CS12 in terms of being compatible with the existing street scene.

## Impact on neighbouring properties

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

9.13 There will be no significant loss of sunlight and daylight for the adjacent neighbours as a result of the proposal. Plans 407-326 Rev 1 demonstrate using the 25 degree test that the development will not result in a loss of sunlight and daylight for adjacent neighbours.

9.14 Units 3 and 4 will only have one first floor window each in the side elevation but this will be a fixed window with obscure glazed glass and top opening light 1.7 m above internal floor level. This window will serve a bathroom. There will be no overlooking from this window due to restrictions described.

9.15 The rear windows at first floor level of unit 3 and 4 will be 11.5 metres away from the site boundary and will face the far end of the rear gardens of properties along Plantation Walk and Fennycroft Road. It is considered the distance and direction of view would not result in a loss of privacy for these properties.

9.16 The first floor windows in the rear elevation of Units 1 & 2 will be high level ie. window sills 1.7 m above internal floor level to avoid overlooking of the properties to the rear. There are no first floor windows proposed for Units 1 & 2.

9.17 The proposal will comply therefore comply with CS12.

#### Amenity Space

9.18 Units 3 & 4 have a garden depth of 11.5m which meets the standard required under the Saved Appendix 3 of the DBLP. The total area for Unit 3 is 131 square metres and Unit 4 is 144 square metres.

9.19 The garden depth for Unit 1 - the one bedroom dwelling is 5.3 metres with a total area of 64 square metres and for Unit 2 the garden depth is 6.6 metres with a total area of 92 square metres.

9.20 Appendix 3 of the DBLP states, "Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes." Based on the above advice it is considered that the amenity space for unit 1 is acceptable. The garden depth of 6.6 m for Unit 2 is balanced with the fact that there is amenity space to the side of the dwelling (approx. 4.3 m) as well as to the rear creating an acceptable useable area of amenity space.

#### Impact on Trees and Landscaping

9.21 There are no significant trees affected by the proposed development. The proposal therefore complies with CS 12 in terms of retention of trees.

#### Impact on Highway Safety

9.22 Policies CS8 and CS12 of the Core Strategy seek to ensure that any new development provides a safe and satisfactory means of access for all users. Paragraph 91 of the NPPF (2019) states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible.

Highways have raised no objection to the proposal.

#### Parking

9.23 The standards required by Appendix 5 of the DBLP for Zone 4 include:

1 bedroom - 1.25 spaces

2 bedroom - 1.5 spaces

3 bedroom - 2.25 spaces

As there are two x two bed units the total required is 6.6 spaces.

9.24 The proposed development will provide for a total of 7 spaces.

9.25 This would meet the parking standards in saved Appendix 5 of the DBLP. This provision is considered appropriate for the scale of the proposed properties.

#### Response to Neighbour comments

9.26 These points have been addressed above.

## 9.27 CIL

9.28 All new residential development is expected to contribute towards the provision or cost of on site, strategic or local infrastructure necessary as a result of the proposed development. The Council adopted a Community Infrastructure Levy (CIL) in February 2015 and now requires CIL payments to address the requirements of Policy CS35. The site is located in CIL Charging Zone 3 where a levy of £100 per square metre (plus indexation) will be charged for residential development. The site may be able to claim an exemption from payment as affordable housing and subject to the submission of a relief claim.

## 10. Conclusions

10.1 The redevelopment of the garages for residential purposes would bring the land into productive use and assist the Borough Council in the overall supply of new homes required under Policy CS17 of the Core Strategy. The layout and design approach is considered to be satisfactory providing a high standard of development and one which does not prejudice either the amenity of neighbouring property nor matters of highways safety under Policies CS8 and CS12 of the Core Strategy and Saved Appendix 3 and 5 of the Local Plan.

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

### Conditions

No	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p><b>Prior to the erection of any structure above ground level, details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</b> Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to comply with CS12.</p>
3	<p><b>No development (other than demolition/site preparation works) 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:</b></p> <p>hard surfacing materials; means of enclosure; soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species,</p>

	<p>plant sizes and proposed numbers/densities where appropriate;  proposed finished levels or contours;  scaled plans showing garden shed/bicycle storage and design of bin store;  car parking layouts and other vehicle and pedestrian access and circulation areas; and  proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS12.</p>
4	<p><b>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</b></p> <p><b>Schedule 2 Part 1 Classes A, B, and E</b></p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS12. The properties are sited on a compact site with limited amenity space and close relationships with neighbouring dwellings.</p>
5	<p><b>No development above ground level shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:</b></p> <ul style="list-style-type: none"> <li><b>a. Construction vehicle numbers and type;</b></li> <li><b>b. Access arrangements to the site;</b></li> <li><b>c. Traffic management requirements</b></li> <li><b>d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</b></li> <li><b>e. Siting and details of wheel washing facilities;</b></li> <li><b>f. Cleaning of site entrances, site tracks and the adjacent public highway;</b></li> <li><b>g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</b></li> <li><b>h. Provision of sufficient on-site parking prior to commencement of construction activities;</b></li> <li><b>i. Post construction restoration/reinstatement of the working areas;</b></li> <li><b>j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.</b></li> </ul> <p><b>Development shall be carried out in accordance with the approved</b></p>

	<p><b>Management Plan.</b></p> <p><u>Reason:</u> In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.</p>
6	<p><b>Prior to the commencement of any above ground development details of any front boundary treatment shall be submitted and approved by the local planning authority. Development shall be constructed in accordance with the approved details.</b></p> <p><u>Reason:</u> To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy CS12.</p>
7	<p><b>Prior to the first occupation of the development hereby permitted, vehicular access to and egress from the adjoining highway shall be limited to the accesses shown on drawing number 407-320 P2 only. Any other access shall be permanently closed, and the footway and a full height kerb shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</b></p> <p><u>Reason:</u> To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.</p>
8	<p><b>Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</b></p> <p><u>Reason:</u> To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.</p>
9	<p><b>The windows at first floor level in the side elevations of unit 3 &amp; 4 hereby permitted shall be fixed with obscure glass and top opening light 1.7 metres from the internal finished floor level.</b></p> <p><u>Reason:</u> In the interests of the residential amenities of the occupants of the adjacent dwellings along Plantation Walk and Fennycroft Road and to comply with CS12.</p>
10	<p><b>The windows at first floor level in the rear elevation of Units 1 &amp; 2 hereby permitted shall be top hung and permanently fitted with obscured glass.</b></p> <p><u>Reason:</u> In the interests of the amenity of adjoining residents along Fennycroft Road and Spencer Way and to comply with CS12.</p>
11	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p>

**407/301 Rev P2 Site as Existing**  
**407/312 Location Plan**  
**407/320 Rev P2 Site as Proposed**  
**407/321 Rev P2 Proposed ground floor plans in context**  
**407/322 Rev P1 Proposed first floor plans in context**  
**407/323 Rev P1 Plans as Proposed - floor plans**  
**407/324 Rev P1 Elevations as proposed Units 3 & 4**  
**407/325 Rev P2 Elevations as proposed Units 1 & 2**  
**407/326 Rev P1 Proposed site sections showing 25 degree test**  
**Planning Statment dated August 2019 prepared by Litmus Planning and Development Consultancy**  
**Design and Access Statement Rev 1-21/08/2019 prepared by Evolution Chartered Architects**  
**Phase 1 Desk Study Report dated August 2019 prepared by Earth Environmental and Geotechnical**  
**Phase 1 Desk Study Report Part Two Ref GS-5619504 prepared by Groundsure Location Intelligence**

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

Informatives:

Highways

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**REFUSE / WASTE COLLECTION:** Provision has been made for on-site refuse/recycling stores within 30m of each dwelling and within 25m of the kerbside/bin collection and not stored on the highway, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The collection method must be confirmed as acceptable by DBC waste management.

**EMERGENCY VEHICLE ACCESS:** The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway. This adheres to guidelines as recommended in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses'.

Thames Water

As you are redeveloping a site, there may be public sewers crossing or close



	<p>to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p><b>Ecology</b></p> <p>Any building clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.</p> <p>In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p> <p>The inclusion of gardens within the development will provide net gain for biodiversity. Any enhancements for wildlife, in the form of native planting, wildflower planting, garden pond, bat and bird boxes, etc, would be welcomed.</p> <p><b>Article 35 Statement</b></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and positive engagement 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## Appendix 1

### Highways

#### Comments received 5/9/19

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

1. Prior to the commencement of the development hereby permitted full details shall be submitted and approved in writing in relation to:
  - Any front boundary features (e.g. walls, fence, hedge) of a height of no greater than 0.6m to ensure that visibility levels

for vehicles and pedestrians are sufficient and maximised. Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Access and Highway Works Prior to the first occupation of the development hereby permitted, vehicular access to and egress from the adjoining highway shall be limited to the accesses shown on drawing number 407-320 P2 only. Any other access shall be permanently closed, and the footway and a full height kerb shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Construction Management No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas; j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a

contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**COMMENTS / ANALYSIS:** The proposal comprises of the demolition of an existing garage area and construction of four dwellings at Middleknights Hill, Hemel Hempstead. Middleknights Hill is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

**VEHICLE ACCESS:** There are two existing accesses into the site, one on each side of the road. The proposals include closing off the existing accesses and the provision of four new vehicle crossover (VXO) accesses, the layout of which is shown on submitted drawing number 407-320 P2. The general arrangements are considered to be acceptable by HCC as Highway Authority although it should be noted that the previous layout (with one vehicle access) would be the preferred option to minimize the number of vehicles accesses and encourage the free flow of pedestrian highway users.

Any front boundary fences or hedges would need to be installed and/or maintained at a height of no greater than 0.6m to ensure that the required visibility levels can be permanently achieved.

In order for the proposals to be acceptable, the applicant would need to enter into a Section 278 agreement with HCC as Highway Authority in relation to the alterations required on the highway land including: • reinstating the footway and a full height kerb where the existing VXOs are no longer required and ensuring that there is a full height kerb and reinstated footway between the proposed VXO accesses. The exact width of the VXOs can be detailed as part of the Section 278 process.

**CAR PARKING & MANOEUVRABILITY:** The proposals include the provision of seven on site / off street car parking spaces. The dimensions of the proposed parking areas are considered to be acceptable and in accordance with Manual for Street (MfS). Vehicles would not be able to turn around and egress to the highway in forward gear although this is considered to be acceptable onto a local access road. Although there would be a loss of the existing garage area for parking, it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective and therefore HCC as Highway Authority considers this level to be acceptable. Dacorum Borough Council (DBC) is the parking authority for and therefore would ultimately need to be satisfied with the level of parking.

**REFUSE / WASTE COLLECTION:** Provision has been made for on-site refuse/recycling stores within 30m of each dwelling and within 25m of the kerbside/bin collection and not stored on the highway, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The collection method must be confirmed as acceptable by DBC waste management.

**EMERGENCY VEHICLE ACCESS:** The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway. This adheres to guidelines as recommended in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings'.

CONCLUSION: HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway and the trips generated from four dwellings would not be significant. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works required within the existing public highway. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.

#### Comments received 30/4

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

1. Access and Highway Works Prior to the first occupation of the development hereby permitted, vehicular access to and egress from the adjoining highway shall be limited to the access shown on drawing number 407-310 P2 only. Any other access shall be permanently closed, and the footway and a full height kerb shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Visibility Splays – Dimensioned in Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 31 metres shall be provided to each side of the vehicle access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Construction Management No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The

Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times; h. Provision of sufficient on-site parking prior to commencement of construction activities; i. Post construction restoration/reinstatement of the working areas; j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 / 38 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS: The proposal comprises of the demolition of an existing garage area and construction of four dwellings at Middleknights Hill, Hemel Hempstead. Middleknights Hill is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

VEHICLE ACCESS: There are two existing accesses into the site, one on each side of the road. The proposals use the existing access southern access through a widening of the existing vehicle crossover (VXO) and closing the VXO on the northern side of the road, the layout of which is shown on the submitted plan no. 407-310 P2. The arrangements are considered to be acceptable by HCC as Highway Authority. A standard VXO (rather than formalised bellmouth) would be acceptable for the size of the development – any widening of the VXO .

Following consideration of the classification of road and speed of traffic, vehicle to vehicle visibility splays of 2.4m by 31m would be required and is available from the access in both directions. The majority of the splay would be through the existing highway footway. However any boundary fences or hedges within the splay line would

need to installed and/or maintained at a height of no greater than 0.6m to ensure that the required visibility levels can be permanently achieved.

In order for the proposals to be acceptable, the applicant would need to enter into a Section 278 agreement with HCC as Highway Authority in relation to the alterations required on the highway land including: • reinstating the footway kerb to a full height at the closure of the existing VXO on the northern side of Middleknights Road • any widening to the existing VXO on the southern side of Middleknights Road (to a maximum width of 7.2m made up of six flat kerbs and two ramped kerbs).

**CAR PARKING & MANOEUVRABILITY:** The proposals include the provision of six on site / off street car parking spaces. The proposed layout and design of the parking and the width of the access way into the main car park at the rear (as shown on the submitted drawing 407-310 P2) is acceptable for the size of the proposals and in accordance with design guidance in 'MfS' Sec. 8.3.48 and 'Roads in Hertfordshire'. Vehicles would be able to turn around and egress to the highway in forward gear. Although there would be a loss of the existing garage area for parking, it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective and therefore HCC as Highway Authority considers this level to be acceptable. Dacorum Borough Council (DBC) is the parking authority for and therefore would ultimately need to be satisfied with the level of parking.

**REFUSE / WASTE COLLECTION:** Provision has been made for on-site refuse/recycling stores within 30m of each dwelling and within 25m of the kerbside/bin collection and not stored on the highway, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The collection method must be confirmed as acceptable by DBC waste management.

**EMERGENCY VEHICLE ACCESS:** The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway. This adheres to guidelines as recommended in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings'.

**CONCLUSION:** HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway and the trips generated from four dwellings would not be significant. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works required within the existing public highway. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives

### **Trees and Woodlands**

With regards to the above planning application, there are a number of garden ornamental trees which do not merit retention. Subsequently I have no objections to the application being approved in full.

### **Thames Water**

#### **WASTE COMMENT**

As you are redeveloping a site, there may be public sewers crossing or close to your

development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

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

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

## **WATER COMMENT**

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.

## **Growth and Infrastructure**

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

## **HCC - Ecology**

The site consists of 36 individual residential garages and hardstanding. It is split into two by a road (Middleknights Hill) with 14 garages on the north side and 22 to the south. There are no semi-natural habitats within the site. There are some trees adjacent to the site, however none will be affected by the proposal.

It is likely bats and common bird species will be foraging, commuting and roosting / nesting in the neighbourhood. However, I consider the risk to protected species is negligible. Due to the nature and scape of the proposal, I do not consider any ecological surveys are necessary on this occasion. Notwithstanding the above, I would recommend a precautionary approach to the demolition works, and advise the following Informatives are added to any consent granted:

"Any building clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."

“In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”

The inclusion of gardens within the development will provide net gain for biodiversity. Any enhancements for wildlife, in the form of native planting, wildflower planting, garden pond, bat and bird boxes, etc, would be welcomed.

### **Cupid Green**

Comments will be reported to the Development Management Committee meeting.

## **Appendix 2**

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

#### **Objections**

6 objections were received for this application. The following is a list of those objections:

#### **1. Removal of Existing Parking Facilities & Change of Use**

The submitted "Design and Access Statement" states in section 6.6 that:

"The Council is also currently undertaking a Verge Hardening Project due to an evident lack of parking in the Borough".

Given that the Council has recognised that the parking situation in the area is suboptimal, I would argue that the change of use to remove existing parking facilities for 36 vehicles, while simultaneously increasing the housing density (thereby almost certainly increasing the number of vehicles present), is not in the best interest for the area as a whole.

On-street parking surrounding the proposed development site is already extremely crowded. This results in long stretches of road forced to be single-file traffic, including around poorly-sighted corners, which and does lead to accidents. One such example of which is on the nearby Fennycroft Road and Raybarn Road, where bollards separating the road from the pavement have had to be replaced and resettled numerous times in recent years due to traffic hitting them. This safety concern has been recently highlighted by a number of residents during neighbourhood policing surveys.

In the Traffic Statement that was submitted, national figures have been used as a basis of vehicle ownership levels. I would surmise from my daily observations that vehicle ownership in the area immediately surrounding the development plot is higher than those figures provided, which means these figures are not a suitable basis for inclusion as part of this summary as they do not accurately reflect the area in question.

Even ignoring the removal of the 36 existing parking facilities, the supporting documentation states that Dacorum Borough Council is currently in the process of re-



assessing if the existing requirement of 1.5 spaces per property is sufficient, which is the level of parking provided by the current plans. If these standards are soon to be rendered outdated, possibly even prior to the time that the development is completed, I would question if the currently proposed level of parking is of an adequate level for the new properties.

Furthermore, the application states that the existing garages are vacant. This is because the surrounding residents have not been given the option to make use of them. It is my understanding that those who were renting the garages had their option to lease them revoked. This action has caused the displacement of vehicles and so made the current on-street parking situation on Middleknights Hill and the adjacent roads worse.

## 2. Impact on Local Area

A number of other new developments are occurring in this local area, including those on nearby Spring Lane and Boxted Road, have already received planning approval. I would question if the cumulative impact of further residential properties being introduced into the area in such a short timespan been considered in regards to the impact on local services, such as GPs surgeries & schools? There appears to be no evidence submitted as part of this application to demonstrate that local services will not be negatively affected by the total number of new properties being introduced to the Gadebridge area, which this application contributes to.

## 3. Submitted Building Designs & Impact to Neighbours

The designs submitted do not demonstrate how the drains on site will be relocated, or if there will be any impact to existing utilities which may run beneath the site. They also do not detail what utilities are currently available to the plots or how any new utilities required for the houses are to be provided to the properties.

The application does not appear to include any kind of assessment as to how the demolition of garages & removal of the concrete base will affect drainage and runoff of water to the immediate and surrounding properties. I would like to know what effect this change of terrain would have on the vegetation in properties surrounding the development.

When referring to the impact of changes to lighting levels caused by the development of the new houses, the current application only takes into account direct light reaching a select choice of windows of neighbouring properties. The plans do not take into account the lighting levels sustaining the mature gardens in some of the adjacent gardens, which would be negatively affected to a far greater degree. The ecosystems in these gardens currently support a diverse range of wildlife, including nesting birds, and large number of local bees.

While the plans submitted detail opaque glass windows on the side elevations, there appears to have been no consideration shown for residents who will be overlooked from the rear aspects of the new dwellings. From this aspect, occupants of the new homes would readily see into the rear of properties on Spencer Way, Plantation Walk and Fennycroft Road within a standard field of view. Given the positioning of the proposed new properties midway between two rows of houses, this effect of being overlooked is approximately three-times as great as the current situation as it exists

between the current houses.

Beyond the houses themselves, the effect of overlooking of the gardens of neighbouring properties caused by construction of the new properties would negatively affect the residential amenity of the existing homes which lie to the rear elevations of the new buildings. This effect is exacerbated to residents on both the north and south sides of the development whose gardens extend to lie along the end of the planned home's rear gardens, as the upper rear windows of the new properties would directly look down into their garden area.

#### 4. Boundary Walls Design & Practicality

A key part of the plan as it currently stands revolves around the idea of retaining the existing garage walls to form part of the boundary between the new development and the surrounding properties.

As noted in the Sections Diagram, the site in question is on a slope down towards Fennycroft Road. The plans call for the removal of the concrete base currently in place which completely covers the plot of land, including spanning under the existing garage block, ending immediately under garage walls which are proposed to be retained. There is no protrusion of the concrete base into the adjacent properties' gardens.

There appears to be no structural survey of the garages, or other indication submitted as part of this application which supports the idea that the existing garage walls are in a condition that they could support themselves when the majority of the concrete foundation on which they are built is removed, especially given sloping elevation of the land.

#### 5. Risks to Surrounding Properties During Development

Given that this construction site will be immediately adjacent to residential properties, there has also been no consideration shown on how the planning applicant plans to protect neighbouring residents and their property from a risk of collapse of these walls during the demolition & construction processes.

No plans have currently been submitted how the demolition & construction plans to meet Policy CS29 of the Dacorum Borough Council's Core Strategy, covering storage and disposal of hazardous materials. I feel like this is a crucial to be detailed in advance, given that the existing application has highlighted that there is a significant risk to the environment and neighboring residents due to the presence of asbestos-contaminated waste which could be produced on-site during the demolition of the existing structures when combined with the limited space allowed by the plot of land.

Furthermore, I would also like to point out that the neighbouring properties are home to a number of young children, whom it has been identified are at a greater risk of complications due to asbestos exposure than adults. Therefore any risk of exposure should be kept to an absolute minimum.

#### General comments

- We object to the building of these houses along the property boundary line . The new property's are to be built higher than our property at the end of our garden encroaching on our privacy and sunlight . This will also have a severe impact on my

livelihood as a self employed carpenter as my rear access is essential for loading and unloading my tools and materials . The property was only purchased recently because of the excellent rear access .

- The plans indicate that 6 parking spaces will be constructed on the southern plot. Will all of these spaces be allocated to the 4 new properties? If so how will this be enforced? What restrictions will be placed on contractors vehicles/access/parking during demolition/construction?
- Is the developer aware that the current western rear wall of the garages on both north and south sides of Middleknights Hill provide a certain amount of retaining to the gardens backing onto them?
- Whilst we are in support of the planned development of the site as it has become an eyesore in recent years and the location of many instances of fly tipping and antisocial behaviour there are inconsistencies in the papers submitted that need to be corrected and areas where further clarifications are required.
- Geo-Environmental Assessment, page 6, Fig 7 shows a property labelled as 38 Plantation Walk. This is incorrect. This property is 1 Middleknights Hill.

#### Design and Access Statement.

- When describing the properties whose gardens form the boundary of the proposed development to the south of Middleknights Hill the garden of 1 Middleknights Hill is missing from the description.
- Describes the plan to retain the existing garage walls as boundary walls for the development. We have concerns regarding the stability of these walls, particularly the section that forms the end wall of our garden as it is riddled with deep cracks running top to bottom. The top 3 layers of bricks have separated from the rest of the wall due to water ingress and failure of the mortar. A vast proportion of the bricks have failed also due to water ingress. We would seek reassurance that a thorough assessment is undertaken regarding the safety of these walls prior to the demolition of the garages.

#### Planning Statement.

- No mention is given regarding the distance of Plot 4 from 1 Middleknights Hill. 1 Middleknights Hill is the end property of a terrace of 4 consisting of 36 - 32 Plantation Walk.

#### Proposed Plans in context

- Plan shows 1 Middleknights Hill as 38 Plantation Walk. To clarify it is 1 Middleknights Hill that backs on to parking spaces P4 - P6. This plan mentions retaining access to the garage located at 2 Spencer Way. There is no mention of retaining access to the drive way of 1 Middleknights Hill via the dropped kerb on to Middleknights Hill, bordering the proposed development site.
- Again this plan mentions retaining the existing garage wall as a boundary to the development. Please see above comments for our concerns regarding this wall.

#### Site and Block plans

- Again 1 Middleknights Hill is referred to as 38 Plantation Walk. This plan clarifies the route of the right of way that is being retained and will run behind the parking spaces along the boundary line of our property. We seek reassurance that the wall is of a suitable condition to remain standing once the garages are demolished and of a height sufficient to maintain the security of our garden and home.
- Parking for current residents of the properties bordering the proposed development site is often problematic. We seek reassurance that the impact of construction related traffic on local residents is taken in to consideration when reviewing this planning application to minimise the impact on the public highway such as detailed by the Considerate Constructors scheme. We ask that construction related vehicles are parked only within the confines of the development and this is made a condition of the planning approval.
- Finally we ask that access to our driveway remains clear at all times and that no debris or other building materials are allowed outside the confines of the site particularly in relation to our drive way which borders the site.
- The masterplan for the proposed development produced by Evolution Chartered Architects states that the development will provide four (C3 Use Class) affordable residential units with six dedicated parking spaces. The development is effectively split in two parts either side of Middleknights Hill, to the north and south of Middleknights Hill.
- The transport statement states that Informal car parking is available in the area around Middleknights Hill, Plantation Walk, Fennycroft Road and other local streets and that no waiting restrictions are identified in the proximity of the site. The proposals seek to remove existing garages and replace with residential units. It should be noted that car parking in the immediate area is saturated, the fact that the garages are empty does not address the shortfall of car parking spaces available for residents. The proposals would add more stress to the existing shortfall in car parking. The justification of the scheme as stated in the Transport Statement is based on a similar development that was granted consent at Turners Hill (Planning Reference 4/00545/17/MFA), which included the demolition of 18 existing garages and construction of 14 new flats.
- The reason for our objection is that at no point has the council offered the use of the garages to the local residents, by doing so the existing car parking issue would be resolved and the additional benefits afford by road safety would be addressed.
- Importantly seeking advice from a transport consultant we are surprised that no car parking survey has been undertaken to determine car parking stress levels existing and proposed, no traffic and speed surveys along Middleknights Hill have been undertaken and more importantly the visibility splays to and from the proposed car parking area on the northern site have been provided. In terms of layout the schematic drawing do not provide sufficient information if the car parking spaces can access the spaces safely in a forward gear. Furthermore, the Transport Statement states that the site is readily accessible, however by virtue of car ownership and location the site is not, the 6 car parking spaces will not be sufficient and hence this will add more burden on the existing car parking stress levels.

- Parking and driving in the surrounding area, are not the easiest in the borough. There are times that access for emergency vehicles to the area causes me an amount of concern. There are few corners in the area that do not have vehicles parked opposite or very close to them. Add in delivery or tradesman vehicles and it gets even more difficult. There are regularly times when council refuse collection vehicles are in the area that I have had to find an alternative route to or from my house, because there is nowhere to pass it.
- A number of times we have found delivery or tradesman vehicles parked in our disabled bay. Having 2 building sites in such close proximity will only make parking and access worse. Vehicles delivering or removing material at the site will cause chaos.
- In the last several years the council has increased the number of parking bays in Middleknights Hill to try and improve the parking. A better use for the site in this application would be to change it into open air parking with clearly marked bays.
- Several comments are about the garages being vacant. To the best of my knowledge the garages were empty because the council had cancelled all rental agreements. One of my neighbours had rented a garage there and was informed that they had to vacate their garage by the beginning of April 2018. Cancelling rentals and effectively forcibly emptying them does not make them vacant through lack of usage.
- We noted from the drawings provided that the development to the rear of Spencer Way has a widow facing out onto our property, the annotation on the drawing states that the wind is to opaque. Whilst this addresses to the overlooking no further levels or dimensions have been provided. In addition, the introduction of the building will result in a loss of light, once again the developer and his consultants have not undertaken or provided any calculations and therefore whilst we appreciate the daylight in its current status the proposed development will impact on the light.
- Other comments are about the walls that are planned to be left in place. The wall at the end of my garden, providing retaining to the end of the garden and the foot path, are in poor condition, I am reasonably sure removing the walls that form the sides of the individual garages will result in the rear walls collapsing.
- My personal view is that this whole plan needs to be reviewed and the whole area carefully surveyed and fully assessed for it's impact on local utilities, environment, access and parking.

Address	Comments
	We object to the building of these houses on our boundary line . The new property's are to be built higher than our property at the end of our garden encroaching on our privacy and sunlight . This will also have a severe impact on my livelihood as a self employed carpenter as my rear access is essential for loading and unloading my tools and materials . The property was only purchased recently because of the excellent rear access .

	<p>We write to inform you of our objection to the proposed planning application to build residential development on land occupied by garages to the rear of Spencer Way, the proposed location as set out in the planning application is site located at Middleknights Hill, Hemel Hempstead, HP1 3NA.</p> <p>We have a number of objections and in order for the proposal to proceed further there has been no consultation on the proposals and we are therefore relying on the information contained on Decorum Planning portal.</p> <p>The masterplan for the proposed development produced by Evolution Chartered Architects states that the development will provide four (C3 Use Class) affordable residential units with six dedicated parking spaces. The development is effectively split in two parts either side of Middleknights Hill, to the north and south of Middleknights Hill.</p> <p>We have two formal objections:</p> <p>1) The transport statement states that Informal car parking is available in the area around Middleknights Hill, Plantation Walk, Fennycroft Road and other local streets and that no waiting restrictions are identified in the proximity of the site. The proposals seek to remove existing garages and replace with residential units. It should be noted that car parking in the immediate area is saturated, the fact that the garages are empty does not address the shortfall of car parking spaces available for residents. The proposals would add more stress to the existing shortfall in car parking. The justification of the scheme as stated in the Transport Statement is based on a similar development that was granted consent at Turners Hill (Planning Reference 4/00545/17/MFA), which included the demolition of 18 existing garages and construction of 14 new flats.</p> <p>The reason for our objection is that at no point has the council offered the use of the garages to the local residents, by doing so the existing car parking issue would be resolved and the additional benefits afford by road safety would be addressed.</p> <p>Importantly seeking advice from a transport consultant we are surprised that no car parkgn survey has been undertaken to determine car parking stress levels existing and proposed, no traffic and speed surveys along Middleknights Hill have been undertaken and more importantly the visibility splays to and from the proposed car parking area on the northern site have been provided. In terms of layout the schematic drawing do not provide sufficient information if the car parking spaces</p>
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	<p>can access the spaces safely in a forward gear. Furthermore, the Transport Statement states that the site is readily accessible, however by virtue of car ownership and location the site is not, the 6 car parking spaces will not be sufficient and hence this will add more burden on the existing car parking stress levels.</p> <p>2) Our second objection relates to the loss of light and privacy, we noted from the drawings provided that the development to the rear of Spencer Way has a widow facing out onto our property, the annotation on the drawing states that the wind is to opaque. Whilst this addresses to the overlooking no further levels or dimensions have been provided. In addition, the introduction of the building will result in a loss of light, once again the developer and his consultants have not undertaken or provided any calculations and therefore whilst we appreciate the daylight in its current status the proposed development will impact on the light. Given the objections raised above, the proposals for the development to the rear of Spencer Way is not supported and as a duty of care we request that the council planning department recommend refuse planning.</p>
	<p>I am writing to object to the proposed development of new houses on Middleknights Hill which are detailed in Application Reference: 4/00931/19/FUL.</p> <p>1. Removal of Existing Parking Facilities &amp; Change of Use</p> <p>The submitted "Design and Access Statement" states in section 6.6 that:</p> <p>"The Council is also currently undertaking a Verge Hardening Project due to an evident lack of parking in the Borough".</p> <p>Given that the Council has recognised that the parking situation in the area is suboptimal, I would argue that the change of use to remove existing parking facilities for 36 vehicles, while simultaneously increasing the housing density (thereby almost certainly increasing the number of vehicles present), is not in the best interest for the area as a whole.</p> <p>On-street parking surrounding the proposed development site is already extremely crowded. This results in long stretches of road forced to be single-file</p>

	<p>traffic, including around poorly-sighted corners, which and does lead to accidents. One such example of which is on the nearby Fennycroft Road and Raybarn Road, where bollards separating the road from the pavement have had to be replaced and resettled numerous times in recent years due to traffic hitting them. This safety concern has been recently highlighted by a number of residents during neighbourhood policing surveys.</p> <p>In the Traffic Statement that was submitted, national figures have been used as a basis of vehicle ownership levels. I would surmise from my daily observations that vehicle ownership in the area immediately surrounding the development plot is higher than those figures provided, which means these figures are not a suitable basis for inclusion as part of this summary as they do not accurately reflect the area in question.</p> <p>Even ignoring the removal of the 36 existing parking facilities, the supporting documentation states that Dacorum Borough Council is currently in the process of re-assessing if the existing requirement of 1.5 spaces per property is sufficient, which is the level of parking provided by the current plans. If these standards are soon to be rendered outdated, possibly even prior to the time that the development is completed, I would question if the currently proposed level of parking is of an adequate level for the new properties.</p> <p>Furthermore, the application states that the existing garages are vacant. This is because the surrounding residents have not been given the option to make use of them. It is my understanding that those who were renting the garages had their option to lease them revoked. This action has caused the displacement of vehicles and so made the current on-street parking situation on Middleknights Hill and the adjacent roads worse.</p> <p>2. Impact to Local Area</p> <p>A number of other new developments are occurring in this local area, including those on nearby Spring Lane and Boxted Road, have already received planning approval. I would question if the cumulative impact of further residential properties being introduced into the area in such a short timespan been considered in regards to the impact on local services, such as GPs surgeries &amp; schools? There appears to be no evidence submitted as part of this application to demonstrate that that local services will not be negatively affected by the total number of new properties being introduced to the</p>
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	<p>Gadebridge area, which this application contributes to.</p> <p>3. Submitted Building Designs &amp; Impact to Neighbours</p> <p>The designs submitted do not demonstrate how the drains on site will be relocated, or if there will be any impact to existing utilities which may run beneath the site. They also do not detail what utilities are currently available to the plots or how any new utilities required for the houses are to be provided to the properties.</p> <p>The application does not appear to include any kind of assessment as to how the demolition of garages &amp; removal of the concrete base will affect drainage and runoff of water to the immediate and surrounding properties. I would like to know what effect this change of terrain would have on the vegetation in properties surrounding the development.</p> <p>When referring to the impact of changes to lighting levels caused by the development of the new houses, the current application only takes into account direct light reaching a select choice of windows of neighbouring properties. The plans do not take into account the lighting levels sustaining the mature gardens in some of the adjacent gardens, which would be negatively affected to a far greater degree. The ecosystems in these gardens currently support a diverse range of wildlife, including nesting birds, and large number of local bees.</p> <p>While the plans submitted detail opaque glass windows on the side elevations, there appears to have been no consideration shown for residents who will be overlooked from the rear aspects of the new dwellings. From this aspect, occupants of the new homes would readily see into the rear of properties on Spencer Way, Plantation Walk and Fennycroft Road within a standard field of view. Given the positioning of the proposed new properties midway between two rows of houses, this effect of being overlooked is approximately three-times as great as the current situation as it exists between the current houses.</p> <p>Beyond the houses themselves, the effect of overlooking of the gardens of neighbouring properties caused by construction of the new properties would negatively affect the residential amenity of the existing homes which lie to the rear elevations of the new buildings. This effect is exacerbated to residents on both the north and south sides of the development whose gardens extend to lie along the end of the planned home's rear gardens, as the</p>
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	<p>upper rear windows of the new properties would directly look down into their garden area.</p> <p>4. Boundary Walls Design &amp; Practicality</p> <p>A key part of the plan as it currently stands revolves around the idea of retaining the existing garage walls to form part of the boundary between the new development and the surrounding properties.</p> <p>As noted in the Sections Diagram, the site in question is on a slope down towards Fennycroft Road. The plans call for the removal of the concrete base currently in place which completely covers the plot of land, including spanning under the existing garage block, ending immediately under garage walls which are proposed to be retained. There is no protrusion of the concrete base into the adjacent properties' gardens.</p> <p>There appears to be no structural survey of the garages, or other indication submitted as part of this application which supports the idea that the existing garage walls are in a condition that they could support themselves when the majority of the concrete foundation on which they are built is removed, especially given sloping elevation of the land.</p> <p>5. Risks to Surrounding Properties During Development</p> <p>Given that this construction site will be immediately adjacent to residential properties, there has also been no consideration shown on how the planning applicant plans to protect neighbouring residents and their property from a risk of collapse of these walls during the demolition &amp; construction processes.</p> <p>No plans have currently been submitted how the demolition &amp; construction plans to meet Policy CS29 of the Dacorum Borough Council's Core Strategy, covering storage and disposal of hazardous materials. I feel like this is a crucial to be detailed in advance, given that the existing application has highlighted that there is a significant risk to the environment and neighboring residents due to the presence of asbestos-contaminated waste which could be produced on-site during the demolition of the existing structures when combined with the limited space allowed by the plot of land.</p> <p>Furthermore, I would also like to point out that the neighbouring properties are home to a number of young</p>
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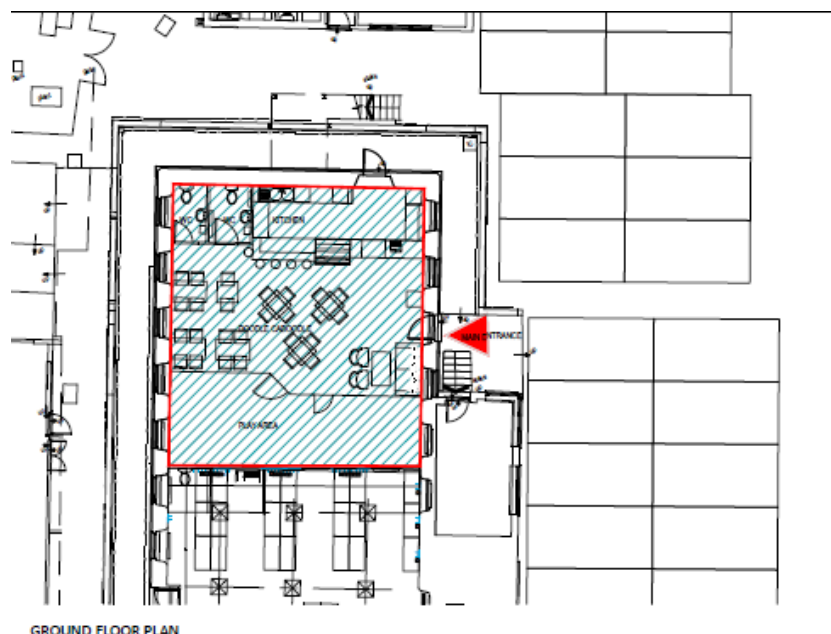
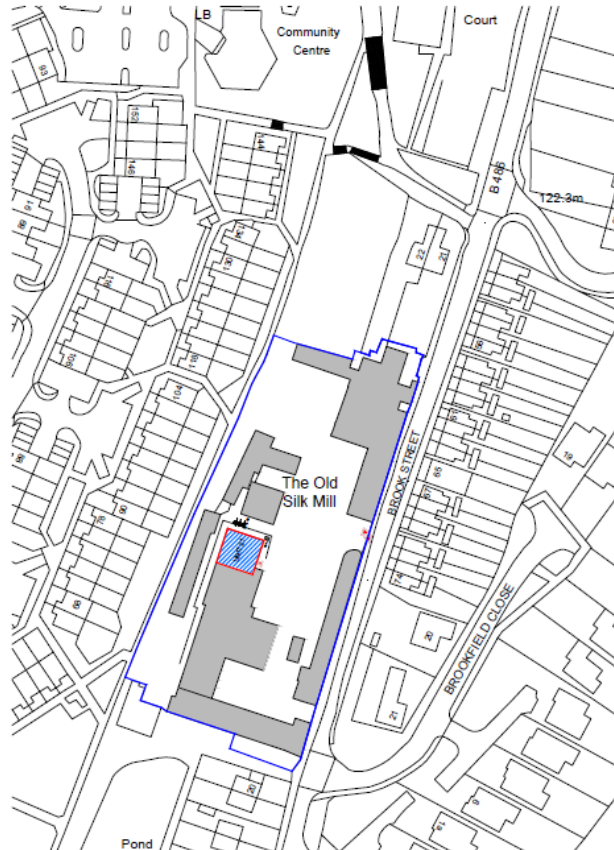
	<p>children, whom it has been identified are at a greater risk of complications due to asbestos exposure than adults. Therefore any risk of exposure should be kept to an absolute minimum. The government advisory report stating this can be found at the link below.</p> <p><a href="https://webarchive.nationalarchives.gov.uk/2014050612222/http://www.iacoc.org.uk/statements/documents/Asbestosinschoolsstatement_000.pdf">https://webarchive.nationalarchives.gov.uk/2014050612222/http://www.iacoc.org.uk/statements/documents/Asbestosinschoolsstatement_000.pdf</a></p>
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# Agenda Item 5b

## Item 5b

**4/01378/19/FUL CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE & LIGHT INDUSTRIAL) TO A3 (CAFE) WITH PLAY AREA AND ASSOCIATED CAR PARKING**

**DOODLE CABOODLE, UNIT 21, SILK MILL INDUSTRIAL ESTATE, BROOK STREET, TRING, HP23 5EF**



GROUND FLOOR PLAN

# Item 5b

**4/01378/19/FUL CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE & LIGHT INDUSTRIAL) TO A3 (CAFE) WITH PLAY AREA AND ASSOCIATED CAR PARKING**

**DOODLE CABOODLE, UNIT 21, SILK MILL INDUSTRIAL ESTATE, BROOK STREET, TRING, HP23 5EF**



<b>4/01378/19/FUL</b>	<b>CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE &amp; LIGHT INDUSTRIAL) TO A3 (CAFE) WITH PLAY AREA AND ASSOCIATED CAR PARKING</b>
<b>Site Address</b>	<b>DOODLE CABOODLE, UNIT 21, SILK MILL INDUSTRIAL ESTATE, BROOK STREET, TRING, HP23 5EF</b>
<b>Applicant</b>	<b>MARGISAL LTD, THE OLD SILK MILL</b>
<b>Case Officer</b>	<b>Will Collier</b>
<b>Referral to Committee</b>	<b>Contrary to objection of Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposed change of use will make good use of an existing commercial building providing limited local employment and providing a useful facility for Silk Mill employees and visitors. The proposal will have no significant adverse impact on neighbouring amenity, the listed building or have an unacceptable impact on highway safety. It follows the proposal would accord with the aims of Policies CS4, CS8, CS11, CS14, and CS15 of the Dacorum Core Strategy (2013) and Policy 10 of the Saved DBLP 1991-2011.

## **3. Site Description**

3.1 The application site is located to the west side of Brook Street, Tring within Unit 21 of the Old Silk Mill Industrial Estate. The application unit falls within a Grade II Listed Building. The application unit comprises a vacant ground floor unit of approximately 108 sq. metres, which is located within the designated employment area. The site is characterised by an accumulation of different buildings, mainly within B2 (general industrial- warehouses) use. The surrounding area is predominantly residential characterised by terraced and semi-detached properties.

## **4. Proposal**

4.1 The application seeks retrospective permission for change of use from B1 to a café (A3).

4.2 The current cafe has been in operation at the site since 1st April 2017, and comprises of kitchen/server, dining area and a play area for children.

4.3 No external or internal alterations have been undertaken.

## **5. Relevant Planning History**

None relevant.

## **6. Policies**

6.1 National Policy Guidance

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

## 6.2 Adopted Core Strategy

NP1 (Supporting Development), CS1 (Distribution of Development), CS4 (The Towns and Large Villages), CS8, CS12 (Quality of Site Design) CS14 (Economic Development) and CS15 (Offices, Research, Industry...), CS27 (Quality of the Historic Environment)

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 (Optimising the Use of Urban Land)  
Policy 31 (General Employment Areas)  
Policy 57 (Provision and Management of Parking)  
Policy 119 (Development Affecting Listed Buildings)

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

- Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Appendix 5 (Parking Provision) of saved Dacorum Borough Local Plan

## 7. **Constraints**

- GRADE 2 LISTED BUILDING
- 15.2M AIR DIR LIMIT
- Former Land Use
- GENERAL EMPLOYMENT AREA

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on heritage assets
- Impact on parking and highway safety

- Noise and odour

### Policy and Principle

9.2 Policies CS4 and CS15 of the Core Strategy (2013) state that General Employment Areas will be protected for B-class uses. Saved Policy 31 of the Local Plan (2004) states that the scale and nature of proposals in General Employment Areas (GEA) will be assessed with regards to; the individual character of the Employment area, other planned development, the character of adjoining areas, accessibility for vehicles and pedestrians and highway impacts. The General Employment Area in Brook Street is designated as an industrial location where small units are to be retained.

9.3 The proposed change of use would thus conflict with the above policies, however, in this case it is considered acceptable taking into account the following considerations:

- The proposed hours of opening are 8am-5.30pm on weekdays, with the café being closed at the weekends except when used for private hire. Also, the café does not have a frontage to Brook Street, but is located within the main mill building towards the rear of the GEA. This suggests that the main use of the café will be to serve Brook Street GEA employees, rather than local residents.
- The floorspace of the café is small (under 100 sq. metres), so the impact on Tring town centre and loss of B-class floorspace would be very limited.
- The applicant states in the Design and Access Statement that at the time of advertising the vacant unit in 2017, the only interest came from a café operator (Doodle Caboodle), and as other units were also vacant at the time, the decision was made to let the unit to the café use.
- The NPPF and saved Policy 10 (DBLP 1991-2011) support the reuse of previously developed land
- There are no cafes within easy walking distance of Brook Street GEA.
- The proposal will provide a useful and sustainable location for employees of the industrial estate.
- The proposal will provide local employment

9.4 Thus the cafe is considered to provide a useful amenity/facility to Brook Street GEA employees and would be ancillary to the main use of the GEA as a source of business use employment.

### Impact on heritage assets

9.5 The café occupies a ground floor unit in the Grade II listed Silk Mill building. Policy CS27 of the adopted Core Strategy requires all development to favour the conservation of heritage assets, which in this case is the Grade II listed building.

9.6 The change of use from B1 to café use involves no physical changes to the fabric of the building and as such is considered to respect the character of the listed building. It is important that active uses are found for listed buildings to assist in maintenance and long term preservation. Furthermore, there are no objections from Dacorum Borough Council's conservation officer.



### Parking and Highway Safety

9.6 The floorspace of the cafe dining area is 50 sq. metres approx. According to the Dacorum Borough Local Plan (Appendix 5), this requires a parking provision of 1 space per 5 sq. metres plus 3 spaces per 4 employees, which works out as 10 spaces (there are fewer than 4 employees). The number of parking spaces required is therefore calculated to be approximately 11 spaces taking into account there is a maximum of two employees.

9.7. There are 26 visitor parking spaces within the Silk Mill site which are available to the café and other units of the Silk Mill, the remaining spaces are allocated. Whilst these are shared it should be noted there are no objections from the Highway Authority with regard to parking standards and highway safety. It is stated in their comments that 'following consideration of the use of the overall business park there would not be sufficient reason to recommend refusal on parking grounds from a highways perspective'. Despite concerns raised, the parking provision is considered acceptable in light of the Highways Authority response. Furthermore, the site is within walking distance from the town centre. It should also be noted that many of the users of the facility are employed in the other commercial units at Silk Mill.

### Noise and odour

9.8 Concerns about odour from the cafe have been raised in several representations received. The applicant has submitted an odour management plan which identifies that the impact risk is 'low level' and that the existing extraction system consisting of grease filter and carbon filtration is sufficient. It also recommends that the management plan should be reviewed in the event of any changes to the business affecting the level of odour impact. This has been accepted by the council's Environmental Health Officer. A condition is recommended to ensure compliance with the odour management plan.

### CIL

9.9 The floor space of the unit is 108 sq metres and therefore eligible for CIL.

## **10. Conclusions**

10.1 The application is for retrospective permission for the change of use from one business unit to a café. The principle of the change of use is considered acceptable given the position in the wider business park and being ancillary in nature. The level of parking provision is considered acceptable and there is no adverse impact on the listed building. Therefore recommended for approval.

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

#### Conditions

No	Condition
1	<b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b>

	<p><b>Design and Access Statement</b>  <b>Odour Management Plan August 2019 (Revised version)</b>  <b>PL102 (Revision A)</b>  <b>PL106</b>  <b>PL201</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>
2	<p><b>The Cafe (A3) use shall be operated in accordance with the Revised Odour Management Plan dated August 2019.</b></p> <p><u>Reason:</u> For the avoidance of doubt and to ensure no harm from pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances in accordance with Policy CS32 of the adopted Dacorum Borough Core Strategy.</p> <p><u>Article 35 Statement:</u></p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

## Appendix A

### Consultation responses

DBC - CONSERVATION	No Objection
<p>The application is for the change of use of a part of the grade II listed Silk Mill in Tring. I believe the listed building application is not required if the application is purely for change of use.</p> <p>The current use of this part of the building is as a café, there was previously some form of kitchen area in the position of the existing and the change of use has not affected the special interest of this part of the listed building, there is no objection in principle. However can the applicants confirm no additional flues / additional ventilation etc have been installed into the building as part of its use as a café – this would need consent.</p>	
DBC - CONTAMINATED LAND	No Objection
<p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there</p>	

is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

DBC - NOISE POLLUTION & HOUSING	No Objection
<p>No objections in principle, but I would recommend a condition for cooking odours to have regard to other businesses forming part of the site and may be impacted by ingress of cooking odours into neighboring occupied units.</p> <p><i>Suggested Condition – odour</i></p> <p>Within 2 months of the hereby approved permission, an odour management plan shall be submitted for the approval of the LPA. The odour management plan shall specify the provision to be made for the collection, treatment and dispersal of cooking odours generated by the development. Where mechanical ventilation is to be incorporated into the development the odour management plan shall include a schedule for repair, maintenance and servicing.</p> <p>The odour management plan shall be compiled by appropriately experienced and competent persons.</p> <p>All mitigation / control measures shall be fully implemented in accordance with the approved management plan and appropriately validated before coming into first operation and, retained thereafter.</p> <p>Reason</p> <p>Policy CS32 – any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>	

HCC - Dacorum Network Area	No Objection
<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>COMMENTS / ANALYSIS: The application comprises of the change of use of an existing building from office/ light industrial use to a café at Unit 21, Silk Mill Business Park, Brook Street, Tring. Brook Street is designated as a classified B secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The unit is currently being used as a café.</p> <p>ACCESS &amp; PARKING: The proposals do not include any new/alterd vehicular or pedestrian access from the highway.</p> <p>The application makes reference to 24 car parking spaces. Would these parking spaces be available for the overall business park or just the café? This would need to be clarified. Furthermore ten of the car parking spaces would not be accessible if cars are parked in the bays directly adjacent to the west. Following consideration of the use of the overall business park there would not be sufficient reason to</p>	

recommend refusal on parking grounds from a highways perspective. However the applicant is reminded that Dacorum Borough Council (DBC) is the parking authority for the district and therefore ultimately should be satisfied with the levels of parking.

Following consideration of the use of the site within an existing business park, the proposals would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. HCC has no objections or further comments on highway grounds to the application although this is subject to the comments in relation to the car parking, which may need some clarification.

Tring Town Council, The Market House	Objection
The Council recommended refusal of this application on the grounds that there was inadequate parking facilities on site for a café. Whilst the Council welcomes the enterprise, the café's operation has increased on street parking in Brook Street, aggravating a dangerous situation on a busy thoroughfare. Examples of parking close to junctions and at narrow points were quoted during consideration of this application	

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
	<p>I have attended workshops at a neighbouring unit. Parking is high on impossible at present and if a food outlet with constant comings and goings is going to be developed , this would just make an impossible situation much, much worse.</p> <p>There is also concerns about "odours". Cooking odours do tend to linger which must be concerning for many of the retail outlets, particularly clothing or fabric.</p> <p>I strongly object to this proposal.</p>
	<p>The silk mill has 50 or so businesses onsite, and has very few public spaces, which seem to be taken up by the play/cafe customers making it difficult to visit other units. Have also noticed cooking smells in communal areas, as a listed building perhaps extraction fans that are normally used are against planning. Parking on roads also limited, and if I have a lot of heavy stuff to carry is inconvenient. Patrons who have units also have play/cafe people in and this causes problems, and on occasions even damage to parking bollards etc.</p>
	<p>There are 24 parking. For visitors for the entire development with over fifty businesses. Every time I have come as a customer I can not park here. Most times</p>

	<p>there are several buggies and mums taking things out their cars to visit this cafe. It's a busy place. And that means lots of mums with kids. And kids come with lots of stuff and if you have two kids or so... no mum will park up the road instead will park at the venue. It's disruptive.</p> <p>I am mobility challenged and twice I have brought disabled people to classes and can't park because mums and their kids are parked up and I have to drop off the students (in their 70s and 80s) and then try and walk back while haven't mobility issues myself.</p> <p>On the grounds of parking alone this isn't a good idea.</p> <p>The smell of food in the common areas is bad. Smoke at times too. I went to the art place and the quilt place on two different occasions and the smell was so bad. There is no adequate extractor fans in the cafe. So the current setup doesn't work.</p> <p>On weekends is insane sometimes. Having done classes in neighbouring units there can be 80 people in there and the car park is packed. Even for the units that have parkings. There are so many people and all of these - for private parties I guess - are in the cafe. I guess with their alcohol license and the kids play area it is the perfect place for parties. But the cars park all over the car park on weekends and there can be three parties per day.</p> <p>I object to this proposal as the ventilation isn't good. And parking by this business is really abused at the cost of other people wanting to come to use other units.</p>
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## Supporting

Address	Comments
	<p>This enterprise brings a much needed facility to this site and is used by many of the tenants as well as young families, most of whom walk here as it is within easy walking distance of much of the town. Comments regarding it's customers increasing parking issues in Brook Street are unfounded and based on hearsay and opinion, not facts.</p>
	<p>Doodle caboodle is a great asset to the community. There is no other local place I know of that is small enough where I can safely keep an eye on both my 1 year old and my 4 year old while they play. Not granting the change of use permit and forcing the cafe to close would be a huge loss to families in the area with young children.</p>

	<p>There have been several new business that have opened in the silk mill area since the cafe first opened, so I do not think it is fair to say the increase in traffic on Brook Street is just because of the cafe. I also want to point out that the Doodle Caboodle website gives very detailed instructions for parking only in specified places in the silk mill business park area or parking in car parks by m&amp;s, the coop, and the auction house. Myself and people I know walk, and the website provides many options for parking other than on Brook Street. I want to reiterate that I do not think it is fair to blame the cafe for the issues along Brook Street without detailed monitoring over a decent period of time to actually see which businesses are frequented by drivers.</p>
	<p>Doodle Caboodle provides an excellent service to local families - and sometimes visitors from out of the area with local friends and family. They have worked hard to make it a success as witnessed by their social media profile. It would be a great shame - and a loss to the area - if a way could not be found to accommodate this Application.</p> <p>The issues which have been raised are odour and parking.</p> <p>1. Odours - this property (type and situation) doesn't present any unique challenges which couldn't be met by a factual assessment by a competent person and a plan drawn up for approval, which could then become a condition of Planning.</p> <p>2. Parking - the Objections so far are opinions and feelings - no facts. A joint effort by Council and Applicant to monitor parking over a period of time would provide those facts. It would be useful to involve the other businesses on the site to get a full picture of who is using the spaces and what could be done to help - all the businesses - prosper with this limited resource.</p> <p>The Applicant has worked hard to build a business and deserves to succeed - as much as every other business on the site - it requires effort all round to find a way that this Business can operate in harmony with it's neighbours.</p> <p>I strongly support the need to find these solutions and grant the application</p>
	<p>Doodle caboodle is an essential service to the local community because it is the only one of its kind in the area. Mothers can relax and have a tasty snack and coffee with friends whilst their little ones entertain themselves safely. Also a lot of the neighbouring</p>

	<p>businesses patronise the facility for takeaway foods and drinks to help them through the day without going any further afield.</p> <p>I understand there have been complaints from a minority of neighbours which are unfounded and since they moved in after doodle caboodle so they were aware of what the business consisted of. I've no idea why this happy little business should be persecuted. It is completely unfair and unnecessary</p>
	<p>The cafe is a great resource for locals and those further afield. Yes, parking is limited, but there are plenty of local public car parks a short walk away. We Park and walk, then when we've finished we pop into the butchers and other shops in Tring. We would not use the shops in Tring if we were not visiting the cafe before hand. As for the smells, yes I guess there are smells, but who does not love the smell of fresh cakes, and surely less smelly than the local farmer muck spreading or the increased fumes from the on site garage. I believe it is also unreasonable to solely blame the cafe for the increased parking requirements, the whole site now has a greater footfall due to the increased number of small businesses now on the site, many of which require visitor parking, and this seems to be lacking. Surely the local council should have considered all this at the time the landlord made overall changes to the site rather than at the point of a change of use!?! SB.</p>
	<p>Fully support this enterprise in Tring. Child geared suitable places for local people to meet with children do not exist anywhere else in the area.</p>
	<p>Doodle caboodle provides a service to the community that is entirely unavailable elsewhere within a five mile radius.</p> <p>Having a safe and suitable place to meet is invaluable for parents and carers of young children.</p> <p>I wholly support their application for a change of use.</p>
	<p>When it opened Doodle Caboodle seemed to be one of the only new businesses on the site, there are now so many diverse little businesses. It is great to have so many new businesses in Tring, we should be supporting them all. I haven't noticed any cooking smells when I walked up to the cafe and the food is delicious. Lots of people who visit the cafe are from Tring and walk.</p> <p>When you are a new parent it is important to have somewhere you can go where you feel relaxed and comfortable, somewhere that gives you a warm friendly welcome and you can meet other parents - Doodle Caboodle offers all of this. Our Childrens Centre is not open every day now so we should support places and groups where parents can meet up. The owner has put a</p>

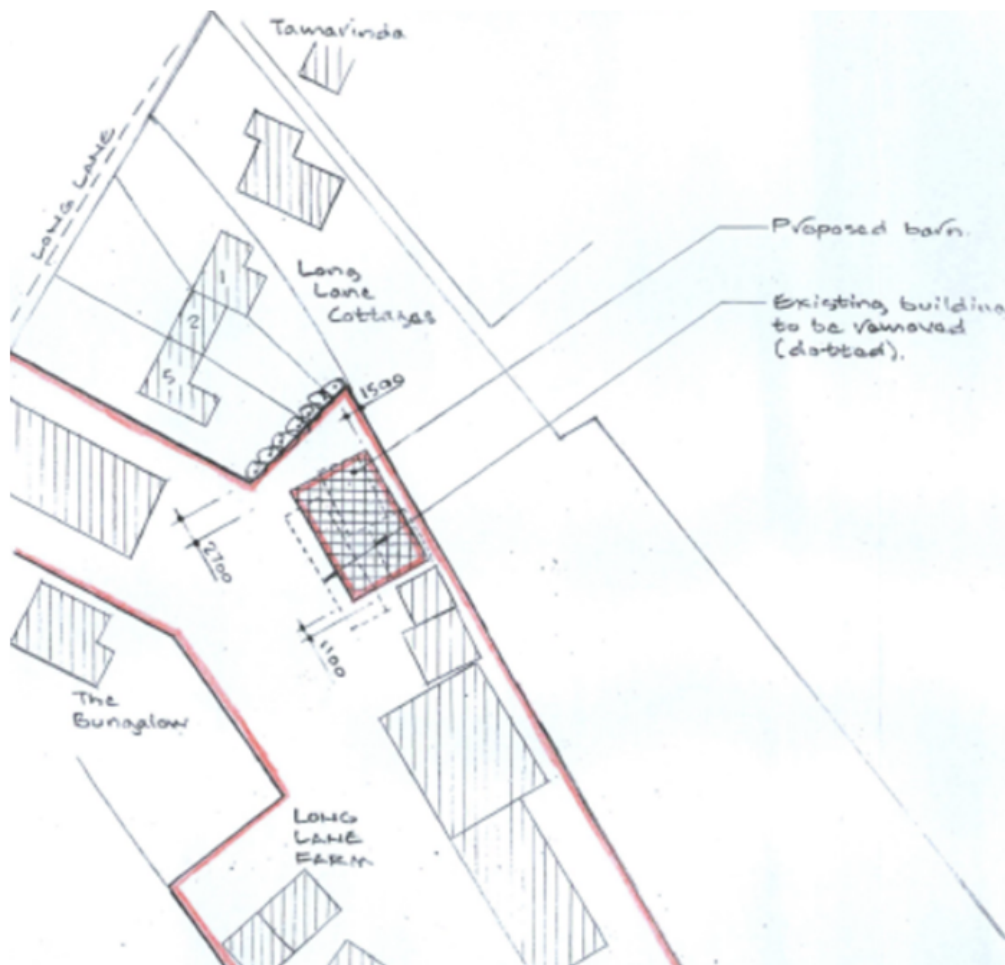
	<p>lot of time and thought into her sessions thinking about lots of different groups in our community including meet ups for children starting schools and nurseries, grandparent and childminder sessions. The cafe is an asset to our town and one we should support.</p>
	<p>The Doodle Caboodle Café has been running a successful business for nearly two and a half years providing parents with young children a place a place to relax with friends or alone while their children play in a safe environment within view. It also provides a useful take away service to people working locally. The owners are fully aware of the limited parking facilities and have encouraged customers to use the public car park which is within easy walking distance.by offering to refund their parking fee against purchases made in the café. With so many businesses failing in many towns I feel with the café which provides such a useful service to Tring and the surrounding area should be allowed to continue.</p>



## Item 5c

4/01430/19/FUL DETACHED AGRICULTURAL BARN

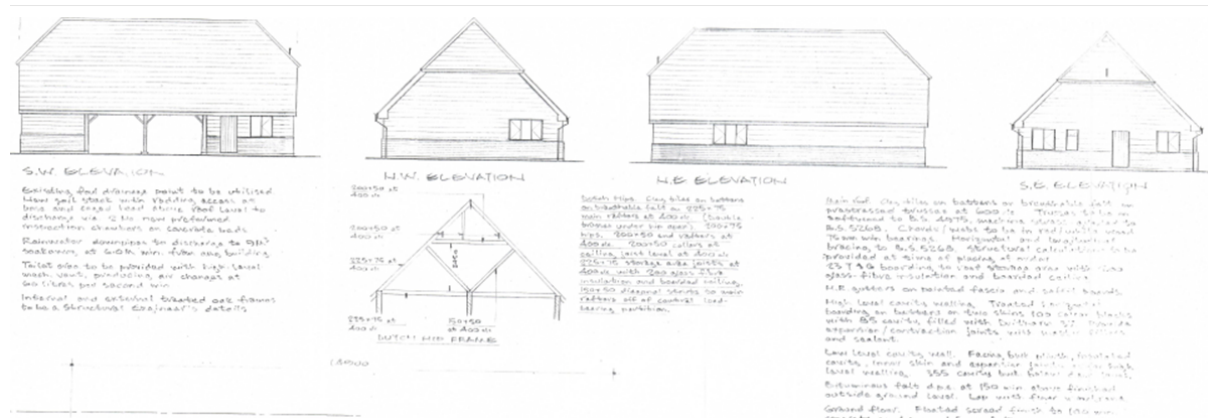
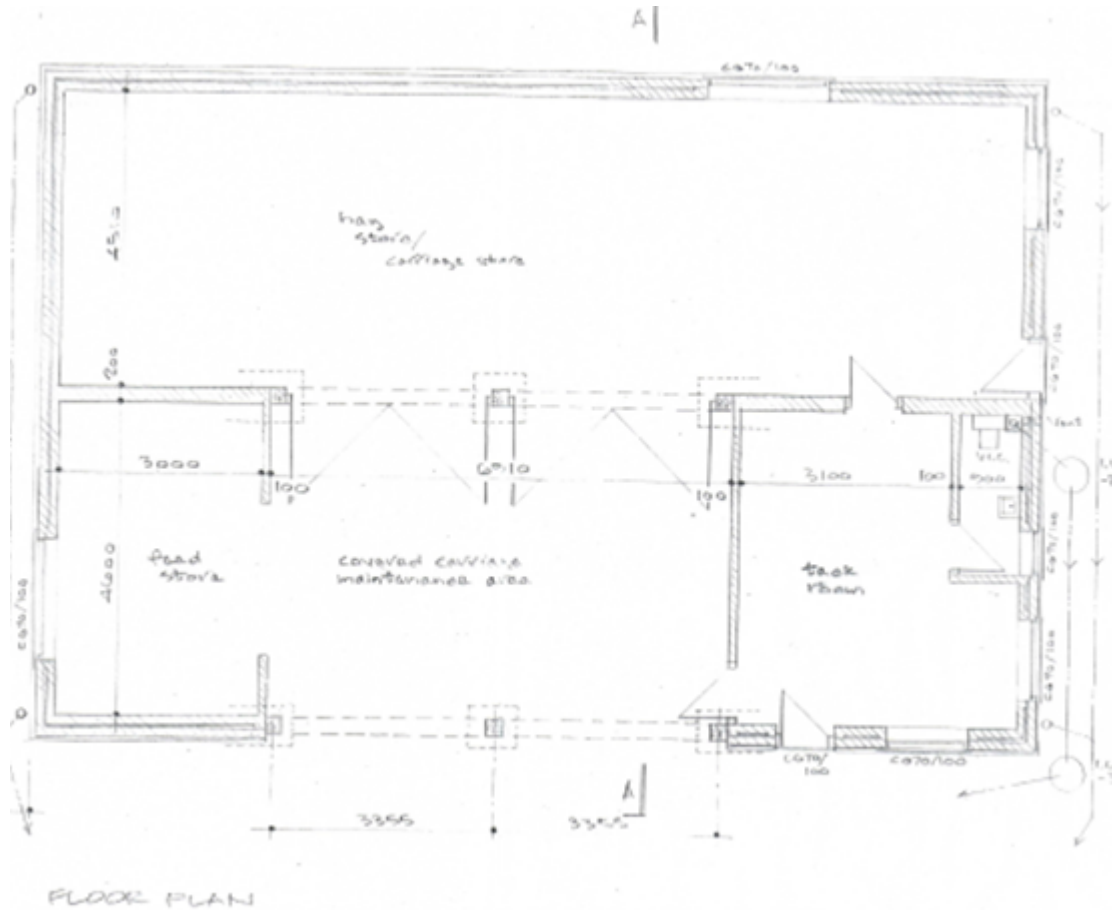
LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE



# Item 5c

## 4/01430/19/FUL DETACHED AGRICULTURAL BARN

### LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE



<b>4/01430/19/FUL</b>	<b>DETACHED AGRICULTURAL BARN</b>
<b>Site Address</b>	<b>LONG LANE FARM, LONG LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NE</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Hunt</b>
<b>Case Officer</b>	<b>Nigel Gibbs</b>
<b>Referral to Committee</b>	<b>The recommendation is contrary to the response of Bovington Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be granted.

## **2. Summary**

2.1 The site is located within the Green Belt and is subject to two previous planning permissions for a barn for specialist equestrian purposes in an area of the site's yard previously featuring longstanding buildings. The current application involves a building higher than the approved 2018 permission.

2.2 Set against the grant of Planning Permissions 4/02911/16/FUL and 4/01812/18/FUL as the fallback position /starting point the proposed barn is considered to be compatible with the Green Belt and there is no other harm, including the residential amenity of nearby dwellings in Long Lane.

2.3 Overall the proposal would accord with the aims of Policies CS1, CS5 , CS9, CS11, CS12, CS29 and CS32 of the Dacorum Core Strategy.

## **3. Site Description**

3.1 Long Lane Farm is located on the south eastern side of Long Lane to the south west of the junction with Water Lane and Bovington Green. The site features a long established dwelling closely fronting the road and an elongated access to the farmyard behind featuring a range of old and modern buildings serving the animal livestock agricultural unit.

3.2 There were a cluster of very dilapidated buildings within the northern corner of the farmyard. These adjoined the rear gardens of the farmhouse and nos 1, 3 and 5 Long Lane Cottages to the immediate north west with a dividing hedge.

3.3 Under Planning Permission 4/02911/16/FUL the LPA approved an oak-framed tiled and timber clad barn to replace existing buildings. However there was non compliance with the approved plans. Construction work stopped following an enforcement investigation, with the resultant subsequent removal of the building's north western gable end closest to Long Lane Cottages which was considered unacceptable. The building's north western end elevation was subsequently temporarily modified with a false timber hipped end supported by scaffolding. This was to demonstrate/ simulate the now proposed north western hipped end/ roof feature.

3.4 The grant of Planning Permission 4/01812/18/FUL with a height of 7.01m was considered to an acceptable alternative to 4/02911/16/ FUL. The granting of application 4/01812/18/FUL was on the basis of 149 sqm floor area with a height of 7.01m This compared with a 202 sqm floor space and height of 8.05m for the 2016 approved 'L' shaped building which was further away from the boundary closest to Long Lane.

3.5 In the consideration of these earlier applications the Agent has previously confirmed that the original structures at the site formed a piggery, ceasing in about 1975. Since then the buildings were used as stables but were becoming increasingly dilapidated until experiencing extreme storm damage in 2013. The 2016 supporting statement confirms 'the resultant debris have been cleared but the remaining buildings have little practical use as the roof areas leak and the walls have become unstable'. The Agent confirmed the structures 'can be accurately described as redundant agricultural buildings'.

#### **4. Proposal**

4.1 As in the case of Application 4/01812/18/FUL the current application has been submitted in response to the enforcement investigation resulting in the cessation of building works again due to the height exceeding the approved 7.01m. As a consequence of the enforcement investigation works have again ceased at the site pending the consideration of the current application.

4.2 The current application involves a building with a ridge level 7.65m maximum. In the consideration of the application there has been a need to request revised drawings due to the need to clarify the dimensions. Therefore there has been fresh consultation with Bovingdon Parish Council and neighbours regarding the revised plans. This is referred to as the Revised Scheme in the Representations at Annex A.

4.3 The building would accommodate a hay/ carriage store, feed store, a covered carriage store and tack room with a toilet. This is to serve as a store and workshop for horse driven heritage carriages which are the Applicants hobby, providing weatherproof and safe accommodation for the carriages and associated equipment. The size is necessary to accommodate the various specialist equipment, room to work and to provide tack and feedstuff storage. Horses may also occupy part of the new area. The toilet would benefit the farm which lacks this external facility.

4.4 The previously submitted supporting statement confirmed that the barn is not a commercial operation and is designed to appear 'traditional'. The application was supported by letters from the Traditional Gypsy Cob Association and The British Driving Society. These were provided following the withdrawal of the first application, taking into account the building's importance. These supporting letters confirmed the Applicants longstanding family involvement in carriage driving and the very real need for the on-site accommodation for the horse drawn vehicles with an associated special heritage.

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

4/01812/18/FUL	PRETENTION OF AN OAK FRAMED BARN TO REPLACE EXISTING BUILDING Granted 26/02/2019
4/02911/16/FUL	PROPOSED OAK-FRAMED BARN TO REPLACE EXISTING BUILDINGS (AMENDED SCHEME).

	Granted 30/05/2017
4/00482/16/FUL	CONSTRUCTION OF AN OAK FRAMED BARN TO REPLACE EXISTING BUILDING Withdrawn 05/04/2016
4/00174/06/FHA	ALTERATIONS TO ROOF TO FORM GABLE END AT REAR Granted 17/03/2006
4/01573/04/FUL	CONSTRUCTION OF BUILDING TO BE USED AS CATTLE SHED AND FEED STORE Granted 19/08/2004
4/00489/04/FUL	CONSTRUCTION OF BUILDING TO BE USED AS CATTLE SHED AND FEED STORE Withdrawn 05/05/2004
4/00442/03/AGD	CONSTRUCTION OF OPEN FRONTED FODDER/MACHINERY STORE Prior approval not required 31/03/2003
4/00705/01/	PITCHED ROOF AND PORCH Granted 19/06/2001
4/00170/00/4	CONSTRUCTION OF BARN Granted 09/05/2000

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Dacorum Core Strategy 2013

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 - Water Management

CS32 - Air, Water and Soil Quality

### 6.3 Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 58, 61, 63, 81 and 113

Appendices 3 and 8

### 6.4 Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Conservation & Sustainable Drainage (June 2005)

Energy Efficiency & Conservation (June 2006)

Landscape Character Assessment (May 2004)

### 6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **7. Constraints**

Green Belt

Former Land Use

Air Safeguarding Area

## **8. Representations**

### Consultation responses

8.1 These are at Appendix A.

### Neighbour notification/site notice responses

8.2 These are at Appendix B.

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle: Green Belt Implications with reference to Equestrian Activities.
- Design.
- Impact on neighbouring properties.

9.2 This is set against the use of the site for agriculture and the site's historical association of equestrian uses with the countryside. For clarification unless horses are used for horse drawn ploughing, equestrian uses fall outside the planning definition of agriculture.

## Policy and Principle: The Green Belt Implications

### National Planning Policy Framework:

#### *Background*

9.3 Under para 145 a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

9.4 Para 146 confirms that 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 include the re-use of buildings provided that the buildings are of permanent construction.

9.5 Para 143 confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.6 Para 141 explains that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.7 Also Paragraph 141 confirms that once Green Belts have been defined, LPAs should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

#### *Dacorum Core Strategy Policy CS5 Green Belt*

9.8 This specifies amongst a range of matters that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

9.9 Within the Green Belt, small-scale development will be permitted: i.e:

- (a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and

(e) the redevelopment of previously developed sites\*, including major developed sites which will be defined on the Proposals Map

provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

### *Dacorum Borough Local Plan Saved Policy 81: Equestrian Activities*

#### *Background*

9.10 This specifies the following, with the policy partially compliant with the NPPF:

9.11 New commercial equestrian facilities will not be permitted in the Green Belt unless they can be accommodated in existing buildings and there is no adverse impact on the openness of the Green Belt.

9.12 Small scale facilities will normally be permitted in the Green Belt and Rural Area, provided they meet the following criteria:

- (a) equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians;
- (b) equestrian facilities should be carefully integrated into the rural landscape by siting adjacent to existing buildings or features such as trees, woodlands or hedgerows;
- (c) any new buildings should be compatible in scale and design with the countryside setting and ancillary to the overall equestrian use;
- (d) the scale of activity should respect the countryside setting and quality of the surrounding area;
- (e) opportunities to extend or add links to the bridleway network and improve riders' safety should be taken;
- (f) careful attention should be paid to the design, maintenance and management of jumps and other equipment (including the desirability of removing these items when they are not in use); and
- (g) availability of sufficient grazing in relation to the number of loose boxes and stable units.

9.13 Proposals should not result in subdivision of fields into small paddocks with stables and fencing in each area.

#### *The Green Belt / Countryside Implications*

##### *Overall Assessment*

9.14 With reference to these policies the proposal is 'Green Belt' compliant in the



following ways:

- The equestrian/ outdoor recreational use is appropriate in the Green Belt,
- It replaces previous longstanding buildings at the site used for agricultural/ equestrian purposes, and
- The proposal is non-commercial.

9.15 In granting Planning Permission 4/02911/16/FUL the report noted the following based upon the submitted information:

'The proposal is 38% over the floor space of the existing buildings and 8% over the existing buildings and those subject to the previous storm damage, being also significantly higher than the existing buildings to be demolished. Therefore as the proposed replacement is materially larger it is contrary to Green Belt policy representing inappropriate development which is by definition harmful.

Therefore it can only be supported if there are very special circumstances which outweighs the harm and there is no other harm. In exercising a measured consideration of the proposal it is reasonable to take into account the following:

- That whilst the existing buildings could not be re used /refurbished due to its existing very poor condition there would be no objection under Green Belt policy to their replacement with one of the same size. This is a robust case of a need to provide a new building -with some additional floor space - replacing very dilapidated buildings of probably immediate post 1945 construction which have gone beyond their reusable condition.
- The extra floor space is due to the Applicants operational hobby requirements with equestrian recreational uses supported in the Green Belt with the height necessary to facilitate the use of clay tiles. The height is not for operational reasons.
- There is no opportunity to provide the necessary accommodation within the limited residential curtilage of the farmhouse.
- The increased floor space. As clarified the proposal represents an 8% increase over all the original buildings as compared to the 38 % over the existing. At 8% development would not be much larger in terms floor space, notwithstanding the additional height. As a comparison the LPA's historic approach to replacement dwellings/ extensions to dwellings a 30% increase is normally an acceptable/ proportionate enlargement in terms of floor space. In this respect as confirmed, the LPA recently granted permission for 54% increase to the nearby Tamarinda. This included two storey front and side extensions. In this case it was assessed that '...given the residential character of the immediate area the proposals are not considered to detract from the character or openness of the Green Belt'
- The proposal will have limited impact upon openness of this part of the Green Belt. This is due to the development's relationship with the established farm complex, being discreet in relation to public views from Long Lane, consolidating their existing footprint. This takes into account the fall-back position of the size/ footprint of the very longstanding buildings to

be replaced. For comparison - whilst each application has to be considered upon its individual merits - it should be observed that again in the case of the development at Tamarinda this is considered to have a much greater impact upon the openness of this part of Green Belt as compared to the proposal. The proposed building's extra height is not an overriding issue in the context of its relationship with established farmyard buildings where there are buildings of similar height. A lower pitched roof incorporating modern tiles would be of lesser design quality and sustainable.

It has no significant impact on the character and appearance of the countryside upgrading the site. This is due to its location within the historic group of farmyard buildings, consolidating/ reinforcing the long established farmyard layout.

- It supports the rural economy, with the possible future use for agriculture.
- There are no known environmental problems arising from the historical closeness of the farm with the adjoining very long established housing in Long Lane.
- There is no proposed first floor which is subject to an agreed condition.

It is concluded that there are sound very special circumstances which outweigh the harm'.

9.16 In granting the subsequent 4/01812/19 the report observed:

'Set against this background with due regard to overall reduced size of the building as compared with the approved scheme - the fall-back position'- there is a case to support the application. This takes into account that the increased massing on the northern side is not considered to be harmful to the openness of the Green Belt'.

9.17 In considering the current application the fall-back position is the grant of the 2 previous permissions with heights of 8.05m and 7.01m respectively. This takes into account that the 2016 first permission involved a building further away from the boundary closest to Long Lane. It is not considered that the additional height -in comparing the proposal with the 2018 permission i.e. 7.35m to 7.01m as the fall-back position- would be harmful to the openness of the Green Belt.

#### Compatibility of the Development with the Character and Appearance of the area: Layout and Design

9.18 The building would be visually compatible with the site's setting in relation to the long established farmyard context and the yard's longstanding relationship with the adjoining residential development in Long Lane.

#### Impact on neighbouring properties/ Residential Amenity

9.19 This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity. It takes into account privacy, physical impact, sunlight/ daylight, noise, disturbance.

9.20 In the consideration of the 2016 application there were no known environmental

problems arising from the historical closeness of the farm with the adjoining very long established housing in Long Lane. At the time Environmental Health Team's Noise & Pollution Unit previously raised no objections and have reinforced this through both 2018 application and the current submission. It is understood that the hobby workshop purposes will not involve noise generated activity in the repair / maintenance of the cart equipment. It is unknown whether there will be the shoeing of horses through on site farrier works. However, this should be limited.

9.21 In this context with due regard to the 2018 decision as the fall-back position, there are no objections in principle to a building in this location or its use. In approving the 2018 application the report noted that 'although closer to the dwellings in Long Lane, in particular no. 5, the effect of the increased massing would not be detrimental to the residential amenity of these dwellings'. The additional height of 7.65m as compared with 7.01m as now proposed through the current application is similarly not considered to be harmful to the residential amenity of existing dwellings in Long Lane.

Other Issues including Access/Parking /Ecological Implications, Land Contamination, Drainage/ Crime Prevention Security, Lighting

9.22 There are no apparent objections with an EIA not required.

## 10. Conclusions

10.1 Set against the LPA's support for a new building under the respective 2016 and 2018 planning permissions as the respective fall-back positions, this 3rd scheme is considered to be acceptable within the Green Belt with no objections to its size or its impact upon the adjoining/ nearby dwellinghouses.

10.2 Subject to the imposition of conditions the application is recommended for the grant of permission.

## 11. RECOMMENDATION

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

Conditions

No	Condition
1	<p><b>The building hereby permitted shall only be used for non-commercial equestrian or agricultural purposes and therefore excludes any residential use.</b></p> <p><u>Reason:</u> To safeguard the Green Belt and the residential amenity of the locality in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy 2013 and for the avoidance of doubt.</p>
2	<p><b>There shall be no additional floor space formed within the building hereby permitted (and therefore no first floor shall be formed) and no external alterations to the approved design of the building hereby permitted.</b></p> <p><u>Reason:</u> To safeguard the Green Belt and the local environment in accordance</p>

	with Policies CS5, CS12 and CS29 of the Dacorum Core Strategy 2013.
3	<p><b>The building hereby permitted shall be constructed in the materials specified on Drawing No. DRG 1819/1E.</b></p> <p><u>Reason:</u> In the interests of the visual amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy 2013.</p>
4	<p><b>The development hereby permitted shall be served by a sustainable drainage system at all times.</b></p> <p><u>Reason:</u> To ensure that the development is subject to an acceptable drainage system in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy 2013 and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy 2013.</p>
5	<p><b>The building hereby permitted shall at all times feature a bat roost unit (tubes) integrated within the fabric of the new barn and designed/installed under the guidance of a suitably experienced ecologist.</b></p> <p><u>Reason:</u> To ensure biodiversity benefit in accordance with Policy CS29 of Dacorum Core Strategy 2013.</p>
6	<p><b>Details of all exterior lighting to be installed to serve the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.</b></p> <p><u>Reason:</u> To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS24 , CS29 and CS32 of the Dacorum Core Strategy 2013and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.</p>
7	<p><b>Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:</b></p> <p><b>1819/1E</b>  <b>1819/3D</b>  <b>1819/3E</b>  <b>1819/2B</b></p> <p><u>Reason:</u> To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.</p> <p><u>NOTE 1: ARTICLE 35 STATEMENT</u></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the agent during the determination process which led to improvements to the scheme.</p> <p>The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38 ) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

	<p><b><u>INFORMATIVES</u></b></p> <p><b>Bats</b></p> <p>UK and European Legislation makes it illegal to:</p> <p>Deliberately kill, injure or capture bats;  Recklessly disturb bats;  Damage, destroy or obstruct access to bat roosts (whether or not bats are present).</p> <p>Contacts:</p> <p>English Nature                      01206 796666  UK Bat Helpline                      0845 1300 228 (www.bats.org.uk)  Herts &amp; Middlesex Bat Group                      01992 581442  Bats : Condition 6  The bat feature should be designed/installed under the guidance of a suitably experienced ecologist.</p> <p>Un-expected Contaminated Land Informative  In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p> <p>Construction Hours of Working – (Plant &amp; Machinery) Informative  In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>Noise on Construction/Demolition Sites Informative  The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the</p>
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## **Appendix A: Representations**

### **ORIGINAL SCHEME**

Bovingdon Parish Council

None.

Building Control

No response.

Scientific Officer

Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application

Noise & Pollution

No objections on noise or air quality grounds.

Hertfordshire Ecology

We have no info for this site, which appears to be on land likely to be of little or no ecological interest. Consequently, I have no reason to believe there are any ecological constraints relating to the above application.

Thames Water

No response.

Affinity Water

No response.

Comments received from local residents/ Response to Site Notice

Tamarinda: Objection

Regarding DRG No. 1819/3B as submitted in the new planning application (Detached Agricultural Barn), please see comments below:

On the SW Elevation Profile - The 'approved' building outline shown is not correct and does not reflect what was built originally.

On the Floor Plan Profile - The 'approved' building outline shown is not correct and does not reflect what was built originally;

- distances to the boundary are inaccurate (the building is closer to the boundary than the plans show).

There is no relationship shown to the existing building (as per DRG No. 1539/3A - SW Elevation Profile - Existing) and the proposed barn (now built) which is misleading as the new barn is higher than the existing buildings. Previous drawings show the new barn to lower than existing buildings, however, this is not the case.

What is the height of the existing building and why is this not reflected on the revised drawings?

The date on DRG No. 1819/3B is not reflecting latest plan submission date (currently shows Sept '18).

Application Form - No DRG No. 1819/2 present on this or subsequent application (only 1539/3A). On this drawing, at the NW Elevation, the distance to the boundary of Long Lane Cottages / Tamarinda is not accurate and it is nearer than the plans show.

This application is only seeking to rectify the current unsatisfactory situation, where the barn has been built too close to the boundary on the NW elevation. It is too high and over-bearing given its proximity to neighbouring properties and in relationship to existing buildings.

I look forward to your response, particularly in reference to the height of the existing buildings (see previous emails) as this is inaccurately reflected and in my opinion should not have been allowed to get through planning approval.

#### Fortina, 5 Long Lane Cottages: Support

I cannot understand why this objection is being considered as the only property that this concerns is my own property directly next door to Long Lane Farm and I have no objection whatsoever, in fact this is far better than the building it is replacing. That this actually enhances my outlook greatly.

I hope my comments will be taken seriously and that the applicant's application will now be able to proceed to a satisfactory conclusion.

### **REVISED SCHEME**

#### Bovingdon Parish Council

Over bearing and inappropriate development in the Green Belt. We also believe that the current construction is not in accordance with the stated location and dimensions.

Please Note: The Parish Council Clerk has also advised the Enforcement Team:

'Several residents living nearby are concerned that the construction work that is currently under way is not in accordance with the current planning permission and from photographs submitted by them, the Committee were supportive of their concerns, hence our comments and the request by the Committee for me to contact the Planning Enforcement Team'..

#### Tamarinda: Objection

Regarding the newly amended planning application as below, I have the following comments:

Ref: 4/01430/19/FUL

The following comments assume that the decision process for this application disregards the current structure that is in place that represents this latest planning application.

The relationship between the existing building (as per DRG No. 1539/3E - SW Elevation Profile ~ Existing) and the proposed building (replacing storm damaged barn) shows the proposed building as 1.3m higher than the existing building and also exceeds the height of the storm damaged building it replaces by 1.35 - 1.65m. Therefore, it is too high in comparison to the existing buildings and the building it replaces given the proximity to all neighbouring gardens and properties.

Properties directly facing the NW elevation of the proposed building will have visibility of a physical area of building that is approx 25 sq/m which is above the height of the hedge at the rear of Long Lane Cottages.

However, the angle of the proposed building in relation to the view from adjacent gardens/properties facing from the north side means the view is onto the NW and NE elevations of the proposed building which materialises into a more substantial area of building and roof on display amounting to approx 130 sq/m. The proposed building is therefore too overbearing for a green belt location.

The notes (descriptions, measurements, labelling) within DRG No. 1819/1E are not clear enough (too small or too faint) and cannot be accurately read to validate the detail within.

On DRG No. 1819/3B (SW Elevation Profile), the proposed height of the proposed building does not reflect the measurement supplied in other drawings and brings into doubt which is the correct dimension.

Is it proposing 7750mm or 7650mm as in other drawings?

Regarding this amended application, it is only seeking to rectify the current unsatisfactory situation, where the building being proposed has already been built too close to the boundary on the NW and NE elevations. It is too high and over-bearing given its proximity to neighbouring properties/gardens and in its relationship to existing buildings.

Previously approved applications did not have the accurately reflected proposed roof height of the new building taken into consideration against the existing building heights (previously existing buildings were shown as 8.1m in height whereas they are only 6.35m in reality). The newly proposed building was supposed to be lower than existing buildings. However, this is not the case. In addition, the storm damaged building that the new building is replacing was only 6 - 6.3m in height and the newly proposed building height exceeds this by 1.35 - 1.65m.

In summary, the proposed building is too high and this planning application should reflect the building in terms of height that it is to replace while also not exceeding the height of existing buildings on Long Lane Farm.

#### 1 Long lane Cottages: Support

I feel as a neighbour at 1 long lane cottages this has been going on far too long now. The overall look will be amazing and will look much nicer than the previous eyesore. The hold up on this being finished is affecting us with all the scaffolding that is hanging around its beginning to look like eyesore especially when I currently have my house on the market. If this does go to the committee I'd be more than happy to speak, would you kindly let me know if it does.



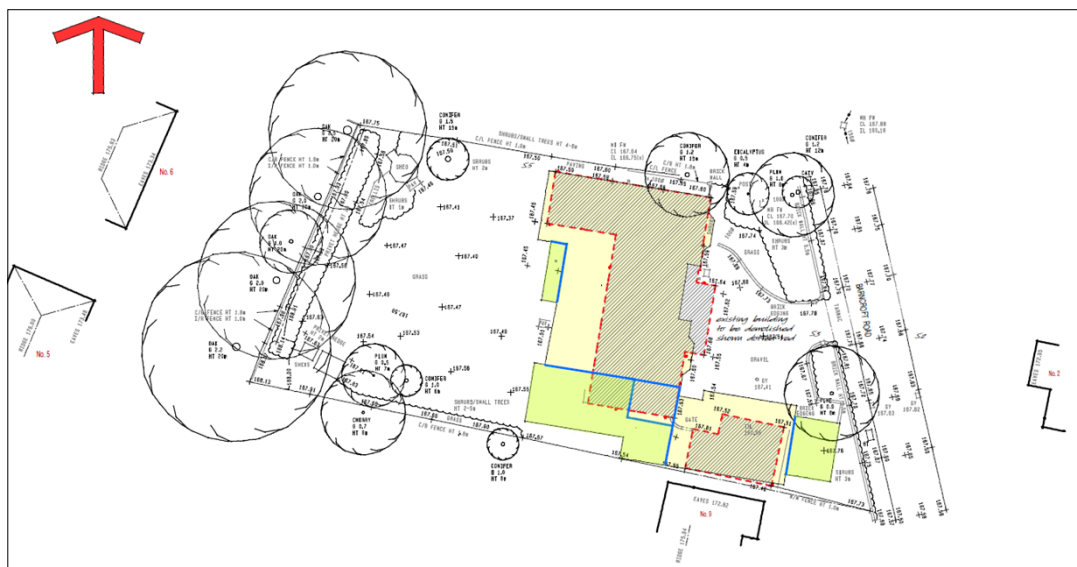


# Agenda Item 5d

5d

**4/01713/19/FUL DEMOLITION OF DWELLING & CONSTRUCTION OF REPLACEMENT DWELLING INCLUDING REMOVAL OF IDENTIFIED SMALL SCALE TREES**

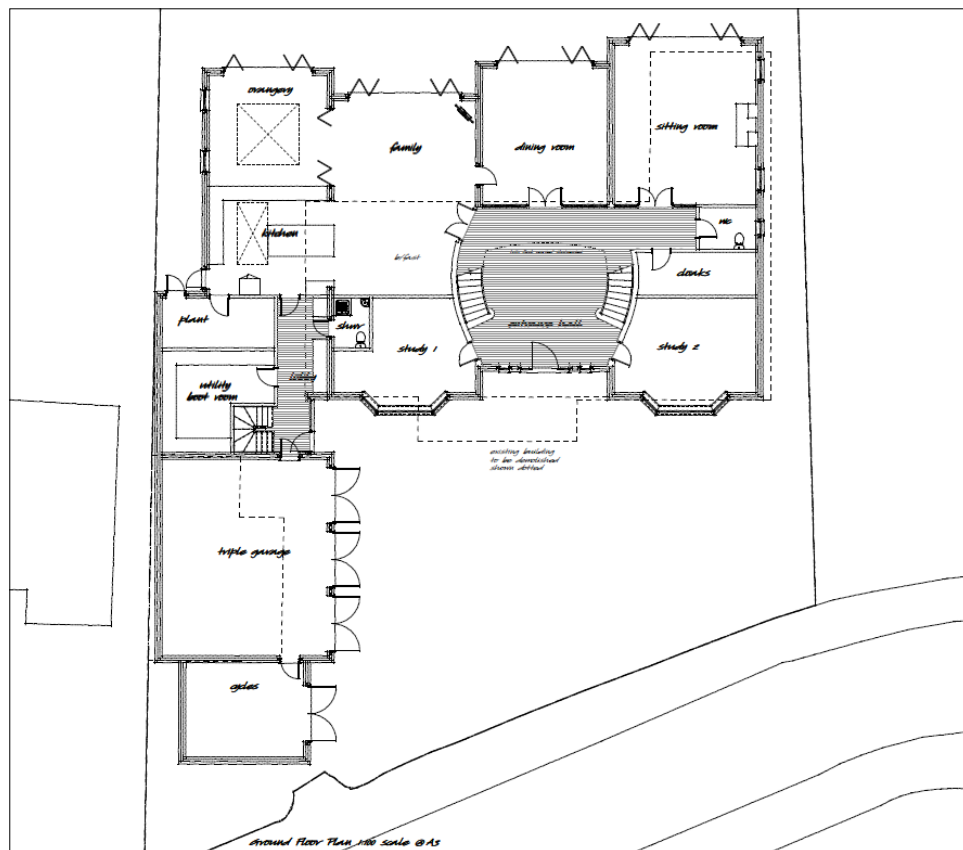
**11 BARNCROFT ROAD, BERKHAMSTED, HP4 3NL**



Item 5d

4/01713/19/FUL DEMOLITION OF DWELLING & CONSTRUCTION OF  
REPLACEMENT DWELLING INCLUDING REMOVAL OF IDENTIFIED SMALL  
SCALE TREES

11 BARNCROFT ROAD, BERKHAMSTED, HP4 3NL



<b>4/01713/19/FUL</b>	<b>DEMOLITION OF DWELLING &amp; CONSTRUCTION OF REPLACEMENT DWELLING INCLUDING REMOVAL OF IDENTIFIED SMALL SCALE TREES</b>
<b>Site Address</b>	<b>11 BARNCROFT ROAD, BERKHAMSTED, HP4 3NL</b>
<b>Applicant</b>	<b>Mrs T Perry &amp; Mr A Crane, 11 Barncroft Road</b>
<b>Case Officer</b>	<b>Will Collier</b>
<b>Referral to Committee</b>	<b>Contrary views of Berkhamsted Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposal is for a replacement dwelling in the Shootersway area of Berkhamsted. It is considered to integrate with the character of the surrounding area and to cause no adverse impact on neighbouring properties. The proposal is therefore in accordance with Policy CS12 of the adopted Dacorum Borough Core Strategy and NPPF.

## **3. Site Description**

3.1 The site comprises detached bungalow on the western side of Barncroft road in a residential area (Shootersway BCA12 Character Area) on the southern edge of Berkhamsted within the development boundary. The surrounding area features a variety of mainly large detached dwellings in generous curtilages. The site has strongly landscaped boundaries and is broadly rectangular, with vehicular and pedestrian access gained via the drive to the east of the site on Barncroft Road. There is a detached garage forward of the existing property.

## **4. Proposal**

4.1 The application seeks planning permission to demolish the existing dwelling and replace with a two storey dwelling with attached garage and cycle storage forward of the front elevation.

4.2 The drawings have been amended during the application stage to replace first floor rear juliet balcony windows with conventional windows.

## **5. Relevant Planning History**

5.1 One planning application for alterations and additions granted permission in 1975.

## **6. Policies**

### **6.1 National Policy Guidance**

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

## 6.2 Adopted Core Strategy –

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the Use of Urban Land  
Policy 18 - The Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Appendix 3- Layout and Design of Residential Areas  
Appendix 5- Parking Provision

## 6.4 Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area (Shootersway BCA12 Character Area)  
Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Refuse Storage Guidance Note (2015)

## **7. Constraints**

- Residential Character Areas (Shootersway BCA12)
- Tree Preservation Orders
- SSSI Impact Risk Zone

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

9.1 The main policy issues in considering this application are:

- Principle of development
- Impact on the streetscene
- Impact on neighbouring properties
- Parking
- Trees
- Ecology

#### Principle of development

9.2 The application site is located within a residential area of Berkhamsted and the Character Area BCA 12: Shootersway wherein the principle of residential development (including replacement dwellings) is acceptable subject to compliance with the relevant local and national planning policies.

#### Impact on Street Scene

9.3 Policy CS12 of the Dacorum Borough Core Strategy requires a high standard of development in terms of, amongst others, its design, scale, site coverage and landscaping in context of its immediate neighbours and general views within the street scene. It also has to respect the general character of the area and avoid harm to neighbouring amenities.

9.4 Barncroft Road currently consists of dwellings of various sizes and styles, some single storey, some two storey; and there have been a number of planning applications for the redevelopment and in-fill development of various sites within the area. Whilst the majority of the buildings are set within substantial plots and thus appear highly spacious, there is no consistency in the distance in, around and between the dwellings. The existing bungalow (no. 11) is set back from Barncroft road with front driveway. The adjoining property south of the site (no. 9) is a two-storey dwelling and the adjoining property north of the site is a bungalow (no. 13).

9.5 In terms of impact on the streetscene, the proposal is considered acceptable. Although the replacement dwelling is higher than the existing property, it matches the height of next door at No. 9 and whilst the footprint is larger, this is due only to a single storey section at the southern end and a greater depth than the existing. The new dwelling follows the existing building line and the spacing around the property is in line with spacing of surrounding sites and the same building line is followed. Thus the height, massing, scale and siting of the development is considered appropriate to the area.

9.6 The existing bungalow has a detached garage with pitched roof forward of the property on the boundary with adjoining property No. 9. The proposal is to replace this with a garage attached to the house with a further attached cycle storage building. It is noted that concerns have been raised by neighbours about this part of the proposal appearing dominant in the streetscene. It is considered, however, that this is acceptable taking into account the following: (1) the garage replaces an existing garage on the same site, (2) No. 11 is set back from No. 9, therefore the large proportion of the garage is immediately to the side of No. 9 rather than forward of it, and (3) the cycle storage is subordinate in scale and height to the garage and set off the boundary. Thus on balance, despite having a greater height than the existing garage, this part of the proposal is considered acceptable.

## Effect on Amenity of Neighbours

9.7 Policy CS12 of the Core Strategy states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

9.8 With regard to privacy, the windows on the south elevation of the proposed dwelling opposite No. 9 are assessed not to lead to adverse loss of privacy, due to the boundary treatment and the only first floor window being obscure glazed (bathroom). On the north elevation opposite No. 13, however, it is considered the first floor windows would lead to significant overlooking into No. 13's garden, despite the tall trees on the boundary. It is thus recommended these windows should be conditioned to be obscure glazing. On the rear elevation, despite objections about loss of privacy to the rear of properties on Shootersway Park, it is considered this impact has been sufficiently mitigated by the amended proposal to replace the juliet balconies with conventional bedroom windows and furthermore it should be noted that the separation distance between these properties is over 30 metres.

9.9 With regard to impact on light at neighbouring properties, it is considered that the proposed two storey dwelling would result in some overshadowing into the garden of No. 13. However taking into account that this neighbouring property is approximately 14 metres away from the proposal, it is considered this impact is not sufficiently adverse to warrant refusal. Regarding the impact on No. 9 south of the site, there are ground floor windows on the side of No. 9; however, it is considered the proposal would not change the situation significantly in comparison to the impact of the existing garage on these windows. There is also a first floor window in the side of No. 9, however given the position of this window forward of the proposed dwelling and its distance from it, it is not assessed to be adversely affected. With regard to the impact on the rear of No. 9, it is noted that objections have raised concern about a 45-degree line being breached; however taking into account that the part of the dwelling that may breach this line is positioned north of No. 9 and single storey only, this is considered acceptable.

9.10 Considering the scale, height, siting and massing of the proposal, there are no concerns in terms of loss of outlook to neighbouring properties. The proposed front garage is of similar scale to the existing and although higher, it is not considered to cause significant more harm than the existing given its position to the side of No. 9. Furthermore the proposed cycle storage is set off the boundary and subordinate to the garage and is therefore not considered acceptable on balance.

9.11 It is therefore considered that the proposal would not cause an adverse loss of light, privacy or outlook to neighbouring properties.

## Parking

9.12 The Council's maximum parking standards are found in Appendix 5 of the Dacorum Local Plan. The proposed garage and driveway would meet the maximum requirements.

## TPO Trees

9.13 The site is covered by a blanket TPO dated 1953. Any trees planted after 1953 are, however, not protected. The proposal includes the felling of fruit trees in the rear garden and a Leland Cypress on the front boundary to Barncroft Road, which are not covered by the TPO. It is considered this is acceptable, given they are small trees with little amenity value.

9.14 The applicant has submitted a BS 5837:2012 Tree Survey with the planning application. A pre commencement condition is recommended for submission and approval of a tree protection plan following consultation with DBC Trees.

## Bats

9.15 The submitted bat report shows no bat activity was found.

## Community Infrastructure Levy (CIL)

9.16 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. The application is eligible for CIL funding.

## **10. Conclusions**

10.1 The proposed replacement dwelling is considered appropriate in scale, massing and design, thereby integrating with the character of the local area. Furthermore, it is assessed to cause no adverse impact on neighbouring amenity. As such the proposal is considered acceptable subject to conditions.

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

### Conditions

No	Condition
1	<b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b>  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	<b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b>  2760.08 2760.11 2760.07 A 2760.09 2760.06 2760.04 2760.03 Bat Report dated 16/7/19



	<p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>
3	<p><b>Commencement of the development hereby permitted shall not take place until a Tree Protection Plan has been submitted to and approved by the Local Planning Authority, which clearly demonstrates what protection measures are incorporated to ensure no detrimental actions occur to retained trees identified on Drawing No. 2760.03. The tree protection measures shall be in place before the development starts and retained throughout the duration of construction works.</b></p> <p><u>Reason:</u> To ensure the protection and retention of existing/remaining protected trees in accordance with saved Policy 99 of the Dacorum Borough Local Plan.</p>
4	<p><b>No development above slab level shall take place until details of the external materials including roof, windows and doors have been submitted to and approved by the Local Planning Authority. The development shall be carried out in compliance with the approved plans.</b></p> <p><u>Reason:</u> In the interests of good design and to integrate with the streetscape character in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p>
5	<p><b>The following windows of the dwelling hereby permitted shall be permanently fitted with obscured glass:</b></p> <ul style="list-style-type: none"> <li>• <b>Two master bedroom windows and one en-suite bathroom window on the first floor of the north elevation</b></li> <li>• <b>One ensuite window for bedroom 2 on the first floor of the south elevation.</b></li> </ul> <p><u>Reason:</u> In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p> <p><u>Article 35 Statement:</u></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p><u>INFORMATIVES:</u></p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by</p>

	<p>telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p> <p>3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</a>.</p>
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## Appendix A

### Consultation responses

HCC - Dacorum Network Area	No Objection
BERKHAMSTED TOWN COUNCIL, THE CIVIC CENTRE	Comment

#### Berkhamsted Town Council

#### Objection

The drawings are misleading and do not adequately show the potential impact on the neighbouring bungalow. The scale of the right-hand side upper storey would likely result in overshadowing and loss of light to the bungalow at number 13. The garages, plant and boot rooms should be realigned to achieve a greater separation from the neighbouring boundary. The proximity, scale, bulk and mass of the proposed scheme would result in loss of amenity to the adjacent property and is contrary to CS12. It was also noted that there was no orange notice in the vicinity.

CS12, Appendix 3 (vi)

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
6 SHOOTERSWAY PARK,BERKHAMSTED,, ,HP4 3NX	<p>6 Shootersway Park, Berkhamsted, I confirm our OBJECTION to the proposal.</p> <p>The main concerns with the proposed development relate to its impact on the character and appearance of the street and the amenity and privacy of adjoining occupiers. These concerns are set out in turn below.</p> <p>Site and Surroundings</p> <p>The application site consists of a rectangular shaped plot located on the western side of Barncroft Road, Berkhamsted. The surrounding area is residential in character and consists predominantly of detached properties of varied size and design. Generally, spacing between dwellings is generous and provides for an open and attractive environment.</p> <p>The existing building comprises a detached bungalow, the front elevation of which is orientated east and the rear elevation west. The rear roof slope features two roof lights, it is not known if the roof space is habitable as no existing floor plans are available to view on the Council's website.</p> <p>The Proposal</p> <p>Permission is sought to demolish the existing bungalow and construct a two storey dwelling in its place. Like the existing bungalow, the front elevation of the proposed dwelling would be orientated east and the rear elevation west. The position of the new dwelling on the site would be similar to the existing, albeit the footprint would be larger. The proposed dwelling would be two storeys in height, opposed to one storey currently.</p> <p>Front elevation of the existing bungalow and detached garage</p> <p>Front elevation of the proposed two storey dwelling</p> <p>3</p> <p>Character, Appearance and Impact on the Street</p> <p>The proposed dwelling would have an attached treble garage and cycle store at the front, with habitable accommodation provided in the roof space above (bedroom 5 or guest annexe). The garage would project over 15 metres forward of the main front elevation and would measure over 7 metres in height (just over a metre less than the main dwelling).</p>

	<p>Proposed north elevation; garage outlined in red Proposed ground floor plan; garage outlined in red</p> <p>4</p> <p>Due to its height and depth, the proposed garage would form an excessive and over-dominant part of the building. The depth of the front projection (over 15 metres) would be similar to the depth of the main house and, as result, would be disproportionate in scale. The proposed height at over 7 metres would exacerbate its size.</p> <p>As well as being disproportionate to the main dwelling, the garage would also have an adverse impact on the character and amenity of the street scene. At its closest point the proposed garage would be set back less than 1 metre from the front boundary of the site. While the building line on the western side of Barncroft Road is not uniform, in the main, properties are set back a significant distance from the street, as shown on the existing block plan below.</p> <p>Existing block plan showing properties on the western side of Barncroft Road set back from the street</p> <p>In our view, due to its excessive height and depth, and prominent siting close to the front boundary of the site, the proposed garage would have an oppressive and over-dominant impact on the street to the detriment of its open and spacious character. In views north along Barncroft Road the harmful impact of the proposed garage would be particularly prominent as indicated on the photograph below.</p> <p>5</p> <p>The proposed garage would adversely dominate the street</p> <p>Although there is an existing garage at the front of the site, this is detached from the main house and therefore is not as deep. Furthermore, its scale and profile is more modest, and it is set back from the front boundary of the site.</p> <p>Existing detached garage at the application site</p> <p>6</p> <p>Similarly, other garages at the front of properties on Barncroft Road are modest in scale and therefore do not dominate the street.</p> <p>Existing detached garage at the front of 2a Barncroft Road</p> <p>The Planning, Design and Access Statement submitted with the application refers to the replacement dwelling at 2 Barncroft Road opposite the application site, stating that this development is similar to the proposed scheme. However, in our view, the footprint of this building is very different; the double garage is more integrated with the main property and is set further back from the street.</p>
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	<p>7</p> <p>Footprint of the replacement dwelling at 2 Barncroft Road (opposite the application site)</p> <p>The proposed garage would also adversely erode the space between the existing dwelling and the neighbouring property, 9 Barncroft Road. Currently, even though the existing detached garage is sited close to the common boundary with number 9, due to its modest height and scale the spacing between the properties appears generous. This contributes to the open and spacious character of the street as shown on the photograph below.</p> <p>The space between the existing property and 9 Barncroft Road</p> <p>8</p> <p>Core Strategy Policy CS11 (Quality of Neighbourhood Design) states that new development should enhance spaces between buildings and preserve attractive streetscapes. In our view, the proposed development would be contrary to both.</p> <p>In summary, the proposed triple garage and cycle store is considered to be disproportionate in scale.</p> <p>Furthermore, due to its height, depth and proximity to the site frontage it would detract from the character and appearance of the street contrary to the provisions of the Core Strategy, local design guidance and the National Planning Policy Framework, which aim to achieve a high standard of environment.</p> <p>Impact on Neighbouring Amenity</p> <p>A core planning principle, as set out in the NPPF, is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is echoed in Local Policy CS12 (c) which states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.</p> <p>6 Shootersway Park</p> <p>As set out above, the existing property is a bungalow and therefore has a modest height and profile. It is not clear from the information available on the Council's website whether the existing loft space is converted; however, the existing rear roof slope only features two high level roof lights.</p> <p>As a result, the existing building has an acceptable relationship with the property at the rear; 6 Shootersway Park. The scale and height of the existing building is not overbearing, and neither the rear garden nor the rear facing openings at 6 Shootersway Park are currently overlooked.</p> <p>View of the existing bungalow from the rear garden of 6 Shootersway Park</p> <p>9</p>
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	<p>View of the existing bungalow from the first floor rear facing window at 6 Shootersway Park</p> <p>In contrast, the proposed dwelling would be two storeys in height (over 8.5 metres to the ridge), and would feature two full height first floor rear facing openings with Juliet balconies.</p> <p>Proposed rear elevation</p> <p>10</p> <p>The rear elevation of the proposed dwelling would be sited significantly closer to the rear boundary of 6 Shootersway Park than the existing bungalow (shown on the block plan below), and as set out above, would be substantially larger.</p> <p>Footprint of the existing dwelling shown in red, proposed dwelling in yellow and green</p> <p>The increase in bulk and mass, together with its siting closer to the rear boundary, would have an overbearing and dominant impact on the rear garden at 6 Shootersway Park, significantly affecting the amenity of these occupiers.</p> <p>In addition, the proposed full height rear facing openings (with Juliet balconies) would overlook the rear garden and rear facing openings at 6 Shootersway Park to the detriment of these occupiers privacy.</p> <p>It is important to note that the lounge, dining room and kitchen at 6 Shootersway Park are all served by rear facing ground floor openings. In the case of the kitchen and dining room, these are the only openings serving these rooms. Furthermore, on the first floor, three of the five bedrooms are served by rear facing openings only. The impact of the development on the privacy and amenity of the occupiers at 6 Shootersway Park would therefore be significant, harmfully affecting the most habitable areas in this dwelling.</p> <p>9 Barncroft Road</p> <p>The proposed development would also have an adverse impact on the residential amenity of 9 Barncroft Road.</p> <p>11</p> <p>The proposed dwelling would be sited close to the common boundary between the two properties and would project a significant distance beyond the rear elevation of 9 Barncroft Road, resulting in an adverse overbearing form of development.</p> <p>Furthermore, in our view, the depth of the development would impact detrimentally on the receipt of light both inside and at the back of the neighbouring property. While not clear from the plans, we believe the building may intrude on a 45 degree line taken from the nearest habitable ground floor window at the back of 9 Barncroft Road. We ask the Council to carefully review this matter as part of their assessment.</p>
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	<p>Trees</p> <p>My clients would like to note that the four oak trees along the rear boundary of their garden (6 Shootersway Park) are covered by Tree Preservation Orders.</p> <p>Site Visit</p> <p>In light of the matters set out above, it is requested that the case officer visits 6 Shootersway Park to allow for a full and complete assessment of the proposal and to better understand the relationship between the two properties.</p> <p>Conclusion</p> <p>In conclusion, for the reasons given above, we request that the planning application is refused.</p>
6 SHOOTERSWAY PARK, BERKHAMSTED,, HP4 3NX	<p>I confirm our OBJECTION to the proposal.</p> <p>The main concerns with the proposed development relate to its impact on the character and appearance of the street and the amenity and privacy of adjoining occupiers. These concerns are set out in turn below.</p> <p>Site and Surroundings</p> <p>The application site consists of a rectangular shaped plot located on the western side of Barncroft Road, Berkhamsted. The surrounding area is residential in character and consists predominantly of detached properties of varied size and design. Generally, spacing between dwellings is generous and provides for an open and attractive environment.</p> <p>The existing building comprises a detached bungalow, the front elevation of which is orientated east and the rear elevation west. The rear roof slope features two roof lights, it is not known if the roof space is habitable as no existing floor plans are available to view on the Council's website.</p> <p>The Proposal</p> <p>Permission is sought to demolish the existing bungalow and construct a two storey dwelling in its place. Like the existing bungalow, the front elevation of the proposed dwelling would be orientated east and the rear elevation west. The position of the new dwelling on the site would be similar to the existing, albeit the footprint would be larger. The proposed dwelling would be two storeys in height, opposed to one storey currently.</p> <p>Front elevation of the existing bungalow and detached garage</p> <p>Front elevation of the proposed two storey dwelling</p> <p>3</p> <p>Character, Appearance and Impact on the Street</p> <p>The proposed dwelling would have an attached treble garage and cycle store at the front, with habitable accommodation provided in the roof space above</p>

	<p>(bedroom 5 or guest annexe). The garage would project over 15 metres forward of the main front elevation and would measure over 7 metres in height (just over a metre less than the main dwelling).</p> <p>Proposed north elevation; garage outlined in red Proposed ground floor plan; garage outlined in red</p> <p>4</p> <p>Due to its height and depth, the proposed garage would form an excessive and over-dominant part of the building. The depth of the front projection (over 15 metres) would be similar to the depth of the main house and, as result, would be disproportionate in scale. The proposed height at over 7 metres would exacerbate its size.</p> <p>As well as being disproportionate to the main dwelling, the garage would also have an adverse impact on the character and amenity of the street scene. At its closest point the proposed garage would be set back less than 1 metre from the front boundary of the site. While the building line on the western side of Barncroft Road is not uniform, in the main, properties are set back a significant distance from the street, as shown on the existing block plan below.</p> <p>Existing block plan showing properties on the western side of Barncroft Road set back from the street</p> <p>In our view, due to its excessive height and depth, and prominent siting close to the front boundary of the site, the proposed garage would have an oppressive and over-dominant impact on the street to the detriment of its open and spacious character. In views north along Barncroft Road the harmful impact of the proposed garage would be particularly prominent as indicated on the photograph below.</p> <p>5</p> <p>The proposed garage would adversely dominate the street</p> <p>Although there is an existing garage at the front of the site, this is detached from the main house and therefore is not as deep. Furthermore, its scale and profile is more modest, and it is set back from the front boundary of the site.</p> <p>Existing detached garage at the application site</p> <p>6</p> <p>Similarly, other garages at the front of properties on Barncroft Road are modest in scale and therefore do not dominate the street.</p> <p>Existing detached garage at the front of 2a Barncroft Road</p> <p>The Planning, Design and Access Statement submitted with the application refers to the replacement dwelling at 2 Barncroft Road opposite the application site, stating</p>
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	<p>that this development is similar to the proposed scheme. However, in our view, the footprint of this building is very different; the double garage is more integrated with the main property and is set further back from the street.</p> <p>7</p> <p>Footprint of the replacement dwelling at 2 Barncroft Road (opposite the application site)</p> <p>The proposed garage would also adversely erode the space between the existing dwelling and the neighbouring property, 9 Barncroft Road. Currently, even though the existing detached garage is sited close to the common boundary with number 9, due to its modest height and scale the spacing between the properties appears generous. This contributes to the open and spacious character of the street as shown on the photograph below.</p> <p>The space between the existing property and 9 Barncroft Road</p> <p>8</p> <p>Core Strategy Policy CS11 (Quality of Neighbourhood Design) states that new development should enhance spaces between buildings and preserve attractive streetscapes. In our view, the proposed development would be contrary to both.</p> <p>In summary, the proposed triple garage and cycle store is considered to be disproportionate in scale.</p> <p>Furthermore, due to its height, depth and proximity to the site frontage it would detract from the character and appearance of the street contrary to the provisions of the Core Strategy, local design guidance and the National Planning Policy Framework, which aim to achieve a high standard of environment.</p> <p>Impact on Neighbouring Amenity</p> <p>A core planning principle, as set out in the NPPF, is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is echoed in Local Policy CS12 (c) which states that development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.</p> <p>6 Shootersway Park</p> <p>As set out above, the existing property is a bungalow and therefore has a modest height and profile. It is not clear from the information available on the Council's website whether the existing loft space is converted; however, the existing rear roof slope only features two high level roof lights.</p> <p>As a result, the existing building has an acceptable relationship with the property at the rear; 6 Shootersway Park. The scale and height of the existing building is not overbearing, and neither the rear garden nor the rear facing openings at 6 Shootersway Park are currently</p>
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	<p>overlooked.</p> <p>View of the existing bungalow from the rear garden of 6 Shootersway Park</p> <p>9</p> <p>View of the existing bungalow from the first floor rear facing window at 6 Shootersway Park</p> <p>In contrast, the proposed dwelling would be two storeys in height (over 8.5 metres to the ridge), and would feature two full height first floor rear facing openings with Juliet balconies.</p> <p>Proposed rear elevation</p> <p>10</p> <p>The rear elevation of the proposed dwelling would be sited significantly closer to the rear boundary of 6 Shootersway Park than the existing bungalow (shown on the block plan below), and as set out above, would be substantially larger.</p> <p>Footprint of the existing dwelling shown in red, proposed dwelling in yellow and green</p> <p>The increase in bulk and mass, together with its siting closer to the rear boundary, would have an overbearing and dominant impact on the rear garden at 6 Shootersway Park, significantly affecting the amenity of these occupiers.</p> <p>In addition, the proposed full height rear facing openings (with Juliet balconies) would overlook the rear garden and rear facing openings at 6 Shootersway Park to the detriment of these occupiers privacy.</p> <p>It is important to note that the lounge, dining room and kitchen at 6 Shootersway Park are all served by rear facing ground floor openings. In the case of the kitchen and dining room, these are the only openings serving these rooms. Furthermore, on the first floor, three of the five bedrooms are served by rear facing openings only.</p> <p>The impact of the development on the privacy and amenity of the occupiers at 6 Shootersway Park would therefore be significant, harmfully affecting the most habitable areas in this dwelling.</p> <p>9 Barncroft Road</p> <p>The proposed development would also have an adverse impact on the residential amenity of 9 Barncroft Road.</p> <p>11</p> <p>The proposed dwelling would be sited close to the common boundary between the two properties and would project a significant distance beyond the rear elevation of 9 Barncroft Road, resulting in an adverse overbearing form of development.</p> <p>Furthermore, in our view, the depth of the development would impact detrimentally on the receipt of light both inside and at the back of the neighbouring property.</p> <p>While not clear from the plans, we believe the building may intrude on a 45 degree line taken from the nearest</p>
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	<p>habitable ground floor window at the back of 9 Barncroft Road. We ask the Council to carefully review this matter as part of their assessment.</p> <p>Trees</p> <p>My clients would like to note that the four oak trees along the rear boundary of their garden (* Shootersway Park) are covered by Tree Preservation Orders.</p> <p>Site Visit</p> <p>In light of the matters set out above, it is requested that the case officer visits Shootersway Park to allow for a full and complete assessment of the proposal and to better understand the relationship between the two properties.</p> <p>Conclusion</p> <p>In conclusion, for the reasons given above, we request that the planning application is refused.</p>
13 BARNCROFT ROAD, BERKHAMSTED,, HP4 3NL	<p>My garden and patio will be overlooked by at least 4 windows.</p> <p>The new house is very close to trees on my site that may be damaged by the new house</p>

### Supporting

Address	Comments
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### Commenting

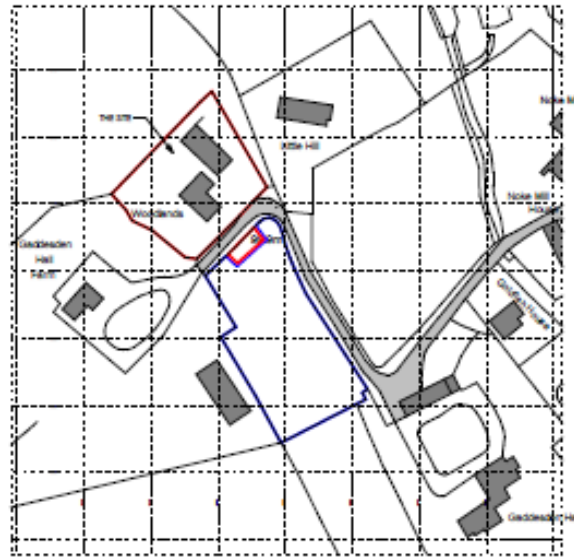
Address	Comments
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# Agenda Item 5e

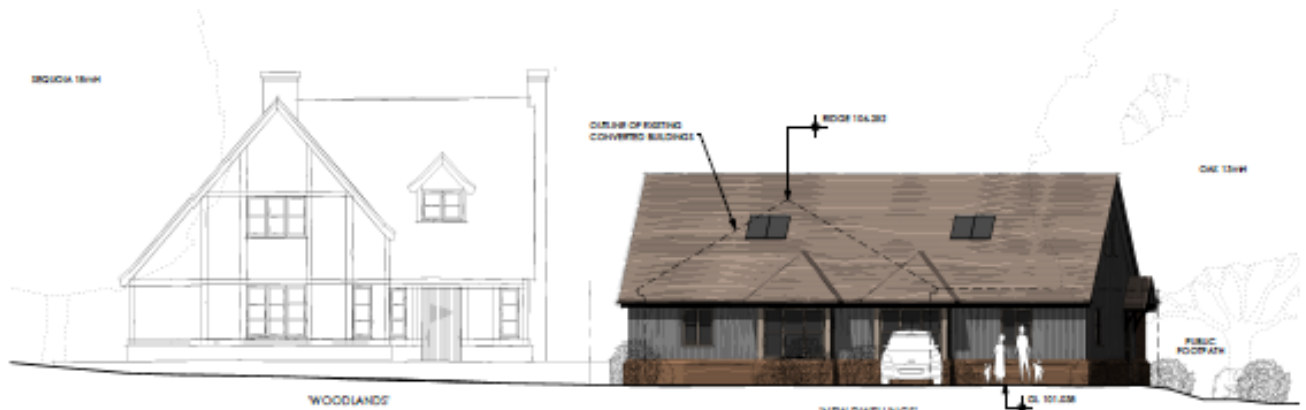
## Item 5e

**4/01534/19/FUL DEMOLITION OF EXISTING COMMERCIAL/ANCILLARY RESIDENTIAL OUTBUILDING AND CONSTRUCTION OF TWO, ONE AND A HALF STOREY THREE BED SEMI DETACHED DWELLINGS.**

**WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB**



SITE LOCATION PLAN  
1 : 1250



PROPOSED STREET ELEVATION  
1 : 100

**4/01534/19/FUL DEMOLITION OF EXISTING COMMERCIAL/ANCILLARY RESIDENTIAL OUTBUILDING AND CONSTRUCTION OF TWO, ONE AND A HALF STOREY THREE BED SEMI DETACHED DWELLINGS.**

<b>4/01534/19/FUL</b>	<b>DEMOLITION OF EXISTING COMMERCIAL/ANCILLARY RESIDENTIAL OUTBUILDING AND CONSTRUCTION OF TWO, ONE AND A HALF STOREY THREE BED SEMI DETACHED DWELLINGS.</b>
<b>Site Address</b>	<b>WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB</b>
<b>Applicant</b>	<b>Mr N Martin, Woodlands</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Parish Council Objection</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 This application seeks amendments to planning permission 4/01518/18/FUL which granted consent for the construction of two, one and a half storey three bedroom semi-detached dwellings. The current proposal differs from that approved only in respect of the position of the dwellings and the works to Great Gaddesden public footpath No. 57. All other aspects of the scheme remain as per approved.

2.2 The demolition of the existing commercial / ancillary residential building and its replacement with two semi-detached dwellings would result in a development with a reduced footprint, volume and floorspace, and is therefore considered to have no greater harm to the openness, character or appearance of the Green Belt thereby complying the requirements of the NPPF and Policy CS5 of the Core Strategy 2013. The design and materials to be used would be sympathetic to the open rural character of this part of the hamlet of Water End. Subject to the imposition of conditions there would be no significant harm to the residential amenities of adjoining properties, in fact given the relocation of the buildings 0.5m further from Little Hill the impact would be reduced when compared to the approved scheme. The proposal would provide satisfactory off road parking, landscaping, private amenities and would not obstruct the public Right Of Way. The proposals are therefore in accordance with Policies CS10, 11, 12, 13 and saved Policies 58, 99 and 100.

## **3. Site Description**

3.1 The application site comprises a large detached two storey dwelling located to the west of the Leighton Buzzard Road within the hamlet of Water End. It is accessed via the narrow Noake Mill Lane, part of which is a BOAT (Byway Open to All Traffic) and part of which is a public footpath (57). The site, which is located within the Metropolitan Green Belt, contains a large single storey outbuilding to the north-east of the house within its grounds and there is a large area of hard standing immediately adjacent to this outbuilding and to the frontage. The outbuilding has been converted, for most of its area, into annexes for the applicant's children and the remainder is in commercial use. The site backs onto open fields and there is a public right of way (footpath 57) adjacent to one side. The surrounding area is rural and comprises large detached houses of various styles and ages set within generous plots.

## 4. Proposal

4.1 Full Planning Permission is sought for the demolition of the existing COMMERCIAL/ANCILLARY RESIDENTIAL OUTBUILDING AND CONSTRUCTION OF TWO, ONE AND A HALF STOREY THREE BED SEMI DETACHED DWELLINGS

## 5. Relevant Planning History

4/00661/19/DIV	CREATION ORDER FOR GREAT GADDESSEN PUBLIC FOOTPATH 57 Withdrawn 13/08/2019
4/01519/18/FUL	DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS. Granted 05/12/2018
4/03264/16/FUL	RETENTION OF A SINGLE STOREY TIMBER BUILDING FOR USE AS AN ANIMAL SHELTER Refused 13/03/2017
4/03393/15/FUL	DEMOLITION OF EXISTING THREE DWELLINGS AND COMMERCIAL STORAGE UNIT. CONSTRUCTION OF THREE NEW COTTAGES WITH ASSOCIATED PARKING AND REAR GARDENS. Withdrawn 17/12/2015
4/00721/15/LDE	USE OF LAND AND BUILDINGS FOR B8 STORAGE PURPOSES. Refused 22/12/2015
4/00735/14/FUL	DEMOLITION OF EXISTING THREE DWELLINGS AND COMMERCIAL STORAGE UNIT COMPLEX AND CONSTRUCTION OF TWO THREE-BEDROOM DETACHED DWELLINGS WITH ASSOCIATED FORECOURT PARKING AND REAR GARDENS. Withdrawn 10/07/2014
4/02527/07/FUL	DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND REPLACEMENT DWELLING Granted 11/12/2007
4/01734/05/LDP	DETACHED GARAGE Granted 28/09/2005
4/01710/97/4	TWO STOREY SIDE EXTENSION Refused 23/07/1998
4/00268/16/ENA	APPEAL AGAINST ENFORCEMENT NOTICE – OUTBUILDINGS Appeal dismissed and outbuildings removed.
4/00269/16/ENA	APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE Appeal dismissed and scaffolding use ceased.

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy –**

NP1, CS1, CS5, CS11, CS12, CS13, CS24, CS29, CS31, CS35

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

Policies 13, 58, 99, 100, 113, and 129

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

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)

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

- Sustainable Development Advice Note (March 2011)
- Refuse Storage Note.

## **7. Constraints**

- CIL2
- 45.7M AIR DIR LIMIT
- SOURCE PROTECTION ZONE
- AREA OF SPECIAL CONTROL FOR ADVERTS
- Right of Way
- SSSI IMPACT RISK ZONES
- GREEN BELT

## **8. Representations**

### **Consultation responses**

8.1 These are reproduced in full at Appendix 1

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

8.2 These are reproduced in full at Appendix 2



## 9. Considerations

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Green Belt
- Impact on street scene and character of area
- Impact on Highway Safety and footpaths
- Impact on residential amenity.

### Policy and Principle

9.2 The site is in the Metropolitan Green Belt wherein, under Policy CS5 there is a presumption against the construction of new buildings. However given the existing commercial/ancillary residential building is permanent and substantial in its construction, the land meets the definition of 'previously developed land' and therefore its complete or partial redevelopment is acceptable and would not amount to inappropriate development, provided it would have no greater impact on the openness of the Green belt (than the existing buildings) or the purposes of including land within it.

9.3 Planning permission has already been granted for the construction of two identical semi-detached dwellings albeit it in a slightly different location. The pair of dwellings is now proposed to be positioned 0.5m to the west compared to the approved scheme. It is considered that this would not materially alter their overall impact on the openness of the area or the Green Belt. In fact their relocation closer to the existing property Woodlands would increase the spacing between the new units and Little Hill the other side of the public footpath which would provide greater public views in and around the buildings and therefore marginally increase the openness compared to the permitted scheme. The amended proposals would continue to comply with the NPPF and Policy CS5.

### Impact on Street Scene and character of the area

9.4 Given the overall scale, height, design, materials and layout (in terms of the amenity space, parking etc) remain as approved and the amendment sought merely alters the spacing between the surrounding buildings, the proposed dwellings would continue to represent an improvement in visual terms to the existing building and would sit comfortably in area and in relation to the surrounding rural context. Subject to details of materials, fenestration, eaves, joinery and landscaping the proposal would comply with Policies CS11 and CS12.

### Impact on Highway Safety and footpaths

9.5 The parking and access arrangements remain as per approved (tandem parking for each new unit and 5 existing off-street spaces opposite to serve Woodlands) and would have no detrimental impact on highway safety. Herts County Council have raised no objection subject to the imposition of informatives, which have been

imposed. It is important to note this part of Noake Mill Lane is not maintained by Herts County Council. Concern has been raised in relation to the remainder of Noake Mill Lane and the increased traffic associated with the development. However, given the scale of the development at only two units, the intensification in the use of the lane would not be to such a degree as to harm its safety or operation. The residual impact would not be significant enough to warrant a refusal. The previous permission imposed a condition requiring the maintenance of visibility splays, the validity of which was questioned as the land needed to comply with these fell outside the red outline in parts. Upon review the Highway Authority no longer request this condition. Given the site's position at the end of Noake Mill Lane, which at this point only serves a few properties, the use of the lane would be limited and speeds likely to be low. As such, it is not considered necessary or reasonable to impose conditions requiring vehicle visibility splays.

9.6 The dwellings approved under the previous consent encroached partially onto Great Gaddesden public footpath (No. 57) and as such required its diversion (it was to be made narrower in parts). To offset the reduction in width the footpath was to be upgraded and surfaced to Herts County Council specification. This was secured via a Grampian condition.

9.7 The Rights of Way Officer has confirmed that, as a result of the relocation of the dwellings, the public footpath will no longer need to be diverted. As a diversion order is no longer required, the offsetting upgrade works can no longer be justified and do not therefore form part of the proposals. A Grampian condition is not required. An informative reminding the applicants of the legal dimensions (width) of the public footpath will be included for the avoidance of doubt. The proposals comply with Policy CS12 and saved policy 58 in this regard.

#### Impact on residential amenity

9.8 There would be no harm to the residential amenities of adjacent properties. The nearest neighbouring property is Little Hill to the north east, which is separated from the application site by the public footpath. The dwellings as now proposed would be 0.5m further away from Little Hill and thus would have a slightly improved relationship when compared to the approved scheme. There are no changes to the proposed fenestration compared to the approved scheme. It is still proposed to have two first floor windows in the gable end of the north-east side elevation however these are to be obscure glazed and non-openable. Given their position they would face Little Hill and it is considered necessary and reasonable to condition these be obscure glazed and non openable in perpetuity. The imposition of this condition would ensure there would be no overlooking or loss of privacy.

9.9 Concern has been expressed in relation to the ground floor windows as the application site occupies a slightly elevated position in relation to Little Hill. It is not however concluded that these windows / doors would overlook the adjacent property to an unacceptable degree, especially when considering they are located beyond an existing public footpath which is lined by mature landscaping. The increased separation distance combined with the minimal height is sufficient to ensure no loss of light / overbearing appearance.

## CIL

9.10 The development would be CIL liable.

## Other considerations

9.11 In relation to protected species (bats) a Preliminary Roost Assessment has been undertaken. No bats or evidence of bats was found but features suitable for roosting bats were identified. The building was assessed as having Low potential for roosts and as a result an emergence survey was carried out. This confirmed the property was not a roost. However, bats were detected in the locality. As the application involves demolition of the barns and bats are present in the area, it is advised that a precautionary approach is taken and that an Informative should accompany any consent granted. Ecological enhancements are suggested in section 4.3 table 6 of the Emergence and Activity Bat Survey (EBS) and should be adopted in full. A condition requiring this will be imposed for the avoidance of doubt. There are no other ecological constraints to the proposal.

9.12 Herts Fire and Rescue service seeks the provision of fire hydrants through a S106 agreement. However, a Grampian style condition is considered suitable and satisfactory to secure this or other fire assistance measures.

9.13 Whilst noting the parish councils continued objection on the grounds of overdevelopment, the current proposal is identical in size, scale, mass, height, design and similar in layout to that approved under planning permission 4/01518/18/FUL and as such it is considered there are no grounds upon which to refuse the application in this respect. Importantly the previous consent is extant and could be implemented subject to a successful application for a Diversion Order.

9.14 The Parish Council also raise concern in relation to the impact of the development on the Chilterns Area of Outstanding Natural Beauty (CAONB). The site is located on the edge of the CAONB and as would have an impact on its setting. Given the simple barn like appearance of the proposed dwellings and the materials to be used (timber cladding) the dwellings would have a rural appearance, and would be seen in the context of existing built form. As such, the development would sit comfortably in its setting and would not harm the character, appearance or special qualities of the AONB. The proposals would comply with Policy CS24 in this regard.

9.15 Concerns in relation to land ownership have been received from neighbouring properties (as they were for the original application). Further evidence regarding the site ownership was submitted in support of the former application and as such these are now considered civil matters between the various landowners. The current application is accompanied by a Certificate A and there is no evidence to suggest the application is invalid on this basis.

9.16 Concern has also been expressed from immediate neighbours in relation to inappropriate development, impact on neighbourhood, loss of privacy, effect on public amenity, harm to the openness of the green belt, loss of turning place, inadequate infrastructure, design, sewage contamination. These concerns were raised in relation to the previous application and were concluded as acceptable (or dealt with under other legislation). In addition, concern has been expressed in relation to the previous application and that the current application should not given weight to the previous

permission. The extant planning permission is very similar to the current proposals and is therefore a material consideration in the current application.

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

Conditions

No	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p><b>No development other than demolition, site preparation, groundworks and footings shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection. A sample panel at least 1m by 1m shall be prepared for inspection and shall include details of the pointing and the finished colour of the timber cladding.</b></p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.</p>
3	<p><b>Notwithstanding the details submitted, no development other than demolition, site preparation, groundworks and footings shall take place until 1:20 details of the following (including materials and finished colour) shall have been submitted to and approved in writing by the Local Planning Authority.</b></p> <ul style="list-style-type: none"> <li>• doors and windows</li> <li>• rooflights</li> <li>• eaves and other joinery</li> <li>• bin storage enclosure</li> </ul> <p><b>All rainwater goods shall be finished black with a round profile.</b></p> <p><b>The development shall be carried out fully in accordance with the approved details.</b></p> <p><u>Reason:</u> to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area in accordance with Policy Cs12 of the Core Strategy 2013.</p>
4	<p><b>Notwithstanding any details shown, full details of the following shall be submitted to and approved in writing by the Local Planning Authority.</b></p>

	<ul style="list-style-type: none"> <li>• hard surfacing materials;</li> <li>• means of enclosure;</li> <li>• 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;</li> <li>• trees to be retained and measures for their protection during construction works;</li> <li>• proposed finished levels or contours;</li> <li>• sustainable urban drainage measures</li> <li>• minor artefacts and structures (e.g. signs, lighting);</li> <li>• proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);</li> </ul> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5years from planting fails to become established, becomes seriously damaged or diseased, dies, or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Saved Policy 99 and 100 of the Dacorum Borough Local Plan 1991-2011.</p>
5	<p><b>The development shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of a fire hydrant(s) to serve the development and the approved scheme has been implemented. The hydrants shall be installed in accordance with the approved details and thereafter maintained as such.</b></p> <p><u>Reason:</u> In the interests of the occupants of the development.</p>
6	<p><b>The development shall not be occupied until the car parking areas shown on drawing no. PRJ/19/006/001 have been laid out, constructed and surfaced. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.</b></p> <p><u>Reason:</u> To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent lane, or the amenities and convenience of existing local residents and businesses in accordance with Policy 58 of the Adopted DBLP 1991-2011.</p>
7	<p><b>The windows at first floor level in the north-east and south-west elevations of the development hereby permitted shall be permanently</b></p>

	<p><b>fixed shut and fitted with obscured glazing to a minimum of Level 3 on the Pilkington scale of privacy or equivalent.</b></p> <p><u>Reason:</u> In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.</p>
8	<p><b>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</b></p> <p><b>Schedule 2                      Part 1 Classes A, B, C and E</b>  <b>Part 2 Class A</b>  <b>Part 14 Class A</b></p> <p><u>Reason:</u> To enable the local planning authority to retain control over the development in the interests of the openness of the Green Belt and the character and appearance of the rural area and because rooflights, dormer windows and solar panels could undermine the settled 'barn-like' appearance of the development.</p>
9	<p><b>Prior to occupation the Ecological enhancements set out in section 4.3 table 6 of the submitted Emergence and Activity Bat Survey (EBS) should be implemented in full and thereafter maintained as such.</b></p> <p><u>Reason:</u> to ensure appropriate provision is made for the protection of bats in accordance with Policies of the Development Plan and EU Directives.</p>
10	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>PRJ/19/006/100 - Dwellings A &amp; B proposed plans</b>  <b>PRJ/19/006/101 - dwellings A &amp; B proposed dwelling Elevations and perspectives</b>  <b>PRJ/19/006/001 - Site Location Plan and proposed site plan</b>  <b>Cherryfield Ecology Ecological Reports (dated 19/04/18 &amp; 21/05/19)</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35:</u></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application process and during the determination stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p><u>RIGHT OF WAY INFORMATIVE:</u></p> <p>Great Gaddesden Public Footpath No; 57 abuts the application site. The legal extent of the footpath varies from a width of 2.4m at the southern end to 9m at</p>

the northern end. An area of 240sqm. The full extent of the footpath needs to be free from obstruction at all times. The applicant is reminded that no part of the development should encroach onto this footpath.

The Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. [https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_8](https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8)

#### HIGHWAY INFORMATIVES

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

2. The Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be

	<p>taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p> <p>4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</a>.</p> <p><b><u>ECOLOGY INFORMATIVE</u></b></p> <p>In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.'</p>
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## Appendix 1

### Consultation responses

#### **Great Gaddesden Parish Council**

*This application for the replacement of an agricultural building with two dwellings is in a charming rural setting and is overdevelopment on the edge of The Chilterns Area of Outstanding Natural Beauty.*

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

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

#### INFORMATIVE NOTES

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

2. The Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the



route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

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

4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

## COMMENTS

This application is for Demolition of agricultural barn and construction of 2 one-and-a-half-storey three-bed semi-detached dwellings.

## PARKING

Sufficient parking has been provided to prevent overspill onto the highway.

## ACCESS

The site is located on a section of Noake Mill Lane which is unadopted and has no code allocated and is approached by the section of Noake Mill Lane which is a Byway Open to All Traffic BOAT Great Gaddesden 058. Furthermore, there is a public footpath running along the Eastern boundary of the plot, Great Gaddesden 057. Both these Public Rights of way must be kept clear of obstruction at all stages of the development

No changes are proposed to the existing vehicular or pedestrian access to or from the highway and no works are required in the highway.

## CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact on highway safety or capacity, subject to the informative notes above

## **Rights Of Way Officer**

This site is crossed by Great Gaddesden public footpath 57.

The legal extent of the footpath varies from a width of 2.4 m at the southern end of the

applicants land to 9m at the northern end. An area of 240m<sup>2</sup> .  
The full extent of the footpath needs to be free from obstruction unless a legal order is sought to divert, etc.

I am satisfied that the edge of the concrete forms the boundary between the public footpath and the residential property, Woodlands.

The fencing to the rear still 'obstructs' the right of way but only by a small margin and it is of little consequence at this stage.

### **Herts Ecology;**

Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

A Preliminary Roost Assessment was carried out by Cherryfield Ecology on the 4.19.2018. No bats or evidence of bats was found but features suitable for roosting bats were identified. The building was assessed as having Low potential for roosts and as a result 1 emergence survey was carried out. This was completed on the 20.05.2019 and confirmed the property was not a roost. However, bats were detected in the locality.

As the application involves demolition of the barns and bats are present in the area, I advise a precautionary approach and that the following Informative should accompany any consent granted.

"In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England."

Ecological enhancements are suggested in section 4.3 table 6 of the Emergence and Activity Bat Survey (EBS) and should be adopted in full.

I consider the LPA now has sufficient information on bats to satisfy their obligations under the Conservation of Habitats and Species Regulations 2018 and the application can be determined accordingly

Other than the above, I am not aware of any ecological constraints to the proposal.

### **Herts County Council Fire and Rescue**

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested

provision.

## Appendix 2

### Neighbour notification/site notice responses

#### Objections

3 representations received;

#### CONCERN;

My biggest concerns at this time is that we have been told both by our tenant and by Mr. Martins other neighbour that he is imposing on our property and our drive based on the measurements. I cannot see this on the plans and unless I take physical measurements cannot check this. We also do not understand a previous application he made with regards to a public footpath which we also believe to be on our land!

The view is that he obtains a new application regarding the 2 new properties then applies to rebuild his existing house very close to the boundary and thereby removes the dividing hedge and imposes on our drive. I have been told that he needs space from our drive to create enough room to provide a turning space in front of his properties but I cannot see from the plans. I hope to see Mr. Martin on 23<sup>rd</sup> or 24<sup>th</sup> and hear what he has to say but am concerned as to the timing.

There is also a covenant imposed by Gaddesden Hall farm to prevent Woodlands from further developing the site. I am aware that this does not affect planning and is a legal issue. We have no wish to prevent him from developing his site and making the most of it (there is also often ways round these things to keep everyone happy) but we must protect our interest also and the new planning application came to our attention late.

For all of the above reasons I ask if it would be possible to meet with me on site? We particularly want to ensure he is not permitted to remove the dividing row of trees (of which we must clarify ownership or take some space from our drive. My husband is not well enough to travel but I can do so next week.

#### OBJECT

The current application has a inadequacy of parking and turning not enough space has been allocated by the applicant . The bend in the road and parking in front on corner to the front makes a blind spot a difficult to see vehicles approaching along Noake Mill Lane. There has already been previous accident's on bend due to lack of visibility.

#### OBJECT

original Comments;

Please find enclosed our letter of objection to application 4/01534/19/FUL | DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS. | WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB

We are aware that only material changes would be considered in this new application. However, our objections were not submitted to the Committee last time (because of an incorrect reference number) and we want to voice all our reasons for objecting:

#### **A. Development not appropriate within the Green Belt (see Appendix A)**

This development does not fall within Para 145 g) of the NPPF (redevelopment of previously developed sites) for the following reasons:

1. A large section of Woodlands front garden would have to be removed to make place for the proposed development: garden land cannot be considered as “previously developed land”. With this new application 4/01534/19/FUL where the development no longer uses land from the public footpath, the new build had to be moved even closer to the main house, thus sacrificing an even larger section of Woodlands front garden (and back garden). This makes it even more inappropriate within the Green Belt.
2. The development encompasses more than the so-called “previously developed site” as it would also permanently obstruct Woodlands current approach route to the front door. No alternative was ever put forward to correct this loss. Where would the new approach route be?
3. The proposed building is so long for the space available that both front doors had to be placed to the side of the building, leaving just enough room to squeeze in 2 parking spaces at the front and a garden of a mere minimum depth of 11 metres.
4. The proposed building is so wide for the space available that the gap between boundary fence and building is barely 1m, making it impossible for the future occupier to grow any sort of privacy hedge. Would it be even possible to move furniture, etc. in and out of these houses?

#### **B. Impact on neighbourhood.**

1. This is an area where dwelling density is low and plot sizes are large. Two semi-detached homes with small gardens crammed into a very tight area would be totally inappropriate for the area character and harm the openness of the Green Belt.
2. Woodlands is neighbouring Gaddesden Hall, a Grade II-listed building, therefore any new development would likely affect the setting of this listed building.
3. The shape, size and depth of the gardens are not compatible with the existing adjoining properties.

#### **C. Loss of privacy.**

Being on a slope, Woodlands is at a higher level than Littlehill, approximately 1.8 or 2 metres higher. With such a difference in levels, windows from a ground-floor development would have the same intrusive impact as those from a one-storey dwelling if houses were on the same level. When Woodlands removed the conifer hedge that used to run along the public footpath, on the eastern side of the property, the only privacy screen remaining between our two properties was our own conifer hedge which is in poor condition and in the process of being replaced. The applicant is proposing a 1.2m post and rail fence. This type of fence would not screen the development from the occupiers of Littlehill. The front door and the three windows (bedroom, lounge and dining area) would look into our bedrooms' windows and part of our once-private back garden (**see Appendix C**). This would be terribly intrusive and because Littlehill is located on lower grounds, the erection of a standard 2-m fence or hedge along our own property boundary could never provide any screening.

#### **D. Effect of public amenity.**

Although the proposed site is in terrible state of repair due to a lack of property maintenance, fallen fences and an overgrowth of nettles and brambles, which in themselves are harmful to the character of the area, this should not be seen as an excuse to redevelop the site. The proposed development would have a worse impact on public amenity because:

1. The wall of the new dwelling would be very close to walkers (the corner being only 1m from the boundary fence), this would give an overbearing feeling made worse by the fact that the public footpath is 30cm lower than the proposed development.

2. People would be walking along a mixture of both cladding and brick walls and also past the occupier's bins. No way can this be an improvement for the users of the public footpath compared with the existing layout. Currently, the existence of the concrete yard gives walkers a little more distance from the outbuilding walls and does not give that overbearing feeling that the new development would.

3. The occupier of the new build would not be able to grow a privacy hedge along the public footpath boundary because there is simply no space for it.

4. People would be walking past a front door and 3 windows (bedroom, lounge and dining area). This development would not be an improvement to public amenity.

**E. Harm to the openness of the Green Belt.** The proposed development would cause more harm to the openness of the Green Belt than the current outbuilding for the following reasons:

1. Not only would the proposed development be higher than the current outbuilding, it would also be located nearer the eastern edge of the property, making it look even taller and more imposing and giving an overbearing appearance from the public footpath, which is on lower grounds.

2. Even though the floor space between existing and proposed is similar, the new build would have more impact and would look more imposing than the existing outbuilding because of its orientation. Currently, the outbuilding is separated from the eastern boundary by a rather wide concrete yard. From Noake Mill Lane, only the front of the outbuilding is visible. However, the new build would have a bigger visual impact from the lane as it would be stretching along the whole width of the site, from west to east, emphasising the impression of overdevelopment.

3. Adding two new dwellings to Woodlands would result in greater intensification of use of the site than in comparison to the existing use (only deemed as ancillary to the main house) which would result in greater harm.

4. The spacing of the proposed development with Woodlands does not respect the character of the existing area. With this new application 4/01534/19/FUL, the spacing between Woodlands and the proposed development would be even smaller since the proposed dwellings had to be moved closer to the main house to avoid the public footpath, providing even less harmony to the character of the area.

**F. Loss of a turning place.** Being at the end of a cul-de-sac, Woodlands current driveway has always been used as a turning place by utilities trucks (cesspit emptying and oil delivery for Littlehill and gas delivery for Woodlands) and other delivery vehicles.

Replacing the current driveway by two smaller ones would make manoeuvring more difficult for large vehicles, including emergency vehicles. Waste collection vehicles are not included in this list as they have to empty the bins at Gaddesden Hall Farm and can therefore make their manoeuvre up there. The right to use Woodlands current driveway as a turning place has been acquired by long use.

### **G. Inadequate infrastructure**

1 Homes in Noake Mill Lane are not connected to the public sewage system. Adding another two private sewage systems would increase the likelihood of contamination.

2 There are two bridges on Noake Mill Lane. The bridge next to Noake Mill House seems to have been built to last and can resist heavy traffic. However, the second one, which is located next to Gold Fish House, is underground and is already showing some sign of wear. Having adopted Noake Mill Lane up to Gaddesden Hall, the Council would have the responsibility of repairing the bridge which would deteriorate faster with increased traffic.

3 The increased traffic from these new houses would overload this single-track lane increasing the likelihood of accidents, particularly when vehicles have to reverse onto the

Leighton Buzzard road to let oncoming vehicles pass. The bend opposite Gaddesden Hall is also a dangerous spot due to the lack of visibility.

## **H. Design**

1 Disguising a new build as a barn-style building does not make it any more appropriate within the Green Belt. This imposing structure would look as much out of place in this area as any other new builds would.

2 The proposed development looks too tightly squeezed within the site.

3 The future occupier would have no opportunity to grow any type of privacy hedge because of the lack of space between building and boundary. The application drawing does not even show any vegetation in front of the lounge and dining area windows to screen the building from the public footpath.

4 These dwellings would not be future-proof as there would be no space to extend, proof that this proposal is overcrowding/overdevelopment.

5 We are also aware that the new development would have noise implications for us at Littlehill with the creation of two new back gardens providing play areas for children compared to the existing very quiet outbuilding and yard.

## **I. Sewage contamination.**

Littlehill has a private water supply barely 50 metres from the two proposed sewage treatment systems, borehole registration number TL00NW136, used for domestic drinking consumption. No provision seemed to have been made to protect our borehole from contamination. Sewage pollution would have terrible consequences for us. For this reason, the proposed development is highly concerning to us.

Should this development still be allowed to go ahead, the following conditions should be imposed:

- A permanent 2-metre close-board fence to be erected on the eastern boundary to provide a privacy screen for both public footpath users and the occupiers of Littlehill.
- No further development to be allowed on the Woodlands site to prevent the erection of another two semi-detached homes mirroring the proposed development, on the western side, in place of the main house.

## **Additional comments;**

I am aware that the extant planning permission is a material consideration. It is this permission for which I questioned the decision-making process, the lack of due impartiality and bias towards the applicant. No weight was given to the impact of the development (4/01519/18/FUL) on immediate neighbours as the committee members were unaware of any objections. If they had known, this might have swayed their decision. Our letter of objections of 10/07/2019 was not submitted to the Development Management Committee of September 2018 supposedly because the pdf filename and email header had the wrong reference number. These, in themselves, are of material significance and should carry weight when considering this new application. I will send a revised letter of objection separately as I feel the discrepancies below are too technical for the letter.

The discrepancies, which were found after the Committee meeting, were not referred back to the committee members. They were deemed unimportant, relevant to Building Control only or simply ignored. I have listed them below although the visibility splay issue might be the only one of interest to you.

1. Inconsistent building dimensions. The new build was made to look smaller and the existing outbuilding larger, therefore making the proposal look less harmful to the openness of the Green Belt:

a. Gross external area of proposed dwellings as per Area Schedule (**see Appendix A1**)

and Design and Access Statement = **165 sqm**,

However, if we calculate this area separately using the shell dimensions provided in the proposed ground floor plan (**see Appendix A2**), we end up with a bigger number:  $13.516 \times 13.039 = \mathbf{176 \text{ sqm}}$ .

b. External area of existing building to be demolished as per Area Schedule (**see Appendix A**) = **234 sqm**. However, in previous applications 4/03393/15/FUL and 4/00735/14/FUL, the exact same L-shape building was only **226.27 sqm**.

c. In view of a) and b) above, one wonders what other dimensional discrepancies could be found in the drawing. For example: Total separation from Littlehill (is it really "*some 16.6m*" as stated in the application?). Distance between boundary fence and building on both western and eastern sides (1m?). Car park dimensions (2.4x4.8m?). Minimum garden depth for Dwelling A (12m?). I did have the pdf drawing imported into CAD software and obtained smaller measurements but I was told that precise measurements could not be guaranteed due to possible cad-to-pdf-to-cad file-conversion distortion.

1. Other discrepancies that appeared in the previous drawing were disguised in the new drawing by removing OS map outline and red dotted line. However, as many the features in PRJ/19/006/001 are also found in PRJ/18/003/002, it is very easy to redraw the missing lines by laying the drawings on top of each other. These discrepancies relate to the following:

a) The red line location map does not encompass the full extent of the development (**see Appendix B**), in particular a large part of the visibility splays is outside the red line. Is this acceptable?

b) Even if point a) above was deemed acceptable, please note that the Y distance does not comply with the HCC Highways' 25-metre requirements. The drawing makes it look like it does but only by encroaching on the lane leading to Gaddesden Hall Farm, so much that GHF entrance is 40% smaller than it should be (**see Appendix C and D**). It might be argued that such a distance is not paramount because the development is located at the end of a cul-de-sac. However, the fact is that HCC Highways were contacted for comments and a condition was imposed on the planning permission (Condition 11). Can this condition be discharged even though the 25 metres will never be achieved on site?

2. Non-electrical sewage treatment systems - **Building Control issue only**. I expressed my concerns about having two new sewage treatment systems so near our borehole (our only source of drinking water). Andrew Parrish replied through his case report: "*the proposed system to be installed is understood to be a very sophisticated system that discharges only clean water into the surrounding ground and never needs to be pumped out.*" I contacted ClearFox manufacturer for advice (**see Appendix E**) and concluded the following: A) the Polystorm soakaway crates proposed by the applicant are intended for rainwater only and are unsuitable for use with waste water effluent, B) the wastewater effluent is not clean otherwise the crates would not clog up and C) the system will need to be de-sludged every 12 months, like any other septic tank. If the proposed crates are unsuitable, the applicant will have to provide an alternative. If a drainage field-type system is installed as recommended by Jamie from ClearFox, where would it be located? In the back garden or out in the neighbouring field? In any case, permission from the neighbouring landowners would be required.

3. Car park: I am questioning the legitimacy of the 5-vehicle parking bay opposite the development. There is doubt whether the land across the lane forms part of the curtilage of Woodlands (as pointed out by Planning Inspector Paul Freer regarding Appeal Ref: APP/A1910/C/16/3142948. See Para 36, page 7, of Mr Freer's appeal decision report). Even if it did form part of the curtilage, the applicant did not have any permitted



development right to create a 5-vehicle parking bay because this site is forward of the principal elevation of Woodlands dwellinghouse. Created in 2012/2013, this is still an unauthorised change of use of the land in breach of building control. If a formal complaint was made to the Enforcement team, can the use of the car park still be stopped? Incidentally, please note that the close boarded fence is 2.2m high and should have also required planning permission. This fencing harms Green Belt openness and is also used to store/dump materials.

4. I will contact HCC Highways to ask if they can review the impact of the proposed development on the whole of Noake Mill Lane rather than solely on the area closest to the development site.

5. Finally, now that the public footpath is no longer part of the development, will the applicant take the necessary steps to make the path safe again before the development even begins?

I am very sorry to burden you with all this but I believe in fairness but must stand up for what is right.

Representations of objection sent to HCC Highways (Case Officer copied in).

My neighbours submitted an application to demolish a barn and build two dwellings, 4/01519/18/FUL, for which you raised no objections (subject to conditions). Although the application was granted permission, they resubmitted another application, 4/01534/19/FUL, with changes relating to the public footpath only.

The reason I am contacting you is because your original comments solely related to the area closest to the proposed development and not the rest of Noake Mill Lane which forms part of the adopted public highway.

I believe that the development would adversely affect highway safety and, for this reason, I would like to ask you if you could please reassess this proposed development to include the whole of the lane. Could you also review the proposed visibility splays as they were made to look like they comply with your requirements when they actually do not.

1. Noake Mill Lane is a single-track road (**Picture 1**). The first passing place when entering the lane is approximately 200 metres from the Leighton Buzzard road (**Picture 2**). Dealing with oncoming traffic is relatively easy at that point and visibility is good. However, when two vehicles meet at a point closer to the main road, the vehicle entering the lane has to reverse towards the road to let the other vehicle pass, effectively using the entrance of the lane as a passing place (**Picture 3**). Allowing this development to go ahead would consequently increase traffic in the lane, which in turn would increase the likelihood of vehicles having to reverse towards the main road and the probability for a third vehicle crashing onto the back of the reversing vehicle.

2. Another dangerous spot on the lane is the tight right-hand bend at the entrance of Woodlands, where the adopted public highway ends (**Picture 4**). Although there is a wide-angle safety mirror at the corner, the number of near-miss occurrences would increase significantly. A problem exacerbated by poor lane maintenance where hedges, brambles and nettles are left to grow (**Picture 5**). Walking is also made unsafe on this private part of the lane as the verge is covered with vegetation, making it difficult for pedestrians to move out of the way of passing traffic (a resident of the lane

recently told me that her dog was nearly run over at that particular point as she was walking her dog on a lead. A couple of weeks later, I myself had a near miss with another vehicle on that same spot on my way home. I had to swerve onto Gaddesden Hall driveway to avoid collision).

3. Visibility splays: I would like to point out a discrepancy which was not picked up when the previous application was being reviewed and is being reproduced in this new application. Although the drawing states that they are providing 2.4 x 25m visibility splays, the 25m Y distance that you imposed as a condition is physically impossible to achieve as it is barely more than 17/18 metres (**Picture 6**). They made it look like it was possible on the drawing by narrowing the lane leading to Gaddesden Hall Farm, making the gate entrance approximately 40% smaller than its actual size (which should be over 4 metre wide). Please see **Picture 7** below for details.

4. If the development went ahead, the approach route to the applicant's house would be permanently blocked with no proposed alternative (**Picture 8**). The applicant would have to create a new access. They might even want to create a new driveway and build a garage, as already proposed in their application 4/01734/05/LDP (**Picture 9**). Would these have any impact on your visibility splay requirements?

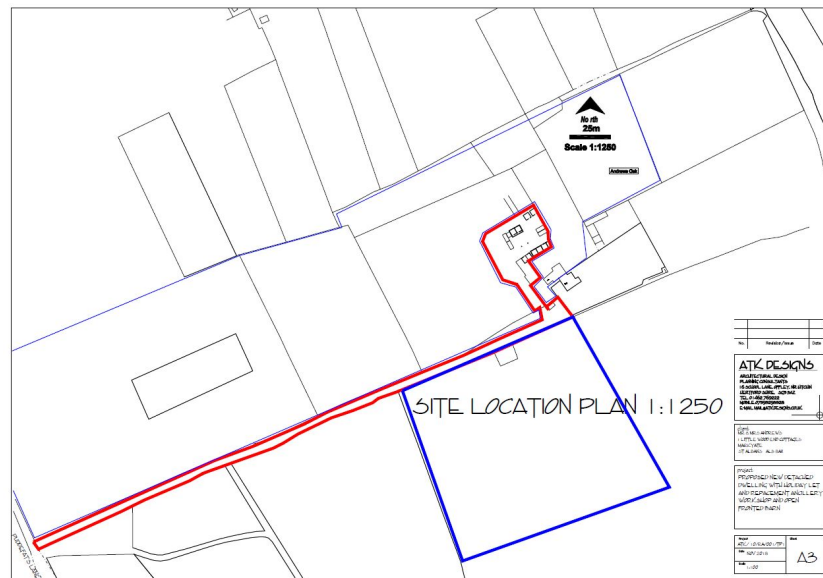
In terms of road safety, I feel it would be unwise to allow the creation of any new dwellings on the lane, and thus allow increased regular traffic, until the lane's infrastructure was improved.

Finally, we recently realised how important Woodlands driveway was at the end of this cul-de-sac. It has always been used as a turning place for utilities vehicles: cesspit emptying and oil delivery for Littlehill and gas delivery for Woodlands as well as for any large delivery vehicles, except for waste collection as the bin lorries have to drive all the way to the top to empty Gaddesden Hall Farm's own bins. Replacing this driveway by two smaller ones would make it very hard for these vehicles, including emergency vehicles, to turn around.

## Item 5f

**4/00171/19/FUL DEMOLITION OF EXISTING EQUESTRIAN FACILITIES AND CONSTRUCTION OF ONE FOUR-BEDROOM DWELLING, ONE THREE-BEDROOM HOLIDAY LET, ONE WORKSHOP/BARN/CARPORT BUILDING, WITH ASSOCIATED SOFT LANDSCAPING, HARDSTANDING, AND FENCING.**

**1 WOODEND COTTAGES, LITTLE WOODEND, MARKYATE, ST ALBANS, AL3 8AX**

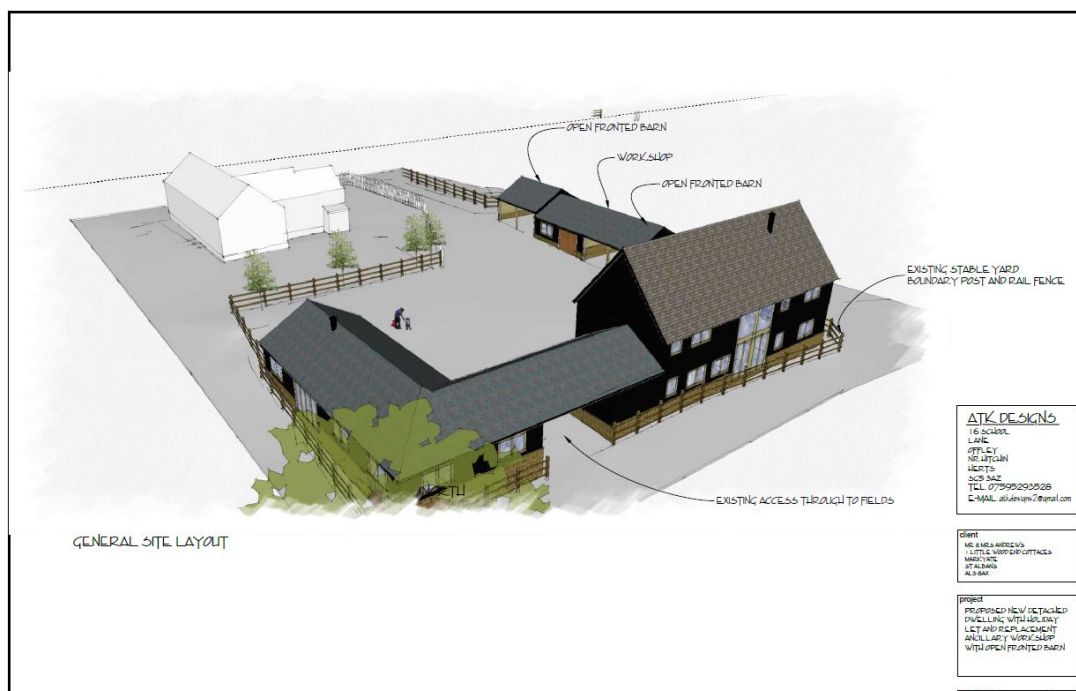
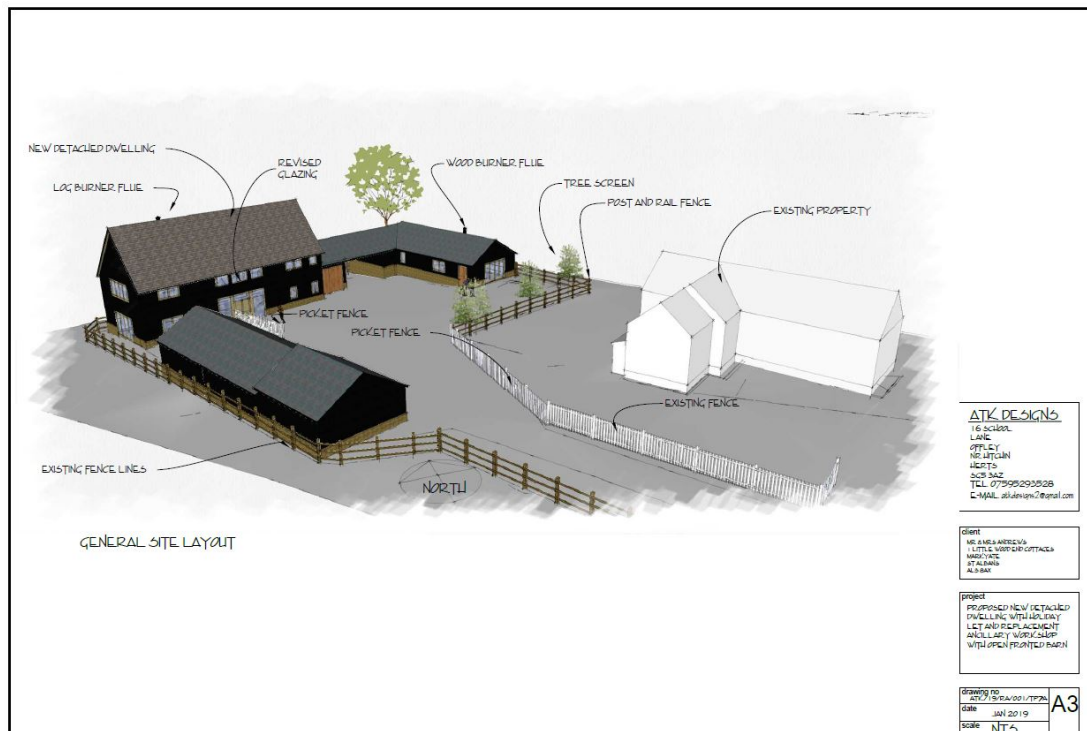




## Item 5f

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**1 WOODEND COTTAGES, LITTLE WOODEND, MARKYATE, ST ALBANS, AL3 8AX**



<b>4/00171/19/FUL</b>	<b>DEMOLITION OF EXISTING EQUESTRIAN FACILITIES AND CONSTRUCTION OF ONE FOUR-BEDROOM DWELLING, ONE THREE-BEDROOM HOLIDAY LET, ONE WORKSHOP/BARN/CARPORT BUILDING, WITH ASSOCIATED SOFT LANDSCAPING, HARDSTANDING, AND FENCING.</b>
<b>Site Address</b>	<b>1 WOODEND COTTAGES, LITTLE WOODEND, MARKYATE, ST ALBANS, AL3 8AX</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Andrews, 1 Woodend Cottages</b>
<b>Case Officer</b>	<b>Shane O'Donnell</b>
<b>Referral to Committee</b>	<b>Objection by Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED** subject to the conditions which are recommended at the end of this report.

## **2. Summary**

2.1 The proposal is for redevelopment of the existing site to provide an additional residential unit and holiday let replacing the existing equestrian outbuildings. The proposed outbuildings would provide car parking and facilities both the dwellings and the holiday let. The proposal is considered acceptable in principle as the site is considered to represent previously developed land in the Rural Area. Furthermore, the proposed development would represent a visual improvement of the site and the wider countryside which lies within the Chilterns Area of Outstanding Natural Beauty and an improvement to the setting of a listed building beyond existing conditions. The impact on transport and ecological matters has been adequately addressed through the application submission.

## **3. Site Description**

3.1 The site is located at the end of a lane off Puddephat's Lane and contains part of the Grade II listed Wood End Cottage which has been subdivided into a pair of semi-detached dwellings No. 1 and No. 2 Wood End Cottage. The site also contains a collection of outbuildings and containers to the north west of No. 1 Wood End Cottage and has been put forward has previously operated as a stable yard/livery. The site is within the Rural Area and the Chilterns Area of Outstanding Natural Beauty. The site slopes significantly from south to north. A public footpath runs from east to west to the south of the site.

## **4. Proposal**

4.1 The proposal is for demolition of existing outbuildings and construction of one four-bedroom dwelling, one three-bedroom holiday let, one workshop/barn/carport building, with associated soft landscaping, hardstanding, and fencing. The associated semi-detached No. 1 Wood End cottage would be retained on site.

4.2 The proposed four bedroom dwelling would be a barn shaped two storey building sited on the northern boundary of the application site with a private outdoor amenity space to front and side of the building. The proposed holiday let would be a single storey building on the eastern boundary of the application site with a small outdoor amenity spaces to the front of the building.

4.3 The proposed workshop/barn/car port single storey building is sited along the western boundary of the site and contains 2 parking spaces for the holiday let, a work shop and open barn for the retained dwelling No. 1 Wood End Cottage.

4.4 The area to the north of the No. 1 Wood End would be become part of No. 1's curtilage. Additional fencing would be a mixture of picket fencing and post and rail fencing.

## **5. Relevant Planning History**

None Relevant.

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy**

NP1, CS1, CS7, CS8, CS10, CS11, CS12, CS14, CS17, CS18, CS24.  
CS25, CS27, C29, CS35.

### **6.3 Saved Policies of the Dacorum Borough Local Plan (DBLP)**

18, 19, 21, 34, 37, 55, 57, 58, 62, 76, 79. 80, 90, 91. 92. 93, 95, 97, 99,  
108, 109 119.

Saved Appendices:

Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision

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

Environmental Guidelines (May 2004)  
Chilterns Buildings Design Guide (Feb 2013)

## **7. Constraints**

- Rural Area
- Chilterns Area of Outstanding Natural Beauty
- Former Land Use
- CIL Zone 1

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix 1

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and Principle of the Development;
- Impact on the Listed Building
- Impact on the Character of the Area and AONB
- Impact upon Neighbouring Properties;
- Access and Impact on Highway Safety/Parking/Services
- Amenity Provision
- Ecology/Trees/Landscaping
- Community Infrastructure Levy (CIL)

### Policy and Principle

9.2 The proposed application site would be located in the rural area and would redevelop an area of previously developed land and buildings associated with an equestrian use.

According to Policy CS7 within the Rural Area, the following uses are acceptable: Small-scale development will be permitted: i.e. (v) the redevelopment of previously developed sites provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

9.2.1 Currently, the existing site contains a collection of buildings associated with an equestrian use but do not have a clear planning record. From viewing aerial imagery, while the buildings and paraphernalia along the



northern boundary of the site appear to have a more recent history which is currently under investigation by the Council's Enforcement Team, the larger collection of 3 buildings forming a L-shaped layout on the southern boundary and associated hardstanding have been present for a significant period of time and are considered lawful. The existing site is therefore considered previously developed land.

9.2.2 In terms of parts (ii) of Policy CS7, the proposed development would include a single storey holiday let. According to Policy CS14 of Dacorum's Core Strategy "Development that supports the knowledge-based economy, the transition to a low carbon economy, the rural economy and sustainable tourism, will be particularly encouraged". Furthermore, paragraph 26.11 of Dacorum's Core Strategy says "The potential for 'sustainable tourism' in the Chilterns is recognised and appropriate schemes that support this will be supported". The site would be located close to walking trails and with easy access to wider views of the landscape therefore provided that the built form is acceptable, it is considered that the proposed holiday let would support tourism in the area.

9.2.3. The proposal would create an additional residential unit in a rural area. However, in terms of paragraph 79 of the National Planning Policy Framework, it is considered that the proposed dwelling would not represent the creation of an isolated home in the countryside given that the proposed residential dwelling would replace an existing livery use of site and associated trip generation and would be within the footprint of the previously developed land utilising existing transport infrastructure and sited within the established settlement area of two other dwellings No.1 and No. 2 Woodend Cottage.

9.2.4 In terms of parts (i) of Policy CS7, the impact of the proposed buildings and layout on the surrounding area and the AONB will be assessed below and should they be considered acceptable in terms of this impact and the impact on the listed building, ecology and transport assessed below then the proposed development is considered acceptable in principle.

#### Impact on the Listed Building

9.3 Woodend Cottage is a Grade II listed cottage dating from the 17<sup>th</sup> Century and subdivided in the 19<sup>th</sup> Century into two houses to house farm workers and historic relationship with the listed Hill Farm. The proposed development would not alter the built form of the listed building but would alter the surrounding context and curtilage.

9.3.1 In assessing the impact on the listed building, the proposal is assessed in accordance with paragraph 196 of the National Planning Policy Framework which states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"

9.3.1 Currently, there lies a collection of 3 buildings in an L-shape close to the north edge of the Listed Cottage i.e. No. 1. These buildings that are proposed to be removed form a poor relationship with the cottage and do not take the form of ancillary farm buildings in terms of design or layout.

9.3.2 Therefore the removal of these curtilage buildings is considered to be a planning gain in terms of the impact on the setting of the listed building .The proposed layout taking the form of the courtyard is more in keeping with the history and narrative of the listed building and is more reflective of typical farmstead hierarchy. It is noted that the proposed new dwelling is a large two storey building however the proposed two storey dwelling would be sited at a lower level to the listed cottage and the form of this building mimics the form of large barn and therefore is considered an appropriate building form within the curtilage of the listed cottage.

9.3.3 Through negotiation with the applicant the siting and nature of the proposed boundary treatment has been reduced and altered in design to better preserve the openness of the site and to enhance the setting of the listed building. No objections are raised by the Council's Conservation Officer to revised proposals. Given the revised layout, design, and boundary treatment, it is considered that the proposed alterations represent not only less than substantial harm to the significance of the Grade II\* listed building but a planning gain in terms of improving the setting of the listed building.

#### Impact on Landscape and Area of Outstanding Natural Beauty

9.4 The site is also located within an Area of Outstanding Natural Beauty. In terms of local policy, Core Policy CS24 states that: "Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes."

Core Policy CS25 of Dacorum's Core Strategy states that:

"All development will help conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Dacorum Landscape Character Assessment, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record."

9.4.1 According the Chilterns Design Guide issues to consider when designing any new development include:

- The materials used and design details of traditional buildings
- The scale and form of the proposed building in relation to the site and neighbouring buildings

- Existing and proposed landscaping, including boundary treatment, access roads and driveways
- Ensuring new buildings add to the sense of place and local character and belong to the Chilterns, rather than lead to intrusive 'anywhere' development

9.4.2 The proposed roofs of the development will be composed of natural slate tiles and handmade clay roof tiles. The external walls of the proposed building would be covered in black tarred weather boarding. The proposed replacement buildings would be laid out in a courtyard and their design would mimic typical farm buildings and would create a built relationship with the listed building that would be familiar within the Chilterns and recognisable from long distance views and would also not appear harmful from views along the public footpath to the south. It is therefore considered that the proposed development would adhere to the Chilterns Buildings Design Guide and would therefore not harm to the character and appearance of the area or the scenic beauty of the Area of Outstanding Natural Beauty.

#### Impact upon Neighbouring Properties

9.5 Policy CS12 of the Core Strategy states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

9.51 Saved Appendix 3 of the DBLP states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy.

9.52 The properties which have the potential to be affected by the development is the attached dwelling No. 2 Little Woodend and what will be retained as an independent dwelling at No.1 Little Woodend.

9.53 Other than the alterations to the boundary treatment of No. 1 Little Woodend, the built form of No.1 would remain unaltered and the existing building of No. 1 would be sited between the proposed development and No. 2 Little Woodend.

9.54. The proposed development would include a holiday let with a ground floor front window that faces towards the rear gardens of No. 1 and No 2. But given the ground floor nature of this window it is unlikely to result in any overlooking of neighbouring amenities. A condition attached to the approval will also seek through appropriate boundary treatment to ensure an adequate degree of privacy can be preserved between the amenity space of the proposed holiday let and the garden of No. 1 Woodend Cottage. The proposed development would include a two storey dwelling with first floor windows sited to the north of the site. In terms of No. 2 Woodend, the first floor windows of the proposed dwelling would be sited at an oblique angle to the rear amenity space of No. 2 with the built form of No. 1 partially

screening the rear garden of No. 2. In terms of the impact on No. 1, the proposed first floor windows would also be sited at an oblique angle to No. 1 at a distance of 22 metres from the first floor side elevation of No. 1. Given the relative sitings of the buildings, the distance of separation, the lower level at which the proposed two storey dwelling is sited, it is considered that the proposed development would not result in any overlooking of neighbouring amenities.

9.55. In terms of other impacts of the additional residential unit and holiday let on No. 1 and No.2 Little Woodend, the amenity space of the proposed holiday let would be sited along the side boundary of No.1 garden and is therefore not considered a problematic siting. The impact of the increased parking and traffic on the site will be assessed below however it is considered that the proposed site has adequate capacity for the parking needs of the new residential dwelling and holiday letting with the open courtyard layout allowing for overflow parking when required. It is therefore not considered that the operations of this new dwelling and holiday let would have detrimental impact on living conditions of No.1 or No. 2 Woodend Cottage.

9.56. Other residential dwellings are considered too far away from the proposed development to be adversely affected.

9.57 It is therefore considered that the proposals comply with the requirements of Policy CS12 in respect of impact upon neighbouring properties.

#### Access and Impact on Highway Safety/Parking/Services

9.6 Policy CS9 of the Core Strategy states that the traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

9.61 Policy CS12 states that on each site, development should provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

9.62 The development is to be accessed via a track off Puddephat's Lane. The County Highway Authority have assessed the impact of vehicles from the proposed development accessing Puddephat's Lane and have raised no objection.

9.63 Saved Appendix 3 of the DBLP states that the needs of statutory undertakers, emergency services and essential delivery and disposal vehicles should be taken into account, and the emergency services and local authority should be consulted regarding acceptable distances from vehicle to reception point.

9.64 With regards to providing access to service vehicles, the Highway

Authority has not raised any objection to the proposals and as such, it is considered that no issues are envisaged in this respect.

9.65. With regards parking provision on site, Saved Appendix 5 of the DBLP states that for properties of 4 or more bedrooms, a maximum of 3 spaces should be provided for each property. The proposal comprises one 4 bedroom property and a 3 bedroom holiday let. The proposed development would provide a garage and an undercroft for the proposed dwelling created 2 to 3 covered parking spaces with additional parking available on the forecourt in front of the proposed dwelling. The proposed holiday would have access to a two bay car hold. It is therefore considered that the proposed design provides adequate parking for additional residents and visitors.

9.66 It is therefore considered that, on balance, the proposed level of parking is acceptable.

#### Amenity Provision

9.7 Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

9.71 The proposed two storey dwelling would have a designated amenity space to the front and side of the dwelling. While it is acknowledged that this space does not qualify as private amenity space given its siting it must be assessed in terms of the surrounding context. The site is located at the end of a track with no through road surrounded by open fields hence the need for a private amenity space is reduced. The courtyard that is formed with associated holiday let represent a semi-private space and the proposed boundary treatment condition can ensure a satisfactory relationship between new dwelling/holiday let and No. 1 Woodend Cottage. Therefore, the provision of the amenity space for future occupiers of the proposed dwelling would appear adequate in this case. The holiday let would also have provision for private outdoor amenity space for occupiers.

9.72 It is therefore considered that sufficient amenity space is provided.

#### Ecology/Trees/Landscaping

9.8 The applicant has submitted an Ecological Report (including a preliminary bat roost assessment) has been reviewed by the County's Ecology Team. No evidence of bats roosting were found within the buildings proposed to be demolished. No Objections are therefore raised by the County Ecology Team. This assessment is confined to the ecological implications within the designated application site.

9.81 Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges.

9.82 The site does not contain trees cover by Tree Preservation Orders and the majority of the existing site is covered by hard standing however there are a collection of trees along the northern boundary of the site. It is considered that the recommended condition ensuring submission of a Landscape and Ecology Management Plan will help improve the final appearance and landscaping of the proposed development.

### Developer Contributions

9.9 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. this application would create an additional residential unit and does appear CIL liable.

### Other Matters

#### *Removal of Permitted Development Rights*

9.10 The NPPG states that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. On this basis, it is not considered that the implementation of permitted development rights would result in impacts so severe as to warrant their blanket removal.

## **10. Conclusions**

10.1 Planning permission is sought for demolition of existing outbuildings and construction of one four-bedroom dwelling, one three-bedroom holiday let, one workshop/barn/carport building, with associated soft landscaping, hardstanding, and fencing.

10.2 Currently on site, there lies a collection of outbuildings that given their form and siting, this collection of buildings detract from the setting of the listed building. It is considered that the proposed design, reflective of typical farmstead hierarchy, would improve the setting of the listed building and would also respect the sites setting within an Area of Outstanding Natural Beauty. The proposed buildings and uses would not be detrimental to neighbouring amenities and the proposal would provide adequate parking and amenity space.

10.3 The proposed development would redevelop an existing site provide

additional housing and supporting tourism in the Chilterns. The application is therefore recommended for approval.

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

Conditions

No	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p><b>Prior to development above ground level, samples of the all materials including roofing, weatherboarding and bricks, rainwater goods (black painted metal), windows, glazing and doors, and any paving materials shall be submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</b></p> <p><u>Reason:</u> To safeguard the character and appearance of the Listed Building and the Area of Outstanding Natural Beauty in accordance with Core Policies 24 and 27 of Dacorum's Core Strategy.</p>
3	<p><b>Prior to the occupation of proposed development details of the following shall be submitted to and approved in writing by the local planning authority: details of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges/trees. Development shall be carried out in accordance with the approved details.</b></p> <p><u>Reason:</u> To safeguard the character and appearance of the Listed Building and the Area of Outstanding Natural Beauty in accordance with Core Policies 24 and 27 of Dacorum's Core Strategy.</p>
5	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>ATK/19/RA/001/TP9</b>  <b>ATK/10/RA/001/TP2B</b>  <b>ATK/ 10/RA/001/TP3B</b>  <b>ATK/ 10/RA/001/TP4B</b>  <b>ATK/19/RA/001/TP6A</b>  <b>ATK/19/RA/001/TP7A</b>  <b>ATK/19/RA/001/TP8A</b>  <b>ATK/ 10/RA/001/TP5</b>  <b>ATK/10/RA/001/TP2</b>  <b>DESIGN AND ACCESS STATEMENT</b></p>

	<p><b>Supporting Statement</b></p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35</u></p> <p>Planning permission has been granted for this proposal. The Council acted proactively through application stage and the pre-application stage with the applicant to resolve issues with the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p><u>Informatives</u></p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p> <p>3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</a>.</p>
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## Consultation responses

### Flamstead Parish Council: Objection

Change of use of existing equestrian facilities to incorporate construction of one three bed holiday let in existing stable yard together with four bed dwelling in a converted barn style, replacement of existing workshop with matching construction to provide new workshop and open fronted barn/store, new heritage orchard, three new wildlife ponds and enhancements to existing habitat and additional tree planting – 1 Woodend Cottages, Little Woodend, Markyate.

The issues raised were that it was felt this application represented inappropriate development in a rural area. The intended extra dwellings would block the view across the valley. Something more sympathetic would be appropriate. There was no statement of the square footage. There is Government pressure to provide housing but it was felt that this application did not meet with the spirit of this. The area was also at present very untidy and messy. 6 objections to this application. The council to endorse the over development issue with the site.

### Highway Authority

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

#### INFORMATIVE NOTES

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

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

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

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

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

the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

#### COMMENTS

This application is for: Change of use of existing equestrian facilities to incorporate the construction of one three bed holiday let in existing stable yard together with a four bed dwelling in a converted barn style, replacement of existing workshop with matching construction to provide new workshop and open fronted barn/store new heritage orchard, three new wildlife ponds and enhancements to existing habitat and additional tree planting

#### PARKING AND ACCESS

Access will be via the existing 340m long driveway from Puddephat's Lane, which is an unnumbered "C" classified local access road with a speed limit of 60mph.

No new or altered vxo is proposed and no works are required in the highway.

There have been no accidents involving personal injury in the vicinity of the site in the last five years.

#### PARKING

There is adequate parking provision on site and space for vehicles to turn to enter and leave the site in forward gear.

#### WASTE MANAGEMENT

Waste collection will be as per the existing collection service for this address

#### CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity.

#### Countryside Access Officer:

The proposed development will markedly increase traffic along the access drive which serves as Flamstead public footpath 45, and is therefore a public highway. Whilst safety of members of the public has to be the primary concern (particularly through any construction phase) the enjoyment of using a hitherto very quiet, peaceful path will undoubtedly be affected by this proposal.

#### County Ecology Officer:

Application: DEMOLITION OF EXISTING EQUESTRIAN FACILITIES AND CONSTRUCTION OF ONE FOUR-BEDROOM DWELLING, ONE THREE-BEDROOM HOLIDAY LET, ONE WORKSHOP/BARN/CARPORT BUILDING, WITH ASSOCIATED SOFT LANDSCAPING, HARDSTANDING, AND FENCING.

Address: 1 WOODEND COTTAGES, LITTLE WOODEND, MARKYATE,

ST ALBANS, AL3 8AX

Application No: 4/00171/19/FUL

Thank you for consulting Hertfordshire Ecology on the above application. My comments are as follows:

1. No existing ecological information is available for this site within the HERC database, although the nearby Priors Spring is recorded as ancient woodland.
2. The bat Preliminary Roost Assessment found no evidence of bats roosting in any of the buildings affected by the proposals. Their construction and condition do not suggest a high likelihood of bats although given their location and proposed demolition the PRA was necessary. No further surveys are considered necessary, unless any works do not take place within the next 12 months. A number of ecological enhancements are outlined within the report.
3. I note a report has been undertaken by FWAG which outlines a number of ecologically beneficial proposals for the adjacent land, referred to by the applicant and in the DAS. However this does not form part of this application. Consequently, the LPA currently cannot consider these to represent any biodiversity net gain associated with the development, as it has no detailed knowledge of what these are and as these are not formal proposals, no means of ensuring they will be delivered. This is unfortunate as in this respect, these cannot currently contribute to the net gains expected as a result of the development.
4. The application site itself has little or no existing ecological interest, although it would appear that a thick boundary hedge or screen of trees along the SW and NW boundary has been removed (present on 2016 APs, not on Fig.19 of bat report) – these may have been Leylandii? In any event, the development proposals in themselves would provide very limited net biodiversity gain – provision of bat boxes etc. can be achieved at any time without any form of development proposal.
5. However, I support the suggested enhancements, which include a wildflower meadow, wildlife ponds, new orchard, tree and hedgerow planting and would, together, should provide significant net gain locally although of course I have not seen any details.
6. I do not consider there to be any ecological constraints associated with the proposals and can advise the LPA can determine the application accordingly.
7. However, if the LPA wishes to secure net gain associated with the proposals, I advise that if approved, the details of the FWAG report or at least significant elements of it (such as the wildflower grassland or the orchard) are submitted in the form of a Landscape and Ecology Management Plan (LEMP) as a Condition of Approval. This would provide details of the proposals themselves and their management which should

then be implemented in order to secure the net biodiversity gain sought by Government. Hertfordshire Ecology can provide further advice on these aspects if required

Council's Conservation Officer: *final comments (It should noted that the layout and design of the proposal was significantly altered from the original through engagement with council officers)\_*

Generally speaking, I think this has now reached a satisfactory state. Presumably a condition will reserve the topmost open barn to 1 Woodend.

There is still no heritage statement attached to the application.

Conditions should detail approval of all materials including roofing, weatherboarding and bricks, rainwater goods (black painted metal), windows, glazing and doors, and any paving materials

The main barn must be in hand-made clay tiles (application form says all slate) as shown on drawings

The application form also states simply that 'existing post and rail fence to remain' but additional boundary fencing is required and the present fencing requires upgrading.

## **Appendix 1**

### **Consultation responses**

#### Neighbour 1

██████████ – Objection

My name is ██████████

I live with my partner Dr Harriet Wyles together with our two young sons at 2 Woodend Cottages, Little Woodend, Markyate, AL3 8AX which is next door to this proposed development.

We have lived here since purchasing our property in March 2015. We moved in three weeks prior to the applicants moving in next door.

We are lucky enough to live in one of the two Grade 2 listed semi-detached cottages here- beautifully situated in an unchanged rural setting, both a third of a mile from the highway and once part of the Beechwood Park estate, formerly the property of Sebright family.

Woodend Cottages date back to the late 17th century and were one dwelling to begin with and later converted to two dwellings in the 19th century.

The estate was fragmented in the early 20th century and the cottages were

purchases together with Puddephats and Hill Farm in 1926 by Lady Katherine Farrar, later Lyell.

Hill Farm and Woodend Cottages were later sold to Nicholas and Susanna Lyell in 1975. Traditionally, both cottages have been estate worker cottages.

These cottages and their local dynamic, vistas and views have undergone virtually no substantial change in the past three centuries. Hill Farm (Grade 2\*) and Little Woodend (Grade 2) have sat opposite each other, across the fields for over 250 years without any hard development whatsoever, save for some wooden single-storey stables and outbuildings connected with the necessary shelter and security of livestock and farm machinery.

An unusual claim in the 21st century and one that must be given due regard and respect. We object to this proposal for the following reasons;

National Planning Policy Framework 2018. Paragraph 79.. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply; a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting; d) the development would involve the subdivision of an existing residential dwelling; or e) the design is of exceptional quality, in that it: -is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and – would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. We cannot see how the proposals meet these criteria.

Core Strategy, Dacorum Borough Council. Policy CS24.. which states that the special qualities of the Chilterns AONB will be conserved- which the proposals would not.

Local Plan, Dacorum Borough Council. Policy 97.. Strategic Objectives- 'to protect and enhance Dacorum's distinctive character, open spaces, biological and geological diversity and historic environment..' We refer to Policy 97: Chilterns Area of Outstanding Natural Beauty, which notes that every effort will be made to discourage development or operations that would adversely affect the beauty of the area and which will be the case in respect of this application. In addition, Policy 110: Agriculture and Reuse of Building, notes that in the countryside and outside selected small villages, permission will be given for a rural building to be converted and/or reused for industrial, commercial, recreational or tourism purposes provided a number of criteria are satisfied, one of which is that the building must be of permanent and substantial construction and capable of conversion without major or complete reconstruction. We cannot see how the proposals meet this policy.

'Farm.' We note the applicants have commissioned a 'Farm Conservation Report' by FWAG East Consultancy Ltd which refers to the applicant's demise as 'a farm.' The applicant's property, much like ours, is in fact a semi-detached cottage with a disproportionately large amount of land. Whilst their land is 14 acres (5 hectares) the definition of a 'farm' is 'an area of land and its buildings used for growing crops and rearing animals.' The applicants land does neither. And historically, the land in question has only ever been in equine leisure use. This inference might be misleading to those not acquainted with the property concerned.

'Equestrian Facilities.' The planning proposal refers to and makes much of; 'change of use of existing equestrian facilities to incorporate the construction of one three-bed holiday let in existing stable yard with a four-bed dwelling in a converted barn style..' The 'equestrian facilities' referred to comprise three pre-fabricated wooden stable blocks together containing around ten loose boxes in all (none of which had original planning permission and all on concrete bases) together with two lorry bodies, three containers and two pre-fabricated wooden paddock buildings on skids. These latter six items are all 'chattels.' The 'stable yard' did not exist prior to 1991. (There is photographic evidence to support this) There is no horse-walker or manege and the nature of the stables is such that none of the 'buildings' could be re-used in anyway for the proposed development. Further- the applicants inherited equestrian 'business' (three or four horses in DIY livery & now ceased) was such that it was not 'equal too or greater than the agricultural minimum wage' and as such, was not a 'business' but a hobby. Please see Policy 24 of the Dacorum Borough Council Local Plan (adopted 2004) which refers to agricultural and forestry workers dwellings. Such dwellings can be permitted if, amongst a number of criteria, there is an existing functional need (Criterion a) and that the enterprise has been clearly demonstrated as viable and sustainable (Criterion c) The decision maker, whether the local planning authority or an Inspector on appeal, would normally take viability to be demonstrated by a profit of at least equivalent to the minimum agricultural wage. We would also question exactly how the existing facilities would 'incorporate' the proposed construction work when none of the existing buildings could be converted or re-used?

Visual Impact. The proposed development (which in our view is a massive over-development) will be seen from Puddephats Lane, from the access lane, from our garden and from our land. It will fundamentally change the view and dynamic for the historic Chilterns Way footpath that runs down the access track from Puddephats Lane and on, through our land, to Yew tree Wood and Flamstead. It will totally dominate the current listed property (see proposed plans) and be incongruous with the local landscape notwithstanding the suggestion it would 'resemble a Chiltern farmyard?' There is no farmyard here- there never has been.

Privacy & Noise. By virtue of the situation at Little Woodend, it is, by definition, very private. We moved here for 'quiet enjoyment' of the place for

us and our growing family and this planning proposal threatens to remove this privacy permanently. This proposal would strip us of the peace and quiet we currently enjoy and subject us to undue noise and activity from these commercial ventures. There are just two dwellings here at the moment and we all accept ambient noise pursuant to two families living their lives down here. But to be asked to accept another permanent dwelling with one and possibly two further holiday lets, with all the associated noise and extra traffic up and down the access lane is a real threat to us and one we hope the council will be very aware of. We are particularly concerned with families 'holidaying' down here with the advent of noise and the possible security compromise that may lead to with a constant though-put of 'holiday makers' staying, doubtless with children and/or dogs. We note the applicants make mention in their additional information of allowing their two paddocks right next to our house and garden to be used in conjunction with the one/two possible holiday lets. This will impact on us directly in both adverse noise and impinge on our privacy.

Access and road safety. The access track to Little Woodend exits on to Puddephats Lane near a blind bend some 50 yards away. We have to be very careful in pulling out onto the metalled highway particularly with traffic coming from the left and heading towards Markyate and would have grave concerns about yet more traffic pulling in and out of the access lane. The increased traffic on the access lane will also adversely affect the Chiltern Way footpath users having to dodge the extra traffic load on the footpath that runs down the access lane. I hope the traffic-flow implications of a possible third permanent dwelling here with the further two possible holiday lets would be duly considered by the Highways Department.

Environment & Wildlife. We note the applicants have gone to great lengths to stress the benefit of their various wildlife schemes for the benefit of local environment and wildlife. This is all very laudable but no more than any self-respecting land owner should do- and surely not to be used as some sort of 'planning gain.' We ourselves have 9 acres and have laid 12 chain of hedgerow in the Southern England style, planted 90 yards of new mixed hedgerow, planted trees, put up nest boxes etc. All good countryside stewardship. (For the avoidance of doubt- we also produce meat and wool from our pedigree flock of Black Welsh Mountain sheep from our land.)

In summary- we don't like being put in the position of having to object to this application. Unfortunately, the applicants have not discussed this with us in any way. No plans were put through the door and no email from them was received. The first we knew was the letter from the Dacorum Planning Officer.

This is certainly nothing personal- our objections are on the merits of the application itself, irrespective of who was making the application- but no one would want to be subjected to all this commercial activity in such an isolated and unchanged place.

Had the applicants been seeking planning permission to extend their listed

cottage for their own use with perhaps a two-storey extension (an extra bedroom and another reception room) or even if they were hoping to convert an existing redundant stone or brick built agricultural barn, we would have not sought to object. These cottages are small and living space is at a premium. And redeploying an existing barn might make sense.

However- to seek planning permission for an unashamed 'new build' in an Area of Outstanding Natural Beauty, where there is no current permanent building, on the back of 'change of use' for a selection of pre-fab wooden stables that themselves never had planning permission and didn't exist prior to 1991 and could in no way be re-used- and further, holiday lets with all the ancillary noise, traffic and loss of privacy that would generate would be an inappropriate development in this particular circumstance.

It would smack of a gross over-commercialisation of a relatively small amount of land that already has a busy dog-walking paddock with the extra traffic and noise this already brings. A new permanent dwelling together with two holiday lets, a possible Christmas tree plantation and 'bees wax' enterprise would be an unbearable intrusion both on the eye and ear, in this area that already has limited access- and again all in the middle of this Chilterns AONB. Of course- the applicants are free to do as they please on their land- but not when there is a direct and adverse effect on neighbours.

Whilst we all appreciate the need for more housing nationally- this application is inappropriate given the historic and aesthetic idiosyncrasies of Little Woodend and might set a dangerous precedent of developing in an AONB based on a spurious 'change of use' from pre-fabricated buildings.

We urge the council officers to reject this application.

[REDACTED]

## Neighbour 2

[REDACTED] Objection

I'm sorry to write to you out of the blue, but have recently found out about the above planning application after someone mentioned it to me. I'm a little surprised I wasn't informed and hope that it is not too late to give my view.

I understand that the application seeks to build a holiday let and a brand new 4 bed house on top of the cottage that is already there.

I'm told that this is in contravention to the National Planning Policy framework, Dacorum Borough Council's Core Strategy and Local plan.

That aside, although they look like good enough reasons to stop the application. It would seem strange to allow anyone to build new housing in an area of outstanding natural beauty. The precedent set could start all sorts of new housing development on old estates, farms, farmland and woodland that I fear would have a hugely detrimental effect on the countryside.



I hope this helps in stopping this planning application

### Neighbour 3

██████████: Objection

The access Road to these cottages is a public footpath. This footpath is part of The Chiltern Way long distance footpath which is a well used long distance route. This development is likely to more than double the amount of traffic on this quite narrow unsurfaced track. There is not too much room for pedestrians to avoid the traffic. I imagine also that it is quite likely the extra traffic will require the lane to be tarmacadamed which would greatly increase the speed of the traffic and hence danger to walkers.

It also seems to be an excessively large development in the AONB, especially as at the moment there are hardly any agricultural dwellings of a permanent nature on the site.

John Rowe, Dacorum Footpath Secretary West Herts Ramblers.

### Neighbour 4

██████████: Objection

This property is situated in an area of outstanding natural beauty and a conservation area.

The property consists of old run down buildings which have never been equestrian facilities.

or a stable yard. I have ridden around this area for over 40 years and I know this not to be true.

I walk my dog along the footpath which runs past this property and I object to having a

holiday home built in this beautiful area.

### Neighbour 5

██████████: Support

My name is ██████████ and I am currently a resident in the village of Studham but have lived in Markyate and surrounding areas for more than 15 years.

I'm a keen walker who has always owned dogs and loves to explore the beautiful countryside in this area. I have known Mr and Mrs Andrews for the majority of the 15 years I've lived in the area and know them to also love and respect the countryside we live in.

The existing outbuildings and stable yard are currently unattractive yet the plans describe the new buildings will be constructed in the style of a Chiltern farmyard which I would suggest is preferable to the existing buildings. They have gone to

great lengths to seek guidance and advice from historians and FWAG to ensure the planned buildings have not been done in isolation, rather they have been done sympathetically, given it is an area of outstanding natural beauty. They have also ensured that the plans include enhancements to existing habitats with the planting of a heritage orchard, new wildlife ponds and additional tree planting, to name but three.

Mr and Mrs Andrews have already demonstrated that they can develop a viable business by converting several acres of land into a private secured paddock for the benefit of exercising their own dog as well as allowing others to enjoy it too. This led to them being granted a 5 star animal license for the care of dogs. Their plans to continue to develop their business always put the wildlife and environment first.

In summary, I am supportive of the plans as they have clearly been drawn up taking into consideration it is an area of outstanding natural beauty. The plans are intended to create a sustainable and viable business that is sympathetic to the local environment and wildlife and for that Mr and Mrs Andrews should be applauded.

## 6. APPEALS UPDATE

### A. LODGED

4/00525/19/FUL      Mr Sterling  
DEMOLITION OF EXISTING GARAGE AND SIDE/REAR  
EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE  
EXTENSION AND PART SINGLE, PART TWO-STOREY REAR  
EXTENSION; CONVERSION FROM SINGLE DWELLING INTO  
PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)  
GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL  
HEMPSTEAD, HP3 0HF  
[View online application](#)

4/00659/19/FUL      Platinum Land and Developments Ltd  
DETACHED ONE BED DWELLING  
LAND ADJ. TO 16 CHARLES STREET, HEMEL HEMPSTEAD,  
HP1 1JH  
[View online application](#)

4/00955/19/OTD      Interface Property  
CHANGE OF USE FROM A1 TO A3 RESTAURANT  
22 BRIDGE STREET, HEMEL HEMPSTEAD, HP1 1EF  
[View online application](#)

4/01275/19/FUL      Mr Kennealy  
CONSTRUCTION OF DETACHED DWELLING AND GARAGE  
THE OLD STABLES, SHENDISH DRIVE LEADING FROM  
LONDON ROAD, SHENDISH, HEMEL HEMPSTEAD, HP3 0AA  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

#### **D. FORTHCOMING HEARINGS**

None

#### **E. DISMISSED**

4/03177/18/FHA      Mr Neal  
ALTERATIONS TO AND RETENTION OF DETACHED GARAGE  
BLOCK  
BARNES CROFT, BARNES LANE, KINGS LANGLEY, WD4 9LB  
[View online application](#)

#### **Main Issues**

The main issues raised in this case are:

- Whether or not the proposal is inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt; and
- 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.

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

The Framework, at paragraph 133, indicates that openness and

The Framework, at paragraph 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The scheme would result in the addition of a detached garage. Whilst the scheme is not, when considered in isolation, a vast building, it would nevertheless result in an increased quantum of built development at the site. Consequently, the scheme would not preserve, and there would be a small loss of, the openness of the Green Belt.

#### **Conclusion**

The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have had regard to the other considerations above, to which I have attributed weight.

However, these, individually or when considered together, are not sufficient to outweigh the substantial weight that must be given to the harm to the Green Belt, by reason of the proposal being inappropriate development. Thus, these other considerations are not sufficient to amount to the very special circumstances necessary to justify the development. Accordingly, the proposal would conflict with Policy CS5 of the Dacorum Borough Council Core Strategy (2013), which sets out that the Council will apply national Green Belt policy. The scheme would also conflict with the provisions of the Framework.

Therefore, for the reasons given and having regard to all matters raised, I conclude that the appeal should be dismissed.

4/03226/18/FUL

Ms L Kimmance

DEMOLITION OF EXISTING RESIDENTIAL DWELLING AND  
CONSTRUCTION OF 4 X 2-BED FLATS AND ANCILLARY  
WORKS

LAVENDER COTTAGE, REDBOURN ROAD, HEMEL  
HEMPSTEAD, HP2 7BA

[View online application](#)

In dismissing the appeal, the Inspector concluded that, "although there is an existing parking area and garage to the rear of this and the neighbouring property, it is likely that the increase in residential density would lead to an associated increase in vehicular use, noise and disturbance over and above that of a single dwelling. As such, the proposal would harm the living conditions of future occupiers and neighbouring residents with respect to noise and disturbance. It would conflict with Saved Appendix 3 of the Local Plan and Policies CS11 and CS12 of the Core Strategy. These policies, together and amongst other matter, seek that development avoids disturbance to dwellings, avoidance of large areas dominated by parking and careful location of parking to minimise noise".

The Inspector also concluded that, "Having regard to Paragraph 11(d) and the conflict with the Local Plan, the harm which would result from the proposal upon the living conditions of future occupiers and neighbouring residents, significantly and demonstrably outweighs the public benefits derived from three additional dwellings on this particular site. The proposal therefore conflicts with the development plan and the Framework when considered as a whole".

## **F. ALLOWED**

4/00394/19/FHA

Gray

INSTALLATION OF 12 SOLAR PANELS TO ROOF  
LONGCROFT, 3 HASTOE FARM BARNs, BROWNS LANE,  
HASTOE, TRING, HP23 6QD

[View online application](#)

1. The appeal is allowed and planning permission is granted for the installation of 12 solar panels to the roof at 3 Hastoe Farm Barns, Longcroft, Browns Lane, Hastoe HP23 6QD in accordance with the terms of the application Ref 4/00394/19/FHA, dated 13 February 2019 subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision. 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location plan, Proposed elevation (showing 2m high wooden fence), proposed elevation (without fence) and detailed solar panel specification plan.

### **Procedural Matters**

2. In my decision I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the more detailed description in the banner heading above, which is taken from the

application form.

3. The application form names the appellants as Mr and Mrs Gray, whilst the appeal form names Dr Dina Gray. Following clarification, Mrs Gray and Dr Dina Gray are confirmed as the same person.

4. The site is in the Green Belt but the Council has not raised the issue that the development is not inappropriate and the Council has not refused on Green Belt reasons. From the information before me I have no reason to take a different view. The proposed alterations would comply with paragraph 1.45c) of the National Planning Policy Framework (the 'Framework') as an exception.

5. There is also an error with reference to Core Strategy (CS) Policy CS6 in the refusal reason. This policy relates to 'Selected Small Villages in the Green Belt'. As the appeal site is not located within one of the named villages and the policy text the Council quotes does not come from this policy, is not directly relevant to the main issue.

## Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the rural area and the Chilterns Area of Outstanding Natural Beauty. Reasons 7. The appeal property is one of a number of dwellings converted from a range of brick and tile farm buildings. The group of buildings are situated in a countryside location on the corner of Browns Lane and Gadmore Lane near the village of Hastoe. The appeal site is located within the Green Belt and within the western fringe of The Chilterns Area of Outstanding Natural Beauty (AONB). A characteristic feature of the ANOB and its chalk hills are its historic farm buildings and the consistent use of materials in its vernacular architecture.

8. Browns Lane is a public byway and passes the end of the appeal property. Beyond it a signposted public footpath leads off Browns Lane to cross a field. From the various sign posts I saw on my visit, there are a network of footpaths and trails passing close to the appeal site indicating to me the area is popular with walkers and cyclists.

9. The proposal is to install 12 solar panels on part of the rear roof slope between two protruding gables. The solar panels would be arranged in two rows, one above the other, with the top row longer than the bottom row forming a fat 'T' shape. According to the submitted plans, the top row would measure approximately 6.9m in length and the lower row 4.9m. The two rows combined would extend approximately 3.3m down the roof slope. The roof slope on which the solar panels would be sited, faces a tall close boarded timber boundary fence along the boundary with the adjacent property, 2 Dove Cottage, and its driveway.

10. The roof slope is at right angles to Browns Lane and does not present a single uninterrupted roof slope to it due to the protruding gables. This is in contrast to the long uninterrupted roof slopes to the other converted properties 'Cobwebs' to the north and Dove Cottage and Hawthorn Barn to the south, which are prominently sited close to, and parallel with, Browns Lane albeit they are punctuated with rooflights.

11. Users of Browns Lane approaching from the south would not be significantly elevated or exposed as to look down on the complex of buildings and its roofscape as a whole or see it within a wide landscape vista. Due to ground levels and Browns Lane sloping down to the junction with Gadmore Lane/Church Lane, the rear roof slope is read as single storey. As one nears the appeal building, there would be brief views of the roof slope and solar panels, visible between the gap at the end of 2 Dove Cottage. However, views would be oblique and partially obscured by a tree outside 2 Dove Cottage, although views would be more apparent in the winter when the tree would not be in leaf, and by the existing protruding roof gables. Therefore, any views of the solar panels would be indirect and only possible from along a short section of Browns Lane

approaching from the south.

12. The solar panels would not be visible to users of Browns Lane when approaching from the north, from the junction with Gadmore Lane/Church Lane, unless they turned to look behind them.

13. I therefore find there would be limited views of the solar panels from afar and when close to. As a result, due to their proposed siting and positioning, the solar panels would not harm the character and appearance of the countryside and the Chilterns AONB.

14. The farm buildings are described by the Council as a non-designated heritage asset. I have not been provided with any substantive evidence of the building's significance apart from its association by name to the Rothschild family. The appellant says Rothschild used the barns to store hunting dogs and pigs, but that they fell into disrepair until they were converted into dwellings in the early 1990s. From my observations the buildings' significance derives from the overall historic farm use and simple unity of design with consistent building materials, including long clay tile roofscapes. Despite residential conversion and various domestic paraphernalia, such as roof lights, satellite dishes, wheelie bins as was evident from my visit, the buildings still make a positive contribution to the wider rural countryside setting of the ANOB.

15. Paragraph 197 of the National Planning Policy Framework (NPPF) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The presence of a modest array of solar panels on a partially obscured rear roof slope which has no significant views from the public realm, on a complex of farm buildings that have already been converted to residential, would not erode the integrity, setting or distinctiveness of the building or its group value and would not cause harm to the asset's significance.

16. There would be some environmental benefits from the use of solar panels. However, as I have not found harm on the main issue this matter has not been determinative to my decision.

17. Accordingly, the proposal would not conflict with CS Policies CS11, CS12, CS24 and CS27, and saved Appendix 3 of the Dacorum Local Plan 2004. These policies collectively seek to ensure high quality design that preserves and integrates with the street space, conserves the special qualities of the ANOB and the integrity, setting and distinctiveness of non-designated heritage assets. It would also comply with paragraphs 127 and 197 of the Framework relating to achieving good design and non-designated heritage assets respectively.

#### Other matters

18. I was invited to view the appeal site and roof slope from the neighbouring property 2 Dove Cottage. The roof slope is close to the tall boundary fence and due to a difference in ground levels most of the roof slope and array of solar panels would be visible from the property. However, I observed that the part of the roof slope that would house the solar panels is not read as part of a larger or longer roof space due to the protruding gables and existing landscaping to the side. Furthermore, as the solar panels would only be marginally protruding above the roof slope and not significantly encroach towards the neighbouring property the proposal would not be visually intrusive to harm their outlook.

19. The Council raised a concern that in allowing planning permission for this site it would set a precedent for other similar development. The Planning Act requires development to be considered against the development plan and any other material considerations. As a result, each application for planning permission would have to be treated on its own merits and each will have its own site specific characteristics.

## Conclusion

20. Having had regard to all other matters raised, it is concluded that the appeal should succeed and planning permission should be granted subject to conditions necessary for the avoidance of doubt.

4/03165/18/FHA      Baumard  
REPLACE EXISTING GARAGE AND SUMMER HOUSE WITH  
OUTBUILDING TO PROVIDE NON-HABITABLE ANNEX WITH  
GARAGE AND HOBBY ROOM  
32 STOCKS ROAD, ALDBURY, TRING, HP23 5RU  
[View online application](#)

Appeal A Ref: APP/A1910/W/19/3230122 32 Stocks Road, Aldbury, Tring HP23 5RU • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions. • The appeal is made by Mr Emmanuel Baumard against the decision of Dacorum Borough Council. • The application Ref 4/03174/18/FHA, dated 17 December 2018, was approved on 9 May 2019 and planning permission was granted subject to conditions. • The development permitted is a new sectional timber framed building to replace an existing garage and summer house. • The conditions in dispute are Nos 2, 5, 6 and 7 which state that:

Condition 2: 'Notwithstanding the details specified by the submitted drawings and by the application form the roof of the building hereby permitted shall be finished in timber shingles and the walls of the building shall be finished in dark stained horizontal weatherboarding.'

Condition 5: 'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) there shall be no external changes to the building hereby permitted.'

Condition 6: 'No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.'

Condition 7: 'No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be



made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.'

- The reasons given for the conditions are:

Condition 2: 'In the interests of the character and appearance of the Rural Area, Conservation Area and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS11, CS12, CS24, CS25 and CS27 of Dacorum Core Strategy.'

Condition 5: 'To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and the appearance of the building in the locality in accordance with Policies CS11, CS12, CS24, CS25 and CS27 of Dacorum Core Strategy.'

Condition 6: 'To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.'

Condition 7: 'To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.'

Appeal B Ref: APP/A1910/W/19/3230117 32 Stocks Road, Aldbury, Tring HP23 5RU • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions. • The appeal is made by Mr Emmanuel Baumard against the decision of Dacorum Borough Council. • The application Ref 4/03165/18/FHA, dated 18 July 2018, was approved on 9 May 2019 and planning permission was granted subject to conditions. • The development permitted is the replacement of the existing garage and summer house with an outbuilding to provide a non-habitable annex with garage and hobby room. • The conditions in dispute are Nos 2, 4, 5 and 6 which state that:

Condition 2: 'Notwithstanding the details specified by the submitted drawings and the application form the walls of the building permitted shall be finished in dark stained horizontal weatherboarding.'

Condition 4: 'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) there shall be no external changes to the building hereby permitted.' Condition 5: 'No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.'

Condition 6: '1. Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7. 2. The development shall not be occupied until the site investigation and post investigation assessment has been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.'

- The reasons given for the conditions are:

Condition 2: 'In the interests of the character and appearance of the Rural Area, Conservation Area and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS11, CS12, CS24, CS25 and CS27 of Dacorum Core Strategy.'

Condition 4: 'To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and the appearance of the building in the locality in accordance with Policies CS11, CS12, CS24, CS25 and CS27 of Dacorum Core Strategy.'

Condition 5: 'To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.'

Condition 6: 'To ensure that reasonable facilities are made available to record archaeological evidence and to accord with Policy CS27 of Dacorum Core Strategy.'

#### Decision – Appeal A

1. The appeal is allowed and the planning permission Ref 4/03174/18/FHA for a new sectional timber framed building to replace an existing garage and summer house at 32 Stocks Road, Aldbury, Tring HP23 5RU granted on 9 May 2019 by Dacorum Borough Council, is varied by deleting conditions 2, 5, 6, 7 & 8 and substituting conditions 2 & 8 with the following conditions: Condition 2: 'No development above slab level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.' Condition 8: 'Subject to the requirements of Condition 2 the development hereby permitted shall be carried out in accordance with the following plans: EB97(-) SP; EB97(-) 01; EB 97(-) 02; EB97(-) 03 and EB97(-) T.'
2. Appeal B-The appeal is allowed and the planning permission Ref 4/03165/18/FHA for the replacement of the existing garage and summer house with an outbuilding to provide a non-habitable annex with a garage and hobby room at 32 Stocks Road, Aldbury, Tring HP23 5RU granted on 9 May 2019 by Dacorum Borough Council, is varied by deleting conditions 2, 4, 5, and 6 and substituting condition 2 with the following condition: Condition 2: 'No development above slab level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.'
3. In my heading above I have taken the site address from that given in the appeal form and decision notice.
4. As set out above there are two appeals on this site. They differ only in that the proposed outbuilding in appeal B would be a larger L shaped structure in comparison to the simpler and smaller structure proposed in appeal A. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. In both cases planning permission was granted for a replacement detached outbuilding resulting in the removal of the existing garage and summer house at the

appeal site. Condition 2 of appeal A specifies the external materials to be used for the outbuilding, citing horizontal dark stained weatherboarding for the walls and timber shingles for the roof. Similarly, condition 2 of appeal B specifies the use of dark stained horizontal weatherboarding for the walls of the annex, however it does not refer to roof materials. In both cases it is stated that this is required to protect the character and appearance of the area within Aldbury Conservation Area and the Chilterns Area of Outstanding Natural Beauty.

6. In addition, condition 5 of appeal A, and condition 4 of appeal B are similar in that they both remove the permitted development rights normally given to householders in order to prevent any external changes to the buildings without first obtaining express permission from the Council. This is based on the impact to the character and appearance of the area, but in addition there is reference to safeguarding residential amenity in the reasons for the respective conditions.

7. Condition 7 of appeal A duplicates condition 6, and both are precommencement conditions that require a written scheme of investigation in relation to the archaeology at the appeal site. Condition 5 of appeal B is similarly worded with condition 6 requiring development to proceed in accordance with an approved written scheme of investigation and preventing occupation of the development until the agreed programme has been carried out. The reason given for all these conditions is similar and refers to the need to record archaeological evidence at the appeal site.

8. Conditions 6 and 7 of appeal A and condition 5 of appeal B meet the definition of pre-commencement conditions<sup>1</sup>, and as such would need to have been agreed in writing with the appellant prior to their imposition in order to meet the requirements of section 100ZA(5) of the Town and Country Planning Act 1990 (as amended). As I have not seen evidence of the written agreement of the appellant to these conditions, I have taken this into account in my determination.

9. Condition 8 of appeal A and condition 7 of appeal B both list the approved plans. However, there were some discrepancies in relation to the plans submitted with the appeal with those listed on the original decision notices. I have subsequently been provided with EB97(-)01 Revision A, February 2019 in relation to appeal B, which only differs from the submitted plan EB97(-)01, May 2018 in relation to annotations regarding the boundary treatment. Correspondence also revealed an error in the plan list in condition 8 of appeal A. This is not a matter of dispute between the parties, and therefore, in my decision above I have amended the typographical error in relation to the plan list in condition 8 of appeal A.

10. The main issues are: • Whether conditions 2 and 5 of appeal proposal A, and conditions 2 and 4 of appeal proposal B are reasonable or necessary in relation to the impact of the proposals on the character and appearance of the area having particular regard to the Aldbury Conservation Area (CA) and the Chilterns Area of Outstanding Natural Beauty (AONB). • Whether conditions 6 and 7 of appeal proposal A, and conditions 5 and 6 of appeal proposal B are reasonable or necessary in relation to the effect of the proposals on the historic environment. • Whether condition 5 of appeal proposal A, and condition 4 of appeal proposal B are reasonable or necessary in relation to the impact of the proposals on the living conditions of neighbouring occupiers.

11. The CA covers a large part of the village, and its significance lies in part in the way the many vernacular buildings and spaces it contains reflect the evolution and growth of the settlement over many years. A further important aspect of its significance, given its position at the scarp foot of the Chilterns, is its relationship with the quality of the surrounding landscape which is designated as an AONB. The appeal site lies towards the northern end of the CA behind a terrace of locally listed cottages dating from approximately 1800 and forms part of the garden of 32 Stocks Road. The informal nature, and rural character of the grounds of the cottage positively contributes towards

the rural character and appearance of the CA. However, the relatively poor condition and corrugated sheeting of the detached garage presently on site detracts from its appearance.

12. The submitted plans for appeal A indicate that the proposed replacement garage would be constructed from tongue and groove shiplap timber with mineral felt roofing<sup>2</sup>. The annex in appeal B is shown as having stained vertical feather boarding with a slate roof<sup>3</sup>. The Aldbury Conservation Area, Character Appraisal and Management Proposals document published in 2008 states 'The character of Aldbury conservation area owes much to the use of local materials in the construction of its historic buildings and minor structures such as outhouses, stables and boundary walls. The palette of materials is typical of the Chilterns – timber and clay pre-dominate. Timber frames utilise oak, sometimes elm. Outbuildings are often clad with tarred weatherboarding.'

13. Paragraph 55 of the National Planning Policy Framework (the Framework) advises that planning conditions should be kept to a minimum and only imposed, amongst other matters, when they are necessary and reasonable in all other respects. Planning Practice Guidance (PPG) suggests that the tests should be applied rigorously. As such, there should be a definite planning reason in order for a condition to meet the test of necessity.

14. Accordingly, mindful of the statutory duty in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA this would justify a degree of control over the nature and the quality of the materials to be used in the appeal proposals.

15. However, this should be proportionate thereby reflecting the ancillary nature of the outbuildings proposed. Although the appellant does not expressly object to the specified horizontal cladding, he indicates that he would prefer more choice regarding the nature and colour of the finish but does not specify this further. He further has concerns regarding the cost of timber roofing shingles in relation to appeal proposal A and indicates a desire to move away from the slate shown for proposal B.

16. In the context of a modern outbuilding, although I note the expressed preference from the Conservation and Design team for dark stained horizontal weatherboarding, I have not seen evidence as to why the materials specified in condition 2 of appeal proposal A, and condition 2 of appeal proposal B are the only materials capable of preserving or enhancing the character and appearance of the CA. Moreover, the conservation area appraisal document goes on to describe the variety of materials in evidence in the CA in greater detail, but no express mention is made of timber shingles for the roof form.

17. My observations of the area revealed that there are a variety of materials used for domestic outbuildings within the vicinity of the appeal site that reasonably preserved the rural character of the CA. In particular, I noted a conventional modern timber outbuilding with felt roofing at the rear of 36 Stocks Road close to the appeal site. I further observed the sage coloured shed at 28 Stocks Road to which I was referred<sup>4</sup>. Furthermore, this is in a more prominent location than the appeal site as it is nearer to Stocks Road towards the front of the terraced cottages.

18. Whilst some representations have highlighted the required materials for Stocks Golf Clubhouse as a notable example, no specific details were given. Even so, Stocks Golf Club is some distance from the appeal site outside of the settlement, and therefore within a different context and would have been unlikely to concern domestic outbuildings. As such, this is of limited weight to the specific cases before me.

19. Therefore, based on the evidence presented and my own observations, although I do not consider that it is shown that corrugated sheeting would be sympathetic, it is likely that there are a number of other materials that would be in keeping with the character of

the area, CA and AONB, that may also range in cost.

20. Accordingly, the conditions are more prescriptive than they need to be in order to achieve the objective. A variation to the wording of the conditions requiring the detailed finishes to be agreed with the Council would strike a reasonable balance between allowing a greater choice for the appellant, whilst ensuring the impact to the character and appearance of the area was appropriate.

21. Condition 5 of appeal proposal A, and condition 4 of appeal proposal B effectively remove all permitted development rights relating to the respective outbuildings and would prevent any future changes to their external appearance. The PPG states that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. Furthermore, if used, the scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order), so that it is clear exactly which rights have been limited or withdrawn.

22. The Order makes specific provision in relation to conservation areas and Areas of Outstanding Natural Beauty and defines them as Article 2(3) land. In such areas, the permitted development rights for householders have additional restrictions in order to take account of the sensitivity and significance of the character and appearance of those areas. Accordingly, as the Order has already taken account of these factors it would only be in exceptional circumstances that further restrictions would be justified on the basis of a site being within a conservation area or AONB.

23. I have not seen evidence of exceptional circumstances in this case that would warrant additional controls to the permitted development rights normally given to householders. Moreover, the scope of the control is particularly wide as it would prevent any external changes to the outbuildings proposed. Therefore, the wording of condition 5 for appeal A and condition 4 for appeal B would fail the tests of necessity and reasonableness.

24. Accordingly, I find that the wording of conditions 2 and 5 of appeal proposal A, and conditions 2 and 4 of appeal proposal B go further than is necessary to protect the character and appearance of the area having particular regard to the CA and the AONB. Revisions to condition 2 of both appeals would provide sufficient safeguards to ensure the proposals comply with policies CS11, CS12, CS24, CS25 and CS27 of the Dacorum Borough Council, Core Strategy 20062031, September 2013 (CS). These policies contain objectives, amongst other matters, that combine to ensure a high quality of design that protects or enhances the character of the local area including the significance of conservation areas and the AONB. Historic environment

25. The area is located within an identified Area of Archaeological Significance within the development plan where there has been a notable degree of archaeological interest and reference is made to a Late Iron Age Cemetery excavation in 1943 within 100 metres of the site<sup>5</sup>. Accordingly, it is appropriate to consider what the archaeological significance of the appeal site is likely to be, and whether the development proposals would be likely to result in harm to archaeological remains.

26. In this case each appeal proposal concerns a modest domestic outbuilding to be located within an established residential plot that would replace existing relatively modern outbuildings. A written scheme of investigation would require establishing a programme and methodology including a programme for post investigation assessment, provision for analysis and recording and the publication and dissemination of the analysis including appointing a competent person or organisation to undertake the works. This would require a degree of rigour, time and cost that would be considerably greater than would normally be involved for a householder erecting an outbuilding within their garden. It follows that in order to be proportionate and therefore, reasonable, it would need to be

based on a significant likelihood of the archaeological potential of the site.

27. The respective application forms indicate that the outbuilding in appeal A would have a footprint of approximately 28 sqm, whereas this would be 35 sqm in relation to appeal B. Both proposals concern relatively lightweight timber framed buildings that would be placed on a concrete pad in a location that would partly lie over the position of current outbuildings. It follows that the extent of works necessary to erect the proposed outbuildings are unlikely to cause significant additional ground disturbance.

28. Although the imposition of similar conditions on development in the area may be relatively commonplace, the tests referred to in the Framework should be applied to the specific circumstances of the case. Based on the limited evidence before me, I am not assured that it is shown that the limited area of the appeal site is significantly likely to have archaeological potential, nor that the nature of the works is likely to be harmful to archaeological remains. As such, the burden upon the appellant to prepare, agree and carry out a written scheme of archaeological investigation would be disproportionate to the nature and scale of development in each instance.

29. Therefore, the duplicate conditions 6 and 7 for appeal A and condition 5 of appeal B that require such a written scheme of investigation would fail the test of reasonableness. It further follows that condition 6 of appeal B that broadly requires the implementation of the scheme of investigation would also be unreasonable.

30. Furthermore, condition 6 of appeal B expressly refers to the occupancy of the approved building being dependent upon compliance with the details 'approved under condition 7' as well as the programme of works 'approved under condition 10' of the same consent. However, condition 7 does not pertain to a written scheme of investigation and condition 10 does not exist. Given that there are 2 references to details approved under other conditions which are either not relevant or do not exist and no reference to condition 5, which does require the written scheme of investigation, it is not sufficiently clear what must be done in order to comply with condition 6. On this basis, condition 6 fails the test of precision.

31. In addition, duplicate conditions 6 and 7 for appeal A and condition 5 of appeal B are pre-commencement conditions that require a written scheme of investigation to be agreed in writing prior to development taking place. The PPG advises that such pre-commencement conditions should only be used where they are so fundamental to the development permitted it would have been otherwise necessary to refuse the whole permission. This is a particularly high threshold, reinforced by the need to agree such conditions in writing with an applicant prior to imposing them.

32. In view of the modest nature of the works, I am not assured that the written scheme of investigation is so fundamental in either case that it would have been otherwise necessary to refuse the permission. Therefore, the imposition of the respective conditions, would conflict with the advice in the PPG.

33. Accordingly, I find that conditions 6 and 7 of appeal proposal A, and conditions 5 and 6 of appeal proposal B do not pass the requisite tests for conditions set out in paragraph 55 of the Framework. Therefore, omitting the conditions would not conflict with policy CS27 of the CS which, amongst other matters, requires that features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. Living conditions

34. The reasons given for condition 5 of appeal proposal A, and condition 4 of appeal proposal B also refer to safeguarding the residential amenity of the locality. As previously highlighted, national guidance suggests that the blanket removal of freedoms to carry out small scale domestic alterations that would not normally require planning permission is unlikely to meet the tests of necessity or reasonableness. This reflects that in the drafting of permitted development rights, account has been taken of the likely impact to the living conditions of those living nearby.

35. The single storey proposed outbuilding in each case would be located separately, and some distance from, the nearest occupiers at Hope Cottage and Foxwood. As such there is little basis to suppose that minor permitted changes to the external appearance of either appeal proposal would be likely to be harmful to the privacy or outlook of the occupants of the nearest dwellings or any other residential occupiers close by. 36. Accordingly, the evidence does not indicate that condition 5 of appeal proposal A or condition 4 of appeal proposal B are necessary in order to safeguard the effect of the proposals on the living conditions of neighbouring occupiers. As such, they are not required in order for either proposal to comply with policy CS12 of the CS, which amongst other matters, requires development to avoid visual intrusion and loss of privacy to the surrounding properties.

37. I have had regard to the representations received from some local residents raising additional concerns regarding the possible future intended use of the developments and extent of the ownership of the appeal site. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. In any event, the grant of planning permission would not override private rights of access or ownership.

38. Furthermore, condition 3 on both permissions restricts the use of the respective development to being used for purposes incidental to the enjoyment of the main dwelling at 32 Stocks Road. In the event of a breach of the authorised use of either development proposal, it would be open to the Council to take enforcement measures. As such, general concerns regarding the potential for future breaches of planning control would not justify conditions that would not meet the tests in the Framework.

39. Some concerns are raised regarding the accuracy and clarity of the submitted plans. However, they were sufficiently informative, in addition to my own observations on site, for me to determine the merits of the proposals. Conclusion 40. For the reasons given above I conclude that both appeals should succeed. I will vary the respective planning permissions by deleting the disputed conditions and in the case of condition 2 in both cases, substitute them with revised wording. In addition, due to the discrepancy in the plans listed I will delete condition 8 of proposal A and replace it a condition which reflects the plans submitted.

4/03174/18/FHA

Baumard

A NEW SECTIONAL TIMBER FRAMED BUILDING TO  
REPLACE AN EXISTING GARAGE AND SUMMER HOUSE.  
32 STOCKS ROAD, ALDBURY, TRING, HP23 5RU

[View online application](#)

Appeal Allowed -see above (appeal A)