



DEVELOPMENT CONTROL AGENDA

**THURSDAY 28 APRIL 2016 AT 7.00 PM
DBC BULBOURNE ROOM - CIVIC CENTRE**

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

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

- (a) 4/00276/16/FUL - WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET (Pages 7 - 31)
- (b) 4/00167/16/FUL - 20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG (Pages 32 - 44)

- (c) 4/00639/16/LBC - OAK COTTAGE, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD, HP1 3BH (Pages 45 - 58)
- (d) 4/02930/15/FUL - THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH (Pages 59 - 91)
- (e) 4/00158/16/FHA - 30 ELM TREE WALK, TRING, HP23 5EJ (Pages 92 - 100)
- (f) 4/00173/16/FUL - 115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF (Pages 101 - 111)
- (g) 4/00050/16/FHA - 14 NEW MILL TERRACE, TRING, HP23 5ET (Pages 112 - 117)
- (h) 4/03720/15/FHA - 24 CHARLES STREET, BERKHAMSTED, HP4 3DG (Pages 118 - 123)
- (i) 4/00205/16/FUL - LITTLE HAY GOLF COMPLEX, BOX LANE, HEMEL HEMPSTEAD, HP3 0XT (Pages 124 - 130)

6. APPEALS (Pages 131 - 132)

7. EXCLUSION OF THE PUBLIC

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

INDEX TO PLANNING APPLICATIONS

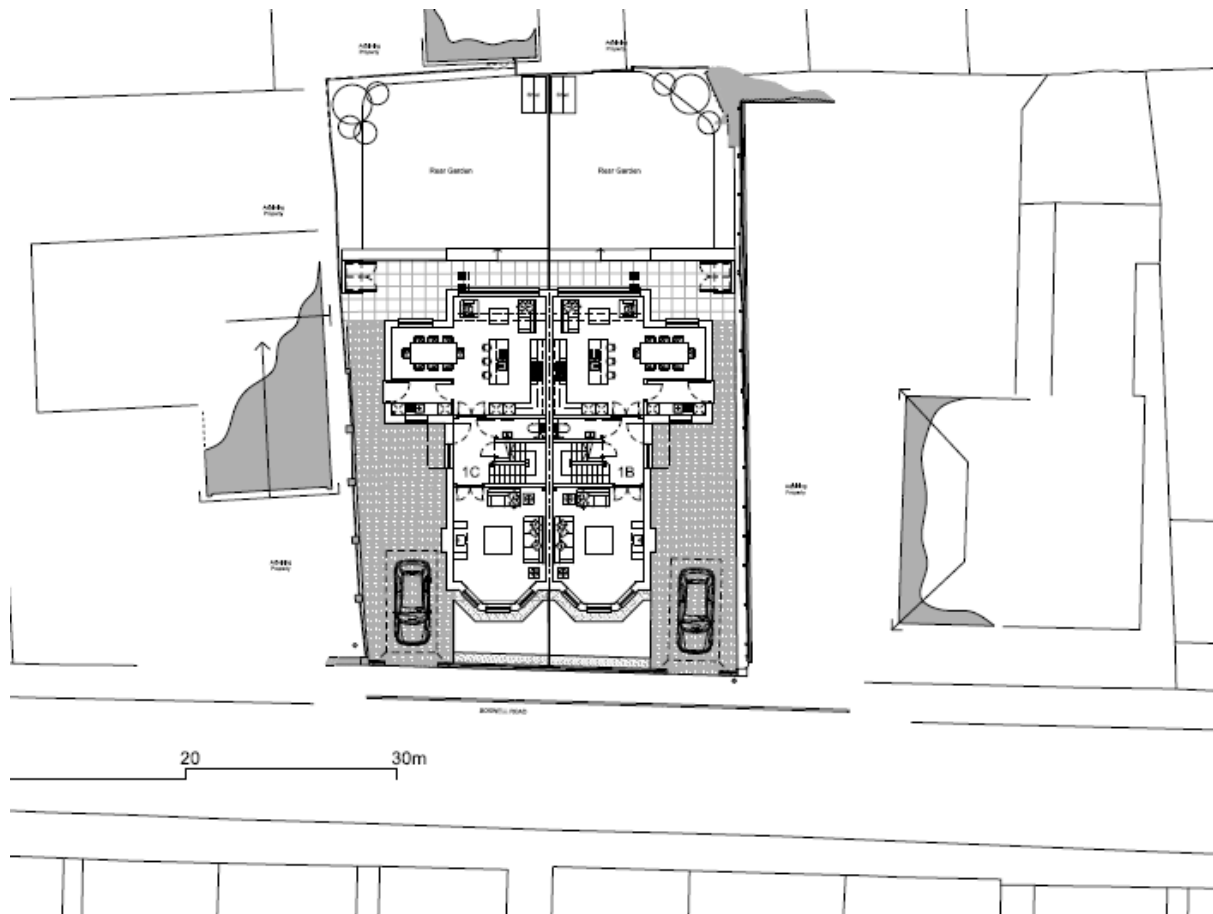
Item No	Application No.	Description and Address	Pg No.
5.01	4/00276/16/FUL	DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS. WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET	
5.02	4/00167/16/FUL	DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY 2-BEDROOM DWELLINGS 20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG	
5.03	4/00639/16/LBC	DEMOLITION OF REAR ENTRANCE PORCH AND EXISTING EXTENSION. SINGLE STOREY REAR EXTENSIONS. EXTERNAL AND INTERNAL ALTERATIONS (INCLUDING SECONDARY GLAZING) OAK COTTAGE, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD, HP1 3BH	
5.04	4/02930/15/FUL	INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM, EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME). THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH	
5.05	4/00158/16/FHA	PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING CONSERVATORY 30 ELM TREE WALK, TRING, HP23 5EJ	
5.06	4/00173/16/FUL	CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE 115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF	
5.07	4/00050/16/FHA	DEMOLISH EXISTING SINGLE STOREY EXTENSION AND CONSTRUCT A NEW SINGLE/TWO STOREY REAR EXTENSION 14 NEW MILL TERRACE, TRING, HP23 5ET	
5.08	4/03720/15/FHA	REPLACEMENT FRONT WALL, ENTRANCE PILLARS AND PAVING (RETROSPECTIVE) 24 CHARLES STREET, BERKHAMSTED, HP4 3DG	

5.09 4/00205/16/FUL CHANGE OF USE OF THREE BUNGALOWS
FROM RESIDENTIAL (C3) TO STORAGE (B8)
LITTLE HAY GOLF COMPLEX, BOX LANE,
HEMEL HEMPSTEAD, HP3 0XT

Item 5.01

4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS

WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET



Item 5.01

4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS

WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET



**4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS..
WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET.
APPLICANT: Beris Homes Ltd.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposed development comprising a pair of semi-detached dwellings in replacement of the existing bungalow would enhance the character and appearance of this part of the Berkhamsted Conservation Area, would provide sufficient off-road parking in accordance with standards, would not adversely affect highway safety, would have limited impact on the availability of existing street parking in Boxell Road and would not adversely affect the amenities of adjoining residential occupiers.

Site Description

The site comprises a mid C20 detached bungalow of no particular architectural merit which is situated within the Berkhamsted Conservation Area on the south east side of Boxwell Road close to the town centre. It is comprised of dark brown brickwork under a concrete plain tiled roof with an attached single garage and driveway to one side. The property is one of 3 detached bungalows in a road that is comprised mainly of a 2-storey terraced Georgian, Victorian and Edwardian properties. The site is steeply sloping such that the neighbouring bungalow, Kriana, to the north east is at a significantly lower level (approximately 2 m), and conversely the Boxwell Road Surgery to the south west is at a significantly higher level (approximately 2 m).

The site backs onto residential properties in Park View Road including 1 Park View Road which was recently allowed on appeal.

Proposal

Permission is sought to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings in a Victorian pastiche style with off-road parking and vehicular accesses from Boxted Road.

Referral to Committee

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

Planning History

4/01456/14/PR NEW DWELLINGS TO REPLACE EXISTING BUNGALOW.
E

Unknown
03/11/2014

4/00230/13/FH LOFT CONVERSION WITH REAR DORMER. FRONT PORCH,
A REMOVAL OF REAR BAY WINDOW AND REPLACEMENT WITH

FRENCH DOORS. NEW RETAINING WALL.
Granted
23/04/2013

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS19 - Affordable Housing
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)
Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Article 4(2) Direction (Land at 1 to 28 Boxwell Road, Berkhamsted)
Refuse Storage Guidance Note March 2015

Summary of Representations

Berkhamsted Town Council

Objects: This will represent a gross overdevelopment in the conservation area; and an alteration to the streetscape in that there are presently no semi-detached houses in Boxwell Road, the majority of which is governed by Article 4(2) Directions. Additionally two houses will add road use and parking congestion in an already problematic area adjacent to the doctor's surgery. Reference: CS11 (a, b, d, e) CS12 (b, c, e, f, g) Policy 120 (a, c, d) Appendix 3 (A3.1, A3.3, A3.5) Appendix 5 (parking).

Conservation and Design

Conservation & Design do not raise an objection to the proposed development of a mirrored pair of dwellings as it is considered, compared to the existing development on the site, that the scheme being proposed would result in a visual enhancement to this northern end of Boxwell Road.

Historic Background of Site

It is noted from the early historic OS maps that the Boxwell Road was laid out and developed in the last quarter of the 19th century with the predominant built form being on the western side of the road being a series of stepped terraced houses, in response to the southwardly rising ground, with gabled two storey projecting bays. Approximately half the buildings on that side of the road are fronted in a red brick and the rest in a buff coloured and often with red brick detailing around the openings and returns. There also exceptions to be seen as well with a rogue detached house in the middle of the terraces and a pair of semi-detached dwellings at the Charles Street end of the road. Whilst the eastern side whilst developed around the same time exhibits a greater variety of built form and architectural detailing with a terraced cluster of houses of shared design with a plum coloured brickwork and red brick opening detailing house bookend between two houses of quite different forms, this terraced group all having projecting two storey front bays with the buildings not only stepping down in height, in response to the topography, but also stepped back from each other in response to curvature of the road at its southern intersection with Charles Street. Towards the northern end of road on its eastern side several of the buildings whilst forming a terrace are markedly different in design from each other. Whilst what is believed to have traditionally been the first dwelling and most prominent dwelling on the eastern side of Boxwell Road from off the High Street was No. 1 Boxwell Road, a large rendered detached villa, which interestingly has two ground floor bay windows to its northern/side elevation that would have faced onto the large garden it originally had to the side of it, with the rear garden of the High Street fronting The Ferns beyond. These garden have subsequently been developed in the latter half of the 20th century with a number of chalet style dwellings, including 1B which is the subject of this proposal to demolish it and replace with 2no. new dwellings.

Existing

The existing building (1B Boxwell Road) is a modern chalet style building of no historic value and being of little architectural note. That said the building being only single storey high and clearly a late 20th century design it is believed these factors do help give prominence to 1 Boxwell Road, the detached dwelling that originally had being not only the first house on that side of the road.

Proposed New Dwelling

The proposal is for a mirrored pair of houses that exhibit many traditional features and materials in common with late Victorian/Edwardian housing albeit with a somewhat unusual reversed 'L' footprint to the dwellings whereby each dwelling would have a narrow forward projecting two storey front range with a wider two storey range set at right angles to the rear, as opposed having the widest element of the building to the front of the site with a narrower range(s) to the rear. It is understood this approach was adopted in order to be allow for the need to provide adequate off street parking for each dwelling within the site whilst maintaining the traditional line of development along the road and being able to provide a traditional front and rear gardens.

Overall the proposal is considered to be one that visually would make a positive contribution to the character of this part of the conservation area, through the introduction of architecturally more sympathetic buildings compared to what presently exists, with the pronounced set back to the bulk of the dwelling allowing the hierarchical prominence of No.1 to be essentially unharmed.

Conservation and Design therefore raise no particular objection; however in order to ensure the quality of the development given the conservation area location, the following conditions should be attached:

- Notwithstanding the details submitted no development of the hereby approved dwellings shall be commenced until details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority.
- No works to install the windows (including the roof-lights) and exterior doors of the hereby approved development shall take place until details and finishes have been submitted to and approved in writing by the Local Planning Authority. Details should include scaled drawings at 1:20 or 1:10 scale as appropriate, including vertical and horizontal sections shown in relation to the surrounding fabric. Glazing bar and moulding details should be shown at 1:2 scale.
- No works to form the front boundary treatment, of the development hereby approved, shall be undertaken until details and finishes of the wall and railings have been submitted to and approved in writing by the Local Planning Authority.
- Removal of general permitted development rights with respect to the windows, front doors and front boundary treatment. In order to maintain the appearance of the paired dwellings.

HCC Highways

Does not wish to restrict the grant of permission subject to conditions securing pedestrian visibility, gradient not to exceed 1:20 for the first 5 metres into the site, and retention and drainage of the vehicular accesses, together with informatives regarding s278 agreement for works in highway, storage of materials on site, and mud on road.

Boxwell Road is an unclassified local access road. There are no recorded personal injury accidents in the vicinity of the proposed development. The road is subject to a 30mph speed limit. It is considered to have 'low' numbers of pedestrians in the footway hierarchy.

Impact on the Highway Network: The proposed development is not thought to impact on the highway provided there is visibility between pedestrians on the footway and

drivers exiting the driveways. The provision of physical pedestrian visibility splays were thought to be required to ensure the visibility is secured forever. With the physical measures in place drivers will always exit from the same place and will prevent drivers exiting close to the boundary between 1C and 'Kriana'.

Vehicular visibility was also considered. Approach speeds in the vicinity of the proposed development were thought to be significantly less than the speed limit due to the presence of parked cars on both sides of the road. The parked cars effectively restricted the road to a single track with passing places. Furthermore the parked cars on the eastern side will both obscure visibility and offer protection for drivers exiting the proposed driveways. As a result of both slow speeds and on-street parking the vehicular visibility afforded by the new accesses was thought to be acceptable.

Conclusion: The assessment does not indicate any significant highway issues.

Initial comments

Raises some concerns / questions:

1. I notice on the application form that pre-application advice has been given. Did highways approve in principle?
2. I am concerned about the safety of pedestrians.
3. I am particularly concerned about the new point of access onto Boxwell Road. The boundary fence / wall with the next-door property 'Kriana' obscures visibility between pedestrians and exiting drivers. This lack of vision is made worse due to parked cars on the footway requiring pedestrians to walk at the back of the footway, close to the boundaries. Furthermore, it is possible that the new driveway could be a substantial downhill gradient, which could lead loss of control and hence make worse the lack of vision (can more details be provided?)
4. I also have similar pedestrian safety concerns for the access at the southern end.
5. My concerns to both points of access can be overcome by establishing fixed pedestrian sight lines (unobscured sightlines over and beyond which there is clear visibility between an exiting driver and a pedestrian) 'Dwarf' walls, immediately next to the points of access would resolve my concerns about the sight lines

Historic Environment Advisor

The proposed semi-detached dwellings will occupy a similar footprint to the existing bungalow, and archaeological monitoring of nearby groundworks at no 1 Park View Road proved to be negative. In this instance therefore I consider the scheme is unlikely to have an impact on below-ground heritage assets of archaeological interest, and I have no further comment to make on the application.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole

nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Building Control

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Three Valleys Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

2, 3, 4, 6, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, Kriana, Boxwell Road Surgery, Boxwell Road, 1 Park View - Object for the following reasons (in summary):

Design and character

- Dwellings not staggered to conform to slope of road and other properties
- Overdevelopment within Conservation Area
- Appears overcrowded and obtrusive
- Too high and too large and will dominate other houses
- Two houses out of character on site of one
- Appears like a large detached house
- Semi-detached does not reflect the design of the predominant terraced properties
- Floorplan and form out of sync with others in the road
- Height and scale visually intrusive to street scene
- Major departure with building line brought forward
- Harm to Conservation Area and does not enhance as Policy 120 requires

Amenities

- Loss of privacy and overshadowing of a large number of properties
- Additional noise and disturbance to surrounding area, both residential and commercial
- Loss of privacy to 1 Park View Road
- Loss of privacy to back garden of Kriana
- Loss of light to back garden of Kriana
- Loss of light / overshadowing of 19, 24 and 25 Boxwell Road
- Overlooking and loss of privacy to 19, 21, 24 and 25 Boxwell Road
- Visual intrusion to 21 Boxwell Road

- Loss of light to Surgery reception and upstairs consulting rooms
- Overlooking of Surgery and loss of patient privacy
- Loss of aspect towards Berkhamsted Hills

Highway safety

- Provision for access and parking unsatisfactory
- No room for another off-street parking space
- Boxwell Road is a very narrow street
- Visitors to the Surgery overflow on a daily basis and find manoeuvring a problem
- Up to three cars can park outside 1B, this will reduce to one car
- Would remove 2 or 3 off-road spaces and 2 or 3 on-road spaces
- Would increase pressure on parking by up to 10 spaces
- Detract from parking arrangements
- Unsafe with poor visibility from 1C access
- Inadequate space for turning with cars opposite and adjacent
- Reduced access to parking for visitors to the Doctors Surgery
- Reduction in adequacy of parking and turning
- Will worsen parking difficulties

Other

- Would set a dangerous precedent for the other bungalows
- A single dwelling should be considered
- The extant permission for a dormer window should be considered
- There are existing restrictions in force (Article 4) for front garden alterations
- Were told that the inclusion of drop-kerb spaces was prohibited (Article 4) - how can an additional drop-kerb now be considered
- Shared access to separate parking would be better
- Vital that access to Surgery car park by ambulances and less mobile patients is not disrupted during construction
- Would remove a bungalow which in the interests of diversity would be useful to someone elderly or disabled near the town centre
- Why not replace with a better bungalow
- There are inconsistencies in the drawings in terms of topography
- If allowed a condition should limit weekend/unsocial hours working

Considerations

Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience,

and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58 and 120 of the Local Plan.

Suitability of the site for residential development

The site is currently in residential use as a single bungalow on a reasonably generous size of plot. Although the site would be sub-divided to form two dwelling plots, each plot would remain commensurate in size with other dwellings in the immediate area, and indeed the plot frontages would be wider than the terraced properties opposite. Although concerns have been expressed that the proposal for two dwellings would be an overdevelopment of the site, the layout would provide sufficient car parking for each dwelling in accordance with standards, good spacing with adjoining properties and sufficient private amenity space to the rear of both dwellings which, at between 10 and 12 metres depth, although admittedly shallow when judged against the minimum 11.5 metres set out in Appendix 3, however, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with many nearby dwellings, and indeed more than the adjoining dwelling 'Kriana'. It is considered that the garden space will be functional and compatible with the surrounding area. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

Design, layout and effects on appearance and character of Conservation Area

The application site relates to an existing bungalow within an otherwise built up frontage of mainly terraced 2 storey dwellings within the Core Area of the Berkhamsted Conservation Area. The building is of no particular architectural merit and forms one of three C20 bungalows towards the northern end of Boxwell Road in contrast to the traditional 2-storey C19 dwellings that form the predominant character of Boxwell Road. In this respect, the bungalows do appear slightly incongruous to the street, bearing in mind the Conservation status of Boxwell Road which features a predominance of 2-storey period properties.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies Boxwell Road as falling within the Charles Street Identity Area. The policy (6.2.5) that seeks to protect the character of this Core Area states that:

"New development proposals should follow the principles set out below:

- *Development by the amalgamation of rear garden areas is not acceptable.*
- *Infilling proposals will be acceptable if they are compatible with the layout, pattern, density and scale of adjacent development.*

- *Two storey development with gardens front and rear is encouraged, although in terms of height, a third floor in the form of dormer windows in the roof space will be acceptable.*
- *In redevelopment proposals, medium to high density terraced or semi-detached proposals are acceptable.*
- *Large scale bulky development of flats are not encouraged.*
- *The building line must be maintained."*

The proposed development would fully accord with the above principles.

The proposal comprises a pair of semi-detached two storey houses of traditional brick and pitched tiled form. Whilst not intending to provide a complete facsimile, the architectural style nevertheless seeks to reflect some of the traditional key features and characteristics of the surrounding dwellings, notably the half timbered gables, the white painted timber sash windows, the stone lintels and the use of red facing brickwork and slate roofs. A key concept brought forward into the design from early pre-application advice relates to the desire to achieve off-street parking to both dwellings in a manner which would not dominate the frontages. This accords with Policy 6.2.4 of the Character Appraisal which states that car parking should either be hidden behind buildings or well screened from view. This requirement has informed the layout and form of the development into an L shaped plan with parking down the sides. The proposal allows both for the introduction of semi-private front gardens with traditional front boundary treatment in keeping with the surroundings together with good concealment of cars in long street vistas. The forward building line would also reflect more closely that of the surrounding traditional character, also in accordance with Policy 6.2.4.

Although objections have been raised with regards to the semi-detached form and layout of the dwellings as not respecting the terraced character of the street, it must nevertheless be recognised that there is some variety in the type and style of dwellings in Boxwell Road, including examples of detached and semi-detached forms and that terraced forms do not have a monopoly on the street. In this respect it is not considered that the semi-detached layout or the L shaped form would be harmful in any way to the appearance of the street or the character and appearance of this part of the Conservation Area.

Much criticism has been levelled at the height and scale of the proposal as appearing over-dominant and visually intrusive, in particular in relation to the adjoining bungalow, 'Kriana'. Whilst it is accepted that the two storey height is a significant departure from the existing bungalow that currently occupies the site, and that levels do not assist with this relationship, the following mitigating factors should be taken into account:

- (a) Whilst the proposal would be set in from the common side boundary with 'Kriana' by 1.5 metres at its minimum, this is still considered to provide a generous margin around the development. Notwithstanding this, it should be noted that the majority of the flank wall facing Kriana would be stepped in significantly further from the boundary by up to 4.4 metres, thereby providing an ample margin to the development.
- (b) The overall gap between 'Kriana' and the development would be some 2.7 metres at its minimum which is considered to provide good spacing. However, with the

majority of the flank wall stepped in further at the front, overall spacing with 'Kriana' achieves some 5.5 metres which is generous and not considered to result in an over-dominant appearance in relation to 'Kriana', and arguably not significantly worse than the relationship of the Boxwell Surgery building with the application property at present.

- (c) The L shaped plan form, which is not evident in the street scene elevation, would significantly modulate the scale and bulk of the proposal, reducing its overall mass such that it would not appear over-bearing or over-dominant in relation to Kriana. Reference should be made to the subsequently submitted CGIs which help illustrate the impact of the proposal in street scene terms.
- (d) Revised plans now articulate the roof line such that it steps down Boxwell Road in response to levels. This has the effect of not only breaking up the bulk and mass of the building but also reducing the height difference in relation to Kriana by 0.5 metres.
- (e) It should be noted that, compared with existing slab levels at 1B Boxwell Road, those proposed in Unit 1C of the development, would be set some 0.65 m lower or, in other words, 1.25 m above 'Kriana' rather than 1.9 m as at present.
- (f) The NE (side) elevation would be activated by windows, doors and a chimney stack which would help break up this elevation in views up Boxwell Road. The amount of brickwork to this elevation has also been reduced with the drop in levels, and the driveway now almost level rather than sloping up from the road.

In view of the above considerations, it is considered, on balance, that the proposal will have an acceptable relationship with 'Kriana' in street scene terms.

A number of residents have expressed concerns regarding the introduction of dropped kerbs in the development, referring to this as being contrary to the current Article 4(2) Direction in force that withdraws general permitted development rights for certain development in Boxwell Road. It should be noted however that an Article 4 Direction does not prohibit applications being made for the matters it covers but rather prohibits such development without planning permission having first been applied for and granted. Applications then have to be considered on their merits having regard to the development plan and any other material planning considerations.

In this case whilst it is true that there is an Article 4 Direction in Boxwell Road, this covers only the properties named and shown on the attached plan (i.e. 1 - 28 Boxwell Road) specifically excluding the bungalows in Boxwell Road, 1B, 1C, 'Kriana' and No. 29. Therefore, the restriction does not apply to the application site. Furthermore, as a technicality, the restriction is not to the creation of accesses, but to the provision of hard surfaces and the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, or the demolition of the same, although it is accepted that in practice this amounts to a restriction on creation of accesses / dropped kerbs. This is an important point because it indicates that the reason for the Article 4 Direction is not in the interests of highway safety but rather in the interests of controlling development that could harm the character and appearance of the Conservation Area.

In the above respects, it is clear that the removal of boundary walls and other means of

enclosure to the frontages of the period properties in Boxwell Road could have a dramatic effect on the character and appearance of Boxwell Road as a whole, not only through the removal of these important features, but also through the potential use of the small front gardens for vehicle parking to the further detriment of the Conservation Area. The difference with the application site is that vehicle parking would be accommodated down the sides of the dwellings rather than prominently to their frontages and would furthermore retain the opportunity for frontage enclosure in the form of walls / railings in keeping with the established character of Boxwell Road properties. In view of the above, it is not considered that the introduction of a second access would be materially harmful to the character and appearance of the Conservation in this case, but rather would preserve its character. The proposal is therefore in accordance with Policy CS27 and saved Policy 120.

Revised plans deal with a number of minor but important details as follows:

- Concerns were expressed by officers to the height of brickwork beneath the bay to Unit 1C which was considered a little excessive. This has now been reduced as part and parcel of the amendments to overall levels.
- With regards to the rear aspect, in order to more clearly express the rear gables, revised plans project these by a brick and a half to give greater articulation.
- The rear dormers have been deleted in favour of roof lights in response to officers' concerns that, in design terms, these would visually compete with the more important central gables.
- An elevation of the front boundary wall has been provided comprising railings over a low brick wall.

These details are considered acceptable in conservation terms and, subject to control over materials and details, the proposal, overall, is considered to preserve, if not enhance, the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would comply with Policies CS12 and 27 of the Core Strategy and saved Policy 120 of the Local plan.

Impact on highway safety, access and parking

The Highway Authority initially raised concerns regarding the safety of pedestrians at the new point of access onto Boxwell Road (particularly Unit 1C) because the boundary wall to the front of 'Kriana' obscures visibility between pedestrians and exiting drivers, made worse due to cars parking on the footway pushing pedestrians to the back edge of the footway. Furthermore, the Highway Engineer also noted that this lack of vision could be made worse due to the possibility that the new driveway could be a substantial downhill gradient, which could lead to loss of control. Similar concerns were raised in respect of Unit 1B. However, the Engineer advised that these issues could be overcome by establishing fixed pedestrian visibility splays to both sides of the accesses.

In response, revised plans now indicate 0.65 m x 0.65 m visibility splays on each side of the two crossovers with unobscured sight lines from a driver's eye height of 1.05 m to an object height (e.g. small child) of 0.6 m. Furthermore, the plan also secures the

visibility splays through physical walls, ensuring that vehicles are appropriately channelled to the centre line of each access, preventing cars egressing close to one or other boundary, and achieves a minimum 4 metre width at the back edge of footway (i.e. $2 \times 0.65 \text{ m} + 2.7 \text{ m}$). This now accords with DMRB TD41/95, Roads in Hertfordshire: Highway Design Guide 3rd Edition and Manual for Streets.

The Highway Authority has raised no objection to the new accesses, subject to the above visibility splays, and other matters being secured by condition / informative.

Parking provision should accord with parking standards as assessed against Policy 58 and Appendix 5 of the Borough Plan. As 4-bedroom dwellings in accessibility Zone 2, a maximum of 2 parking spaces per dwelling should be provided and therefore the proposal meets with the standard in Appendix 5 with the provision of two off-street spaces per dwelling. Provision for cycle parking in accordance with Appendix 5 would be satisfied through the provision of storage sheds on site to serve each dwelling.

Despite the above, residents have raised objections to the development on the grounds that the provision of an additional access would result in a loss of on-street parking availability. Whilst the proposal would clearly result in the loss of road frontage by some two metres, in practice, due to the width and location of the current access to the site, only 2 cars can reasonably park in front of the application site at present. A further car can park in front of 'Kriana' between its access and the site, giving a total of 3. However, due to the close proximity of the Surgery access to the existing site access (2.5 metres), cars cannot reasonably park between these two points without blocking one or other access and therefore this frontage is effectively sterilised.

In the proposed layout, the loss of frontage as a result of the new access to serve Unit 1C would effectively be offset by the repositioning of the existing access serving Unit 1B closer to the Surgery access and its reduction in width from 3.7 m to 2.4 m, therefore giving a total available frontage for on-street parking of 10.8 metres. Even allowing for a breathing margin at either end for the visibility splays, a frontage of approximately 9.6 m is considered sufficient to accommodate two parking spaces at 4.8 metres each with a further good margin at either end of up to 4 metres, allowing for ease of parallel parking. The layout would leave the parking space in front of 'Kriana' unaffected. Therefore at 3 spaces in total, it is clear that the proposal would be no worse than existing and no loss of on-street parking would be experienced.

Despite the above, it is accepted that there is the potential for additional on-street parking from the two dwellings. In this respect, two issues were identified with the initial scheme.

- (g) Although 2 off-street spaces per dwelling would be available, the dwellings are nevertheless large 4 bed family units which had the clear potential to become 5 or even 6 bed units through intensified use of the second floor. The parking demand could therefore be greater than 2 spaces each, and the applicant was advised that the use of the second floors as habitable accommodation should be omitted in order to reduce the potential impact of overspill parking.
- (h) Although 4 m wide driveways are shown, it was identified that the use of these would be slightly hampered by the piers supporting the porches. They would also obstruct easy access for wheelie bins being brought to the frontage, prams, wheelchairs and the like, therefore resulting in a greater potential for cars to be

parked on-street. It was therefore advised that the piers should be omitted in favour of a cantilevered design of canopy.

In response to the above concerns the applicant has confirmed that the dwelling will have no more than 4 bedrooms and the second floor plan has been amended such that the layout shows an en-suite bathroom in the front section. Furthermore, it has been confirmed that the rear bedroom areas could not, realistically, be subdivided when taking into account the low headroom of part of the room (also shown on the drawing), the removal of the dormer window and its replacement with a roof light and the non-opening and obscure glazing of the gable end window.

It is considered expedient to restrict the number of bedrooms in each property to no more than 4, which the applicant has agreed.

Subject to the above, it is considered that the proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

Impact on Neighbours

Individual objections have been received from a number of residents and neighbours.

Nos. 19, 24 and 25 Boxwell Road, opposite the site, consider that the proposal would result in a loss of light and overshadowing. Nos. 19, 24 and 25 are not considered likely to be significantly affected by loss of light or overshadowing in view of their distance from the development. However, given the increase in height and the minimum distance of 16.5 metres to dwellings on the opposite side of the road, it is acknowledged that the nearest dwellings (21 and 22) would experience some loss of light to ground floor windows in the early morning. However, given the narrow frontage of the development, the staggered roof line and the gaps that would exist to either side, it is not considered that the loss would be so significant as to warrant refusal. A Daylight and Sunlight assessment carried out by the applicant concludes that there would not be any more than a minimal loss of daylight or sunlight to the bay window of No 22 Boxwell Road, the nearest property opposite the development, and that this dwelling would still receive adequate levels of light well within the recommendations of the BRE guide 'Good Practice Guide for Site Layout Planning for Daylight and Sunlight' (Second Edition 2011). In view of the above, the impact on other properties on this side of Boxwell Road would be even less and therefore refusal on loss of light grounds here would not be justified.

No. 21 has objected on grounds of visual intrusion. However, the proposal would be well designed and in keeping with the area and is not considered to be any more visually intrusive than other development on the opposite side of Boxwell Road.

Nos. 19, 21, 24 and 25 Boxwell Road raise objections on grounds of overlooking and loss of privacy. Whilst there would be potential overlooking from the new development, given the front to front aspect, and given that the dwellings are already overlooked by passing members of the public, it is not considered that a refusal could be justified on this ground.

'Kriana' has objected on grounds of loss of privacy to its rear garden and loss of light. There would be no overlooking of the rear garden from the side window in the gable given that obscure glazing and a non-opening window is now specified on revised

plans. With regards to loss of light, whilst acknowledging the level differences and the increase in height of the development, given the siting towards the frontage of the site, set away from the common side boundary by 1.5 metres and the narrow width of the side gable, it is not considered that there would be a significant loss of light that could justify a refusal in this case. Again, the applicant has carried out a daylight and sunlight assessment which indicates that there would be no material loss of light to the window adjacent to the garage door on the front elevation to 'Kriana' and, with regards to the rear elevation, as this is set back on the site further than the proposed rear elevation of the development, there would be no impact on daylight or sunlight to the rear windows.

1 Park View Road to the rear has expressed concerns about overlooking. However, given the distance of some 30 metres to rear facing windows in No. 1, the proposal would accord with the minimum back to back distance of 23 metres set out in Appendix 3 of the Borough Plan. Furthermore, the dormer windows in the rear elevation which might have given rise to a greater perception of overlooking by the occupants of that property have now been omitted in place of smaller roof lights, therefore, it is not considered that there would be any material harm that could justify refusal.

Boxwell Road Surgery has objected on grounds of loss of light to upstairs consulting rooms and overlooking / loss of patient privacy to side facing consulting rooms. Amended plans address loss of privacy concerns with first and second floor side facing windows now specified as obscure glazed and non-opening. There would be no loss of light given the siting to the south of the development.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A Policy CS29 checklist has been submitted which is considered acceptable and addresses the criteria of the Policy. In particular it is stated that materials and timber will where possible be from sustainable sources, demolition materials to be reused on site where possible, with separation where practical to enable recycling, heat loss / CO2 emissions to be kept to a minimum in accordance with Part L of the Building Regulations, permeable surfaces to be specified for the entrance driveway and parking areas, with all drainage from impermeable surfaces to be directed to on-site soakaways or landscaped areas. The details are considered acceptable. However, no details of SUDS are shown on plan and it is recommended that these be provided and secured by condition.

Policy CS29 and Para 18.22 also expects developers to complete a Sustainability Statement which, in accordance with the Sustainable Development Advice Note (March 2011), should be completed online through the carbon compliance toolkit, C-Plan. A C-Plan statement has not been provided in this case. However, as a good CS29 checklist has been submitted which covers most of the key requirements of C-

Plan, it is not considered necessary to request further details in this case.

Other matters

The site layout provides good opportunity for soft landscaping, details of which, along with hard landscaping, are recommended to be provided and secured by condition.

It is acknowledged that the retention of the bungalow may provide useful accommodation for elderly or disabled persons close to services and facilities. However, although saved Policy 18 encourages a range of dwellings in size and type, there is no specific requirement to provide or retain bungalows, and therefore a refusal on this ground could not be sustained.

Concerns are raised by the Surgery that access for ambulances and less mobile patients should not be disrupted during construction. As Boxwell Road is a public highway, and not contained within the application site, it is not possible to prevent inconsiderate parking / loading / unloading by contractors. However, it is recommended that a construction management plan be submitted by condition. Informatives are recommended with regards to social work hours, etc.

One resident has expressed concern that there are inconsistencies in the drawings in terms of topography. However, officers are unable to discern any discrepancies in the plans.

S106 Planning Obligation

There is no requirement for contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document as a result of the following two material changes:

1. The written Ministerial Statement of 28 November 2014 (House of Commons Written Statement - reference HCWS50) which set out proposed changes to national policy with regard to Section 106 planning obligations affecting small developments. This is reflected in an amendment to the National Planning Practice Guidance (NPPG). Paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG was however quashed recently by the High Court following a judicial challenge by Berkshire CC and Reading BC. The Policy therefore reverts to that within the Borough Plan and Affordable Housing SPG, the latter guidance introduces a waiver for units of 4 or less.

2. The above notwithstanding, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

Conclusions

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve, if not enhance its character and appearance. Adequate parking and safe access would be provided to the development to which the Highway Authority raise no objection and there would be no loss of on street parking. The amenity of neighbouring occupiers would not be adversely affected. The proposal is therefore considered acceptable for approval.

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

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

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

- 2 No development shall take place until samples and / or details of the materials proposed to be used on the external walls and roofs of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- **all new windows, roof lights, doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings);**
- **eaves joinery and bargeboards;**
- **Front boundary wall and railings.**

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

4 Notwithstanding any details submitted, no development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during demolition and construction works;**
- **proposed finished levels or contours;**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **No development / demolition shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the building will already have been demolished and the materials disposed of, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development.

- 6 **No development shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 7 **The development hereby permitted shall be carried out in accordance with the approved CS29 Sustainability Checklist.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 8 **The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with saved Policies 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the**

details indicated on the approved plan 15066_AL(0)010 G and 15066_AL(0)011 G. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **Prior to the first occupation of the development hereby permitted the vehicular accesses and driveways shall be provided and thereafter retained in the position shown on the approved plan 15066_AL(0)010 G, in accordance with Roads in Hertfordshire. 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 carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **The window at second floor level in the North East elevation of the development hereby permitted as indicated on Drg. No. 15066_AL(0)017 E shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 12 **The windows at first and second floor level in the South West elevation of the development hereby permitted as indicated on Drg. No. 15066_AL(0)019 D shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 13 **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:**

**Schedule 2 Part 1 Classes A, B, C and D
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and in the interests of ensuring

adequate car parking provision in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and Policies 58 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 14 **The permission hereby granted shall be limited to the provision of no more than 4 bedrooms to each of the two dwellings, and no additional bedrooms shall be created without the further specific permission of the local planning authority by way of a separate planning application.**

Reason: For the avoidance of doubt, and to ensure control over the development in the interests of limiting the demand for additional parking on the highway and associated congestion and highway safety issues, in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough local Plan 1991-2011.

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

**15066_AL(0)001 Rev A
15066_AL(0)002 Rev A
15066_AL(0)003 Rev A
15066_AL(0)004 Rev A
15066_AL(0)005 Rev A
15066_AL(0)006 Rev A
15066_AL(0)007 Rev A
15066_AL(0)008 Rev A
15066_AL(0)009 Rev A
15066_AL(0)010 Rev G
15066_AL(0)011 Rev G
15066_AL(0)012 Rev D
15066_AL(0)013 Rev E
15066_AL(0)014 Rev C
15066_AL(0)015 Rev F
15066_AL(0)016 Rev D
15066_AL(0)017 Rev E
15066_AL(0)018 Rev B
15066_AL(0)019 Rev D
15066_AL(0)020 Rev D**

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

Article 35 Statement

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

INFORMATIVES:

Thames Water

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

Water comments

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

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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

Mud on the Road: 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Environmental Health

1) Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

2) Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

3) Construction hours of working – plant & machinery

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: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

4) Dust

As advised within the application documentation, dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, *Produced in partnership by the Greater London Authority and London Councils.*

5) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of

with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Agenda Item 5b

Item 5.02

4/00167/16/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY 2-BEDROOM DWELLINGS

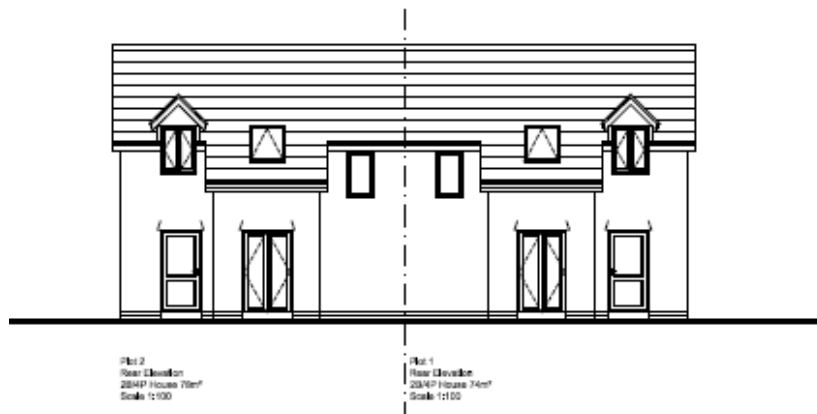
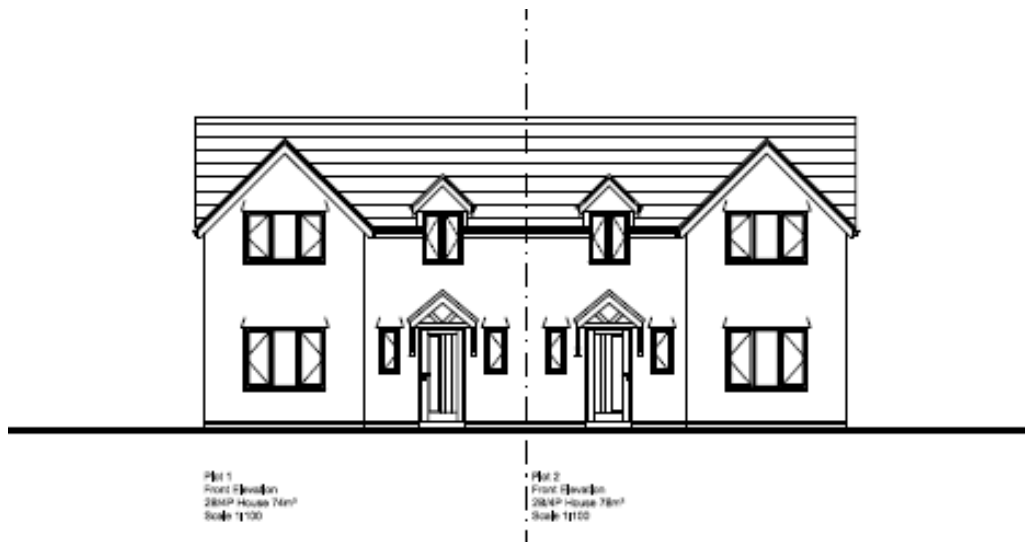
20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG



Item 5.02

4/00167/16/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY 2-BEDROOM DWELLINGS

20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG



**4/00167/16/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO SEMI-DETACHED TWO STOREY 2-BEDROOM DWELLINGS.
20-22 HIGH STREET, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HG.
APPLICANT: MR FITZGERALD.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The principle of residential development is considered acceptable in the site's location within a town and residential area. The proposed development would not have any adverse layout implications, and the proposed dwellings would be acceptable in terms of appearance and would not detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. There would not be any significant harm to the important trees. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11, CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 18,21,99 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises the rear gardens of 20 and 22 High Street, Bovingdon. The access to the site would be available via Apple Cottages, Old Dean across land owned by Hertfordshire Highways. Part of the access already exists and currently serves as off road parking to the rear of the application site 22 High Street. The surrounding area, Apple Cottages is relatively modern development and is characterised by a variety of different dwellings with terraced properties in line along the west and recently developed detached dwellings towards the end of the close. The properties are characterised by small front lawns with hardstanding areas for off road parking with some benefiting from attached garages.

Proposal

The application seeks planning permission for the erection of a pair of semi-detached dwellings within the rear gardens of 20-22 High Street, Bovingdon, with access from Apple Cottages. The plans have been amended to utilise the land forward of the garden land for parking.

Referral to Committee

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

Planning History

4/01032/14/FUL	TWO-BED DETACHED DWELLING Granted 10/07/2014
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4/00940/14/FHA CONSTRUCTION OF OFF-ROAD PARKING TO THE FRONT
OF THE PROPERTY. DROPPED KERB.
Granted
03/07/2014

Policies

National Policy Guidance

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

Adopted Core Strategy

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 58
Appendices 3, 5 and 7

Summary of Representations

Bovingdon Parish Council

Over development of site. Concern that there is insufficient on-site parking as lack of on-street parking. Existing permission granted to 4/01032/14/FUL in June 2014 is preferable.

Hertfordshire Highways

Further comments

Amended and/or additional plans/information has been submitted for the above proposal.

Decision

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

The superseded plans has no highway implications. The highway Authority does not wish to restrict the grant of consent subject to the earlier conditions and advisory notes.

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council

as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Decision

Hertfordshire County Council has no objection to the principle of the proposed new dwelling(s) with vehicular access, subject to a S278 Agreement for any modifications and the following condition and informatives.

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the HCC.

SHC 18: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a pedestrian visibility splay measuring 2m x 2 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

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

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal Demolition of existing garage and construction of two semi-detached two storey 2-bedroom dwellings C3 use. As part of this proposal access will remain off Apple Cottages as shown on the submitted plan.

Apple Cottages

This is an unclassified local access road, L2, 2U1552/20 that runs from outside 9 to

number 30, is 156m long and approximately 4.9m wide where the VXO are. The road is lit and has a 30mph speed limit. The road and footways are maintained at public expense by the highway authority. There are neither traffic counts nor any traffic calming measures shown. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5 year RTC data there has been no recorded RTC in this period. The closest RTC which have been recorded as slight are shown to be in the High Street. The location of these RTC's is some distance from this site and it would appear had no bearing on the site in question in terms of impact

Analysis

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Local Plan, Appendix 5 Parking Provision

Trip generation and distribution

As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. This conclusion is based on the above mentioned traffic volume data, speed of traffic and known RTC information.

Impact on Highway Network

The creation of two dwellings on this site will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable.

Highway Layout

The submitted plan shows two new parking bays taking access off Apple Cottages. This access is close to the bend but is an existing access. The any widening or modifications to this access will need to be built to the highway authority's standards hence the condition covering pedestrian visibility requirements and the informative covering construction protocol/permission for the dropped kerbs

Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing a total of 4 off street parking spaces. It is unclear if these spaces will be DDA compliant though. The applicant will also need to provide cycle spaces.

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

Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus

strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).

Public Rights of Way (PRoW) there appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission would need to be granted to temporarily close the route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. It is likely that this will be via a kerb side service. No information is provided regarding servicing of the property and a servicing arrangement is required.

Travel Plans

The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement

Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above legal agreement, conditions and informatives.

Trees and Woodlands

I have reviewed the above application and have no objections. There are small trees to be removed and are of low quality. Replanting details are required – species, size and location.

Cllr Riddick Comments

That makes a lot of difference now that I can see the Plans!

It was just that if there had been any proposals for 'Vehicle Access' on to the High Street, that would have been a definite 'No'.

However, there are just a couple of points:

- 1) There appears to be no (adequate) provision for 'On Site Parking' (It looks awfully 'tight'!)
- 2) There seems to be nowhere to store Refuse or 'Wheelie Bins' (this could be a problem in this location)

Thames Water

Waste Comments

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

would not have any objection to the above planning application.

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

Water Comments

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

Contamination comments

The site is located within the vicinity of potentially contaminative former land uses; former petrol station and former slaughter house. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

18 High Street

As one of occupiers and a trustee of 18 High Street, Bovington which is located immediately adjacent to the above mentioned site, I wish to object to this planning application for the demolition of the existing garage and the construction of two semi-detached two storey two bedroom dwellings. Our reasons for objection, which are specifically focused on how this proposal affects us personally, are set out below.

Loss of Privacy/Amenity

The development site forms part of the rear garden of 20 and 22 High Street. The view that I currently enjoy is of a wide and open space with trees and vegetation, creating a verdant setting. The introduction of two dwellings into this small space would be a highly prominent and discordant feature and would palpably erode the open character which strongly characterises the existing rear gardens.

Appendix 3 of the Dacorum Borough Local Plan recommends private gardens should have an average minimum depth of 11.5 metres. The proposed dwellings do not meet this minimum and instead measure a minimum garden depth of 11 metres.

Appendix 3 of the Dacorum Borough Local Plan further recommends a minimum distance of 23 metres between properties to ensure privacy. However, the minimum back to back depth will be 22 metres to the rear of 22 High Street and significantly less, approximately 20 metres, to the rear of 20 High Street due to the existing extension. As

such the proposed development will affect my personal amenity considerably.

The application fails to consider the impact on my privacy which will clearly be adversely affected due to the addition of these dwellings. The application considers 'no overlooking will occur' however the velux window and large first floor window at the rear elevation will clearly result in overlooking and detrimentally impact on my privacy. As such there will undoubtedly be a significant adverse effect on my living conditions with regards to privacy.

Landscaping

Although none of the trees in the existing gardens are subject to any tree preservation orders they collectively contribute to the verdant setting of the existing properties. Policy CS12 of the Core Strategy requires important trees to be maintained and for trees and shrubs to be planted to softly screen the edge of the developments.

The application refers to additional planting at the new site frontage to soften the appearance of the two dwellings but does not refer to any additional planting to the rear of the new dwellings. The previous application (reference: 4/01032/14/FUL) includes the provision of four fruit trees along the rear of the development to provide an extra sense of privacy however no such landscaping has been proposed for the current application. As such, the proposed development would have a detrimental impact on my amenity and privacy due to inadequate landscaping.

In the garden of number 18 there is a mature fruiting apple tree, standing approx. 8 – 10metres tall, next to the boundary fence between nos. 18 and 20, about 9 metres from the rear boundary of no. 18 and about 50cm. from the fence. The roots of this tree will be directly affected by this proposed development.

Design

Part 7 of the NPPF requires developments to be of an adequately high standard of design, taking into account context and the materials of adjoining buildings. The proposed two, two bedroom semi detached dwellings are poorly designed and fail to have regard to the scale and character of their surroundings.

The proposed development is significantly larger than the previously approved application. The previously approved application measured 91.8 square metres over two floors whereas the two new proposed dwellings measure 74 square metres and 78 square metres respectively resulting in a total floor space of 152 square metres.

Considerations

Policy and Principle

The application site is located within the residential area of Bovingdon wherein the principle of providing new dwellings is considered acceptable subject to compliance with all other policies of the adopted plans. In particular policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should: a) respect the typical density intended in an area and enhance spaces between buildings and general character; b) preserve attractive streetscapes and enhance any positive linkages between character areas; c)

co-ordinate streetscape design between character areas; d) protect or enhance any positive linkages between character areas; e) incorporate natural surveillance to deter crime and the fear of crime; and f) avoid large areas dominated by car parking.

Secondly, policy CS12 of the adopted Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Saved appendix 3 of the local plan should also be considered as it sets out good design practice for the layout and design of new dwellings in the residential area. The scheme is considered to be acceptable in principle as it comprises new dwellings within a residential area. There is no policy presumption against the redevelopment of gardens however the acceptability of this needs to be tested having regard to the impact of the proposal to streetscene, neighbouring properties, car parking provision etc.

Impact on Street Scene

One of the main considerations is the impact of the new dwellings to the character of the streetscene and area. The dwellings would sit within the rear gardens of numbers 20 and 22 High Street and comprise a pair of semi-detached dwellings which front onto Apple Cottages. The proposed pair of semi-detached dwellings is considered to be more in keeping with the type and form of dwellings within the immediate area than a detached dwelling. As the church already fronts onto Apple Cottages, it is not considered that the dwellings would create an alien building line or grain within the area and the size and height of the dwellings conforms with the surroundings. The dwellings themselves are slightly lower in height than the apex of the adjacent Church and positioned further back into the site, which would soften the impact of the building in the environment and streetscene. The proposed parking is proposed to frontage which in some cases is not ideal however in this context, this arrangement is considered to be acceptable given the similar arrangements at Apple Cottages. The siting of the dwellings are such that they front onto the road and it is not considered therefore to detract from the prevailing character of the area. The proposed dwellings are not considered to appear overly cramped on the site and exhibit more spacious form and density than the houses immediately opposite. Overall, it is not considered that the scheme would seriously detract from the character of the streetscene.

Impact on Neighbours

Appendix 3 of the local plan expects a minimum distance of 23m between the rear elevation of new dwellings and the rear elevations of existing dwellings to avoid significant overlooking. The siting of the dwellings have been amended slightly in order to achieve a minimum of 23m to the rear elevations (first floor) of numbers 20 and 22 High Street and as such it is considered that sufficient spacing is now achieved. It is noted that number 18 is concerned that the proposed would significantly reduce privacy to this property and appear prominent and invasive from the rear of number 18. Number 18 is located to the north north west of the application site and its garden runs parallel to the application site. At an oblique angle, a minimum distance of 23m is achieved from the new dwellings to the rear of number 18 and it is considered that

sufficient spacing is achieved to avoid the new dwellings appearing visually overbearing. Whilst, number 18 appreciates an open outlook at present across the gardens of the adjacent neighbours, the loss of a view would not be a material consideration sufficient to warrant refusal.

Impact on Trees and Landscaping

No objection is raised in respect of the loss of trees or hedging on site.

Quality of Accommodation

Appendix 3 sets out guidance for residential development and states that 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. Appendix 3 goes on to say that a reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

The proposal comprises gardens positioned to the rear of the dwellings. Each of these gardens measure a length of 11.5m and 11m which is considered to be sufficient and practical space which is similar in length and size to that of the nearby residents. Both dwellings allow for access to the rear garden alongside the side of the dwellings and as such it is considered that bins would be stored to the rear of the dwellings.

Impact on Highway Safety

No impact is raised from the Highway Authority on highway safety with the exception of requiring the access to be completed before development of the dwelling. A Grampian Condition will be imposed requesting this provision.

The site makes provision for two car parking spaces which is considered sufficient car parking provision for 2 bedroom dwellings within this location. Concern was raised that the parking provision appeared to be constricted however the amended plans which make use of the land between the existing garden and the road enables the parking provision to be more spacious.

Sustainability

A sustainability checklist has been submitted setting out sustainability measures to be incorporated into the design in order to accord with policy CS29 of the adopted Core Strategy. No objection is raised.

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

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

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

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

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

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**

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

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

- 4 **Prior to the first occupation of the development hereby permitted a pedestrian visibility splay measuring 2m x 2 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with policy CS8 of the Core Strategy.

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

[A_8002 Rev D](#)
[A_8003 Rev B](#)

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

Informatives

Highways

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

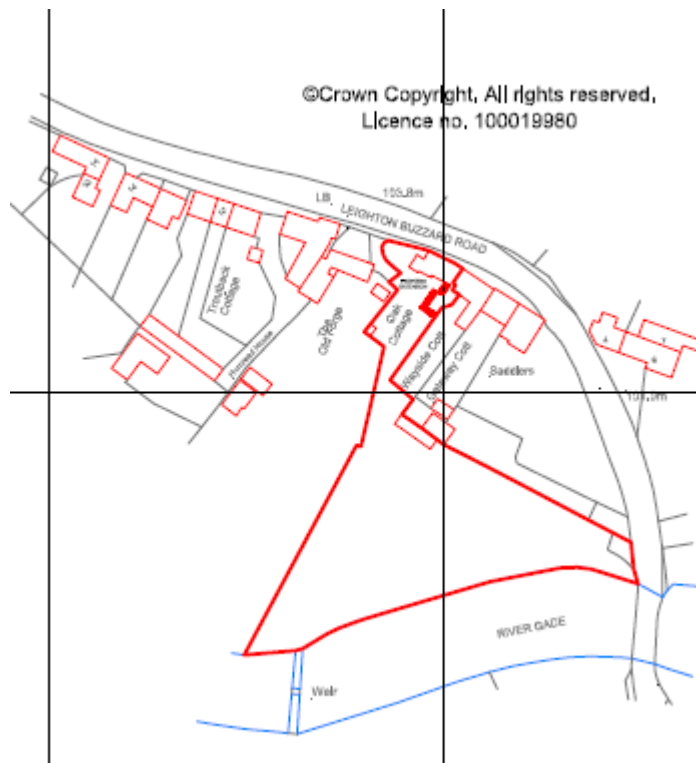
AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Item 5.03

4/00639/16/LBC - DEMOLITION OF REAR ENTRANCE PORCH AND EXISTING EXTENSION. SINGLE STOREY REAR EXTENSIONS. EXTERNAL AND INTERNAL ALTERATIONS (INCLUDING SECONDARY GLAZING)

OAK COTTAGE, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD, HP1 3BH



Item 5.03

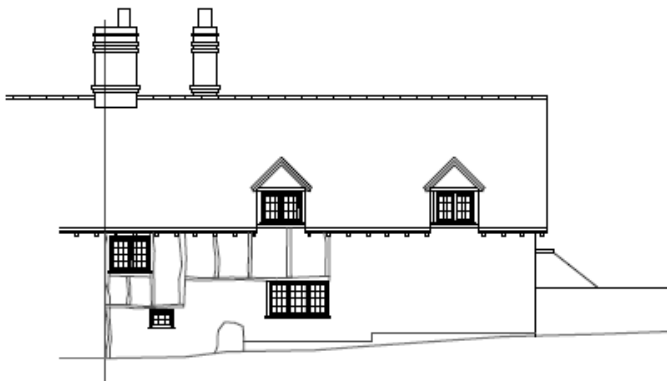
4/00639/16/LBC - DEMOLITION OF REAR ENTRANCE PORCH AND EXISTING EXTENSION. SINGLE STOREY REAR EXTENSIONS. EXTERNAL AND INTERNAL ALTERATIONS (INCLUDING SECONDARY GLAZING)

OAK COTTAGE, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD, HP1 3BH



EXISTING SOUTH ELEVATION

EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION

**4/00639/16/LBC - DEMOLITION OF REAR ENTRANCE PORCH AND EXISTING EXTENSION. SINGLE STOREY REAR EXTENSIONS. EXTERNAL AND INTERNAL ALTERATIONS (INCLUDING SECONDARY GLAZING).
OAK COTTAGE, LEIGHTON BUZZARD ROAD, WATER END, HEMEL HEMPSTEAD, HP1 3BH.
APPLICANT: Mr & Mrs Lowrie.**

[Case Officer - Andrew Parrish]

Summary

The application is recommended for refusal. A very similar proposal was refused in January this year and the only change from that scheme relates to the introduction of secondary glazing in lieu of slim profile double glazing to two of the windows on the front elevation. Whilst this is welcomed, and many aspects of the scheme are acceptable, there are still issues with the scale and design of the rear extension and the replacement of many of the windows throughout the property with slim profile double glazed units. These proposals are not considered to preserve the character, fabric or appearance of this Grade II listed property within the Water End Conservation Area. As such the application does not accord with the NPPF, Policy CS27 or Local Plan Policy 119.

Site Description

The application site comprises a one and a half storey Grade II Listed cottage sited on the southern side of Leighton Buzzard Road some 100 m from a listed road bridge. The cottage is of traditional Chilterns design comprising small plain clay tiles over half timbered walls in painted brickwork with leaded glazed casement windows. The cottage forms part of a group of 4 terraced properties all of which are Grade II listed. The wider surrounding area is residential and all principle buildings in this part of Water End are Grade II listed. The site extends down to the River Gade and has a small vehicular access onto Leighton Buzzard Road near the bridge. There is pedestrian access from Leighton Buzzard Road. The site falls within the Rural Area, Chilterns AONB and Water End Conservation Area.

Proposal

Consent is sought for single storey rear extensions and alterations comprising:

1. A single storey side extension to the existing 2 storey rear wing comprising lean-to roof and new gabled porch to provide enlarged dining room
2. A single storey side / rear extension to the existing single storey rear wing (current kitchen) and rebuilding of existing outer (eastern) wall together with new hipped roof and bifolding doors to north-west elevation to provide new living room.
3. Conversion of existing sitting room in main house to a kitchen together with insertion of French doors to south (rear) elevation.
4. Conversion of WC to utility room.
5. Minor reconfiguration of stairs.

6. Replacement of modern partition walls to first floor.
7. Introduction of secondary glazing to two windows on frontage.
8. Replacement of all other windows with 'Slimlite' double glazing or standard double glazing.
9. Provision of standard double glazing to extensions.

Referral to Committee

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

Planning History

4/00638/16/FH DEMOLITION OF REAR ENTRANCE PORCH AND EXISTING
A EXTENSION. SINGLE STOREY REAR EXTENSIONS. EXTERNAL
AND INTERNAL ALTERATIONS
Withdrawn

4/01161/15/FH DEMOLITION OF REAR ENTRANCE PORCH. REAR SINGLE
A STOREY EXTENSIONS AND EXTERNAL / INTERNAL
ALTERATIONS
Refused
19/01/2016

4/01162/15/LB DEMOLITION OF REAR ENTRANCE PORCH. REAR SINGLE
C STOREY EXTENSIONS AND EXTERNAL / INTERNAL
ALTERATIONS
Refused
19/01/2016

4/01146/15/FH REPLACEMENT GARAGE IN THE GROUNDS OF A LISTED
A BUILDING. PROPOSED DOMESTIC GREENHOUSE. PROPOSED
HARD STANDING AROUND REPLACEMENT GARAGE
Granted
08/06/2015

4/01147/15/LB REPLACEMENT GARAGE IN THE GROUNDS OF A LISTED
C BUILDING. PROPOSED DOMESTIC GREENHOUSE. PROPOSED
HARD STANDING AROUND REPLACEMENT GARAGE
Granted
08/06/2015

4/03448/14/LB REPLACEMENT GARAGE

C

Withdrawn
20/01/2015

4/03447/14/FH REPLACEMENT GARAGE

A

Withdrawn
20/01/2015

4/03426/14/FH REAR SINGLE STOREY EXTENSION AND EXTERNAL AND
INTERNAL ALTERATIONS

A

Withdrawn
14/01/2015

4/03427/14/LB REAR SINGLE STOREY EXTENSION AND EXTERNAL AND
INTERNAL ALTERATIONS

C

Withdrawn
14/01/2015

4/01406/93/4 SINGLE STOREY SIDE EXTENSION AND DEMOLITION OF FUEL
STORE

Granted
10/12/1993

4/01407/93/4 DEMOLITION OF FUEL STORE AND ERECTION OF SINGLE
STOREY SIDE EXTENSION

Granted
10/12/1993

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS27 - Historic Assets

Saved Policies of the Dacorum Borough Local Plan

Policy 119

Supplementary Planning Guidance / Documents

Chilterns Buildings Design Guide (Feb 2013)

Summary of Representations

Great Gaddesden Parish Council

Supports the Planning Application for improvements to Oak Cottage, Water End.

The plans have been drawn up by an architect who specialises in Grade II listed buildings; the improvements and their design are sympathetic to the surroundings and of a high quality. The plans take into account the character, age and location of the house and are in keeping with the neighbouring houses in Water End and other Grade II listed buildings in the parish of Great Gaddesden.

Oak Cottage fronts the A4146, a busy route with a high volume of heavy traffic, in particular recycling waste vehicles. GGPC has been campaigning for many years to reduce the weight and volume of heavy vehicles on this road and is sympathetic to the requirement for householders to double glaze their windows to mitigate the high level of noise pollution.

Conservation Officer

Oak Cottage is a grade II listed semi-detached property (with Wayside); it lies on the south side of the Leighton Buzzard Road, at the end of a group of historic properties and is within the Water End Conservation Area.

The building (comprising Wayside and Oak Cottage) dates to the 16th century, extended to west in 17th century (this part being Oak Cottage), it is of timber frame construction with painted brick infill. The west end is a mid 20th century extension with a single storey element attached. There is a two-storey gabled wing to the rear (circa 18th century) and linked to this is a single storey former outbuilding, now in use as the kitchen. The property has architectural significance and also has social significance due to it formerly being the home of 1930's radio entertainer.

A previous application 4/03427/14/LBC was withdrawn due to conservation concerns with the several aspects of the scheme. A revised application was then submitted, various amendments to this were discussed and explored with the applicants, however the final plans submitted were similar to the first set of plans submitted, the scheme was subsequently refused. This latest application is similar to the previous application.

Various alterations to the listed building are proposed within this application, these are discussed in turn below:

Internal alterations:

Insertion of kitchen into existing living room - this is considered acceptable. The large late 20th century window to the rear elevation will be replaced by a pair of French doors with window either side – no objection. The introduction of glazing bars within the windows / doors would be more suitable for this traditional cottage and for the replacement doors adjacent.

No objection to the conversion of the WC to a utility room or relocation of the existing door opening, this part of the house is a modern extension.

The stairs up to the first floor are fairly modern so their minor reconfiguration is supported.

At first floor level the partition walls within the main range of the house are modern, no objection to their removal and insertion of new partitions.

An en-suite is to be inserted into the master bedroom, no details of any external vents have been submitted – a vent to the front elevation would not be supported. All pipework should be run internally, details should be submitted.

External alterations:

Following withdrawal of the previous application in 2015 (4/03427/14/LBC) the revised proposal for the replacement to the existing adjoining outbuilding took a more linear form and the gable to the end omitted. Following discussions between the planning officer, myself (SIC) and the applicant the design of the new rear extension was amended, breaking up the mass of the extension and reducing the amount of glazing within the end elevation. However the current plans under consideration are as previously proposed with a linear range of 6 windows within the end elevation – this does present a large amount of glazing on the approach to the property from the rear and is somewhat out of character with the existing property. Whilst the extension is clearly a modern addition to the property and should be read as such a reduction in the amount of glazing to this rear elevation and the reduction in bulk of this new rear extension would better preserve the character and appearance of Oak Cottage.

The demolition of the existing porch is supported, this is a relatively modern lightweight porch – it can be removed without harm to the fabric or special interest of Oak Cottage. The side extension to the rear wing has been scaled back from that originally proposed and the roof-lights omitted. The amount of side wall of the rear wing proposed for removal has been reduced, resulting in retention of a greater amount of the historic fabric and the remaining timber framing being visible at first floor. The porch was omitted from previous amendments but is now re-introduced to the scheme. The open porch adds to the clutter within this new extension, removing it would simplify the design of this proposed extension and benefit the listed building.

The replacement of windows forms part of the application:

The replacement of the majority of the existing (modern) windows is not objected to however the applicants propose slim profile double glazed units instead of single glazed windows. This did not form part of the 2014 previous Listed Building application (4/03427/14/LBC) which was withdrawn, instead secondary glazing was proposed. In my comments relating to the previous application I unfortunately confused the plans and did not realise the applicants intended to replace all the windows in the property in this way.

Dacorum Borough Council's policy in relation to replacing windows in Listed Buildings is (if the principle of replacing any window is acceptable) to require single glazing on the historic building; modern extensions can sometimes incorporate slim profile double glazed units if appropriate.

The existing windows are timber frame with leaded lights and single glazed, most are

modern (late 20th century) although the triple window at ground floor to the front elevation is late 19th / early 20th century. It is considered to be of architectural merit and worthy of retention. This window and an adjacent small ground floor window are shown on the plans to be retained with secondary glazing installed internally, this approach is welcomed.

The other modern windows could be replaced but only with suitable replacements, Historic England advice maintains that the introduction of float glass double glazing gives rise to untraditional reflections which does not suit the character or appearance of historic properties.

The applicants have previously submitted a sample of leaded 'Slimlite' glazing, however this sample only serves to demonstrate the issues that arise with double glazing in that the lines of the applied leadwork are reflected on the inner pane of glass giving a non-traditional appearance, also the internal appearance of the window with the back of the applied leadwork being visible is not considered an acceptable finish. With listed buildings attention needs to be paid to both internal and external appearance and in this instance the use of slim profile double glazed leaded light units is not considered acceptable.

The applicants reasoning for wanting double glazing is to try and reduce the noise from the busy and narrow Leighton Buzzard Road. Whilst this need is fully understood and appreciated it has been established through various research projects conducted by Historic England and other establishments that good quality secondary glazing can be considerably more effective at providing thermal and noise insulation than slim profile double glazing.

SPAB Technical Advice Note 16 relating to noise reduction through traditional windows suggests secondary glazing combined with draught proofing. A wide air gap is necessary to reduce high and low frequency noise with a minimum 150mm air gap between the external window and the internal secondary glazing recommended. A slim profile (14mm – 16mm) double glazed unit which incorporates an 8 – 10mm (SIC) air gap is unlikely to provide the level of noise reduction hoped for.

Windows in old buildings are typically small in relation to wall areas; as such the amount of heat saved by double glazing is rarely cost-effective.

The recent Historic England publication 'Traditional Windows. Their Care, Repair and Upgrading' contains a lot of useful information in relation to this:

<https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>
<https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/>

Changing the windows within Oak Cottage could lead to pressure from other properties locally to change their windows. A feature of the Conservation Area is the traditional leaded light windows to many of the historic properties fronting the road.

Whilst many aspects of the scheme are acceptable there are still issues with the scale and design of the rear extension and the replacement of many of the windows throughout the property with slim profile double glazed units. These proposals are not

considered to preserve the character, fabric or appearance of this Grade II listed property within the Water End Conservation Area. As such the application does not accord with the NPPF, Policy CS27 or Local Plan Policy 119 and is recommended for refusal.

Response to Site Notice / Newspaper Advertisement

None

Considerations

Background

This is a marginally revised application following recent refusal of a scheme (4/01162/15/LBC and 4/01162/15/FHA) on listed building and conservation grounds in January 2016. That proposal was subject to extensive pre-application and post-application negotiation following withdrawal of an earlier scheme (4/03427/14/LBC) in January 2015 and subsequent re-submission in March 2015 (4/01162/15/LBC and 4/01162/15/FHA).

The principal concerns have related to the size and width of the rebuilt rear projection, the gablet feature to the roof, the amount of glazing, particularly to the rear elevation and the use of slim profile double glazing and the fenestration pattern. The following summarises the steps that were taken in negotiation to try and achieve a scheme that could be approved:

- Initial plans - concerns raised that the extensions appear to overwhelm the listed building and would be unsympathetic in terms of the amount of glazing, and the bulky roof form. (Email dated 15/05/15)
- Revision PL-02 K submitted - gablet feature omitted. Welcome, however, the width and bulk were not amended and the proposal was considered a retrograde step with the introduction of a crown roof. Nor was the amount of glazing reduced. (Email dated 12/06/15)
- Meeting on site - 31/06/15 - advised that further options should be drawn up to reduce width / bulk and the amount of glazing to the rear. In addition it was advised that the introduction of the gabled porch projection was considered to result in an over-articulated and busy appearance to the rear. A much simpler, lean-to canopy, as per the neighbouring property would be considered more appropriate to the cottage, helping to keep it more settled. (Email dated 01/07/15)
- Options 1, 2, 3 and 4 submitted - Option 4 with double pile roof facing river considered preferable as it was the only one that broke up the bulk and mass of the roof when viewed from the rear. Advised that improvements would still need to be introduced to set the left hand "gable" back slightly to provide a clear break and reason for the double "gable". Aesthetically preferable to provide an asymmetric form. Sketch forwarded to agent. (Emails dated 20/07/15 and 23/07/15)
- Two further Options 1 and 2 submitted - These included all discussed amendments. Agreed with agent that Option 1 (PL-02 O) was preferable and that with a full set of

revised plans the application could be recommended for approval. (Email dated 29/07/15)

- Revision PL-02 P submitted - This included the addition of 2 side light windows to the French doors. On balance, the increase in glazing was considered detrimental and did not retain the settled characteristic of the existing building. Advised that the amount of glazing remained disproportionate overall and still dominant to the amount of brickwork on the rear elevation. Also advised that glazing bars should be added to fit with the "cottage style" pattern proposed in the main listed building. The introduction of slim profile double glazing to existing windows was also considered unacceptable in listed building terms. Advised that general policy relating to windows on listed buildings states that historic windows should be retained or repaired and replacement is only to be considered as a last resort or if the window is beyond repair. (Tel conversation with Cons Officer and email dated 20/08/15)
- Revision PL-02 R submitted - Window in rebated section omitted, window glazing throughout reconfigured with front roadside windows in 'Slimlite' double glazed leaded lights, but retaining the triple window with secondary glazing. Removal of glazing bars from remaining windows throughout. However, still considered over-glazed on rear extension and omission of glazing bars detrimental to the character of the cottage. Advised that all existing windows to front should be retained as single glazed with secondary glazing if necessary, and the remaining windows amended with glazing bars as before. Amount and disposition of glazing to the rear of the extension should be amended. (Email dated 10/09/15 from Cons Officer)
- Sample of 'Slimlite' glazing submitted - Advised that the use of slim profile glazing is not acceptable and secondary glazing should be considered. The sample demonstrates the issues that arise with double glazing in that the lines of the applied leadwork are reflected on the inner pane of glass giving a non-traditional appearance; also the internal appearance of the window with the back of the applied leadwork being visible is not considered an acceptable finish. The introduction of float glass double glazing will also give rise to untraditional reflections. If the more modern windows do require replacement this should be on a like for like basis. Glazing bars should be introduced for the new doors to the rear elevation (kitchen and snug). Re-emphasised concern over the amount and over-crowded nature of the glazing on the rear of the extension. Suggested window layouts forwarded. (Email dated 11/11/15)
- Revision PL-02 S submitted (against which the applications 4/01162/15/LBC and 4/01162/15/FHA were ultimately considered and refused) - The plans went full circle back to those originally submitted and further retrograde in respect of the omission of "cottage style" glazing bars throughout, and the introduction of slim profile double glazed leaded lights to the frontage against Conservation advice.

The current application proposes minor amendments from the previous refused scheme in respect of the two ground floor windows on the front elevation. These are now to have high quality secondary glazing fitted to the inside rather than the previously proposed replacement with slimlite double glazing. However, all other alterations / extensions are as previously proposed and refused, including the introduction of double glazing to all windows and doors within the cottage and extensions.

Policy and Principle

Applications for listed building consent can only consider the effect of the proposals on the architectural and historic interest of the listed building, and should ignore all other impacts.

Oak Cottage is a listed building and therefore important to have special regard to the impact of the development on the setting of the listed building.

Saved Policy 119 of the DBLP states that:

"Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates."

Policy CS27 states that:

"The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced."

Effects on listed building

As noted above, the proposals have been the subject of extensive negotiation with both the Conservation Officer and Planning Officer following the withdrawn application in 2015 (4/03427/14/LBC) and the subsequent refused applications in January 2016 (4/01162/15/LBC and 4/01162/15/FHA). The Conservation Officer has noted that, despite a series of incremental amendments on the previous applications which culminated in a scheme in July 2015 (revision PL-02 O) that could be supported, the plans have returned virtually to the original plans submitted with further retrograde steps through for example the omission of glazing bars from the windows / doors.

The plans raise the following issues:

Internal alterations generally supported but omission of glazing bars from French doors / windows is not supported as it would be uncharacteristic of a traditional Chilterns cottage, presenting large undivided casement windows / doors that would be harmful to the architectural character of the cottage.

Rear extension would appear unduly large and bulky, and would tend to overwhelm the existing cottage to the detriment of its character. The scheme under revision PL-02 O had been negotiated to a satisfactory conclusion in this respect with the bulk of the extension broken up.

The amount of glazing within the rear elevation of the extension is excessive and would appear out of character with the existing cottage. It would also tend to accentuate the bulk of the extension. Again, the scheme under revision PL-02 O had been negotiated to a satisfactory conclusion in this respect with a reduced size and number of windows to the rear elevation.

The gabled porch projection, which had been omitted on previous amendments, in

favour of a much simpler lean-to canopy, results in an over-articulated appearance, adding to the clutter of an over-fenestrated extension to the detriment of the character and setting of the listed building.

With the exception of two front windows, the replacement of all windows throughout the property with slim profile double glazed leaded light units or standard double glazing is unacceptable to the architectural and historic interest of the listed building and would set an undesirable precedent.

Whilst the introduction of secondary glazing in lieu of slim profile double glazing to two of the windows on the front elevation is welcomed, and many aspects of the scheme are acceptable, there remain issues with the scale and design of the rear extension / extent of glazing, the introduction of a gabled porch projection to the side extension and the replacement of other windows / doors throughout the property with slim profile / standard double glazing. These changes, for the reasons explained in the Conservation Officer's comments above, are not considered to preserve the character, fabric or appearance of this Grade II listed property within the Water End Conservation Area. Furthermore, if allowed, there is a grave danger that the proposal would set an undesirable precedent to accept slim profile double glazing in the other listed properties in Water End, if not elsewhere within the Borough, to the further detriment of the heritage value of its listed buildings.

These proposals are not considered to preserve the character, fabric or appearance of this Grade II listed property within the Water End Conservation Area. As such the application does not accord with the NPPF, Policy CS27 or Local Plan Policy 119.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 The proposed development, by reason of the size, width and form of the rear extension, and the excessive amount of glazing within its rear elevation, would appear unduly large, bulky and out of keeping, and would overwhelm the existing cottage to the detriment of its character, appearance and setting. Furthermore, the introduction of the gabled porch projection together with the unsympathetic style and form of windows within the development, including the replacement of the majority of windows throughout the property with Slimlite / double glazed units, would accentuate the harm to the character and setting of the listed building by respectively adding clutter and harming the architectural and historic interest of the listed building. The proposal is therefore contrary to Policy CS27 of the Dacorum Borough Core Strategy September 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.**

Article 35 Statement:

Listed Building Consent has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the course of the previous application in an attempt to narrow down reasons for refusal and find a more acceptable way forward. However, this

positive advice has not been followed and objections remain outstanding. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Item 5.04

4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM , EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME).

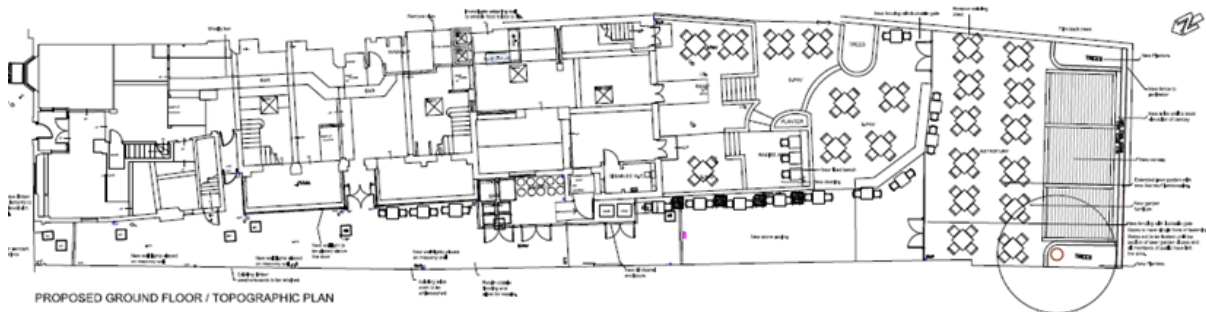
THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH



Item 5.04

4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM , EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME).

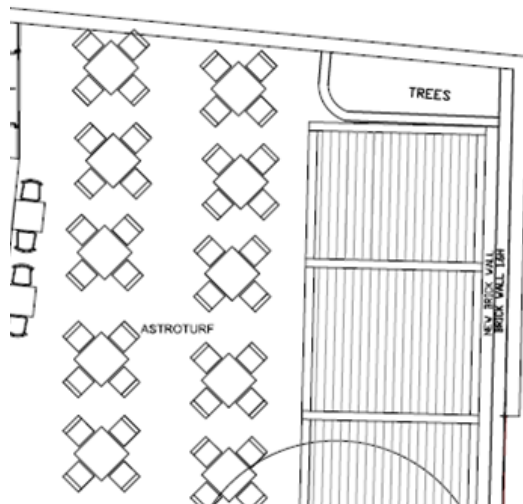
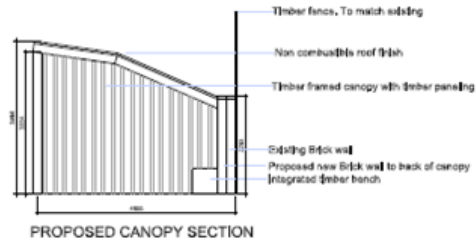
THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH



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Item 5.04

4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM , EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME).



**4/02930/15/FUL - INTERNAL AND EXTERNAL REFURBISHMENT WITH NEW STAFF ROOM, EXTENDED BEER GARDEN AND NEW ALLEYWAY BEER GARDEN (REVISED SCHEME)..
THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH.
APPLICANT: JD Wetherspoon PLC.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

This Grade 2 listed building is located in Berkhamsted Town Centre where a mix of uses including catering establishments are supported. The proposal will reinforce The Crown's long established role as a public house within the Town Centre in accordance with Dacorum Core Strategy Policies CS4 and CS16.

The proposed external alterations and acoustic canopy are compatible with the listed building and its setting and will maintain the vibrant character and appearance of Berkhamsted Conservation Area in accordance with Dacorum Core Strategy Policy CS27 and saved Dacorum Borough Local Plan Policies 119 and 120. The provision of the beer garden will diversify the facilities at the public house which is in the interests of enlivening the town centre facilities in accordance with Dacorum Core Strategy Policies CS16.

Fundamentally there is a need for a harmonious coexistence between the town's recreational facilities and the adjoining uses, especially residential. The Crown Public House adjoins long established and modern housing. To date the LPA is unaware of environmental problems arising from the public house. Support for the extended beer garden can only be supported if this compatible environmental relationship is maintained at all times.

The proposed extended beer garden and the role of the enclosing canopy (incorporating a rear wall) has been considered in conjunction with the submitted Acoustic Report, the specialist advice of the Council's Environmental Health Team, the Applicant's Site Management Strategy with the closure of the proposed beer garden at 21.00 hours each day until 07.00 hours the next day. It is only on the basis of the permanent installation of the noise mitigation measures, the imposition of conditions and JDW's commitment to its daily Management Plan that the beer garden can be supported with due regard to the environmental issues subject to Policies CS12, CS16 and CS32 of Dacorum Core Strategy.

With due regard to the recently received revised layout plan it is understood from Hertfordshire Fire & Rescue Service that there are now no overriding fire access/safety objections. In this sustainable location the loss of parking is acceptable with highway safety benefits resulting from the reduced use of the existing access on the High Street. There are no other detailed objections.

Site Description

The application site is a Grade 2 listed public house located on the south west side of the High Street within the defined Berkhamsted Town Centre and Conservation Area and an Area of Archaeological Significance no.21.

The site occupies an elongated narrow plot extending deeply behind its narrow frontage to the High Street. The pub is served by a long rising accessway/ carriageway yard linked to the existing beer garden/ customer area to the rear of the site and a parking area.

There is housing adjoining and surrounding The Crown's outdoor customer and parking areas. The closest is to the immediate south at nos. 8 to 11 Cavalier Court. The ground level at Cavalier Court is approximately 2m above the ground level in the Crown car park. There are also office windows overlooking the beer garden area at no. 2 Prince Edward Street and dwellings to the east at nos 1 to 6 Cavalier Court. Sunnymede and Haven, both feature rear gardens adjoining the existing external customer area at the Crown with seating for approximately 50 patrons, split into four sections at different heights. The existing car park and customer area are surrounded on three sides by a walling /fencing at varying heights between 1.5m to around 4m.

The Crown's trading hours are 08:00 to 00:00 Monday to Thursday, 08:00 to 01:00 Friday to Saturday and 08:00 to 00:00 on Sunday. There will be no amplified music at the premises.

Proposal

This is for a range of external alterations to the listed building, the installation of a side gate and the provision of a beer garden within an existing parking area.

The beer garden proposal involves converting the existing car park into an additional outdoor customer area at the south western end of the site. There will be 107 seats provided externally combining the existing and the new areas, excluding an enclosed seating area, featuring an astroturf finish. The applicants have confirmed that the beer garden capacity will be limited to a maximum of 120 customers at all times to accord with the requirements of Hertfordshire Fire & Rescue Service.

The enclosed seating area involves the installation of a timber fire resistant acoustic curved canopy and a brick back wall adjoining Cavalier Court. The canopy is designed to reduce noise from the enlarged beer garden.

The application is also supported by a Noise Impact Assessment which addresses noise from customers from the entire garden, encompassing both the existing and proposed new areas. The Assessment's conclusion is that the impact will be **significant notwithstanding the noise mitigation measures**. It excludes the effects of the rear brick wall which has been recently incorporated for fire safety reasons. Extracts of the report are at Annex 1. The whole report will be circulated to DCC Members.

With due regard to the Council's Environmental Health Unit's advice the applicant has responded through a commitment to the provision of a comprehensive daily Management Plan for the beer garden (see below).

The extended beer garden will be closed at 21.00hours every day through the submitted Management Plan. This has been based upon the Noise Assessment's Conclusions/ Recommendations. The beer garden will be enclosed by a low fence and one lockable gate compared with the earlier proposed roped arrangement. A second

gate is to installed for fire access reasons.

(Important Note: Since the application's receipt there have been modifications to the Original Scheme and the provision of new information regarding the beer garden's daily management. Very recently the scheme has been further updated- known as the Revised Scheme. This combines parts of the Original Scheme with previous updates with a revised layout plan and a Management Scheme/ Plan, as referred to below. The Revised Scheme has reduced the seating arrangements in order to address fire access and safety).

Recent Background History

Withdrawn Application - 4/03139/14/FUL for Alterations to the Building and the Provision of an Extended Beer Garden

This was submitted without any acoustic mitigation measures and no Acoustic / Noise Assessment. The application was withdrawn due to the fundamental inbuilt problems arising from the proposed relationship between the beer garden and the adjoining dwellings/ offices in terms of noise and disturbance The application would have been recommended for refusal.

Listed Building Consent - Internal and external refurbishment with new staff room , extended beer garden and new alleyway beer garden (Revised Scheme)

Recently listed building consent has been granted for the upgrading of the public house including the refurbishment external alterations subject to the current planning application. The beer garden works were exempt from requiring listed building consent.

Earlier Planning History

4/01513/07/LB GLAZED CANOPY/SMOKING SHELTER
C

Granted
17/08/2007

4/01514/07/FU GLAZED CANOPY/SMOKING SHELTER
L

Granted
17/08/2007

4/01465/06/TC WORKS TO TREES
A

Raise no objection
10/08/2006

4/02633/03/DR DETAILS OF EXTERNAL LIGHTING SCHEME REQUIRED BY
C CONDITION 8 OF ADVERTISEMENT CONSENT 4/02057/03
(REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
BOX, PROVISION OF FOUR UPLIGHTERS AND HERITAGE
PLAQUE)
Refused
30/03/2004

4/02634/03/DR DETAILS OF EXTERNAL LIGHTING SCHEME REQUIRED BY
C CONDITION 4 OF LISTED BUILDING CONSENT 4/02058/03
(REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
BOX, PROVISION OF FOUR UPLIGHTERS AND HERITAGE
PLAQUE)
Refused
30/03/2004

4/02058/03/LB REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
C BOX, PROVISION OF 4 UPLIGHTERS AND HERITAGE PLAQUE
Granted
26/11/2003

4/02057/03/AD REPLACEMENT FASCIA SIGNAGE, RELOCATION OF MENU
V BOX, PROVISION OF 4 UPLIGHTERS AND HERITAGE PLAQUE
Granted
26/11/2003

4/00200/01/ INSTALLATION OF RETRACTABLE AWNING TO REAR WALL IN
GARDEN
Granted
15/03/2001

4/00155/01/ ADVERTISEMENT ON REAR AWNING
Refused

29/03/2001

4/00157/01/ REAR AWNING
Granted
15/03/2001

4/01869/99/4 EXTENSION OF EXISTING HARD LANDSCAPED GARDEN AND
RE-ARRANGE CAR PARKING
Granted
18/02/2000

4/01870/99/4 EXTENSION OF EXISTING HARD LANDSCAPED GARDEN AND
RE-ARRANGE CAR PARKING
Granted
18/02/2000

4/01784/98/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 2 OF
PLANNING PERMISSION 4/0507/98 LBC (RELOCATION OF
EXTERNAL CONDENSERS AND ERECTION OF SCREEN
FENCING)
Granted
23/10/1998

4/01785/98/4 SUBMISSION OF DETAILS PURSUANT TO CONDITION 2 OF
PLANNING PERMISSION 4/0312/98 (EXTERNAL CONDENSERS
& TIMBER FENCE SCREENING)
Granted
23/10/1998

4/00162/98/4 WORKS TO TREES
Raise no objection
06/03/1998

- 4/01381/98/4 RETENTION OF CCTV CAMERA TO FRONT FACADE
Temporary permission
08/10/1998
- 4/00507/98/4 RELOCATION OF EXTERNAL CONDENSORS AND ERECTION
OF SCREEN FENCING
Granted
03/09/1998
- 4/01001/98/4 ALTERATIONS, SINGLE AND TWO STOREY EXTENSIONS AND
REFURBISHMENT OF EXISTING PUBLIC HOUSE AND
MANAGER'S FLAT (REVISED SCHEME)
Granted
08/10/1998
- 4/01002/98/4 INTERNAL AND EXTERNAL ALTERATIONS
Granted
08/10/1998
- 4/00312/98/4 RELOCATION OF EXTERNAL CONDENSERS AND ERECTION
OF TIMBER FENCE
Granted
03/09/1998
- 4/00251/97/4 ALTERATIONS, SINGLE AND TWO STOREY EXTENSIONS AND
REFURBISHMENT OF EXISTING PUBLIC HOUSE AND
MANAGERS FLAT
Granted
23/09/1997

Pre Application Advice Predating the Submission of Application 4/03139/14/FUL: The Context

There was extensive advice provided by the LPA involving a previous Case Officer. It was in this context that the withdrawn and current application was submitted.

The key issues were:

- Noise Pollution .The primary concern would be the impact on the amenity of dwellings at Cavalier Court to the rear/side of the proposed extended beer garden.
- Light Pollution.
- Impact on Car Parking.
- Access, especially for emergency vehicles.
- Impact on the setting of Listed Building and Conservation Area

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council based upon the consultations for the Original Scheme and the Additional Information.

Please Note: The LPA has not consulted the Town Council upon the very recent Revised Scheme. This takes into account the scheme which still involves the loss of parking and BTC is aware of the previously detailed approach to noise mitigation and the applicant's daily management plan as referred to by the second consultation.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Guidance Notes

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS16 – Shops & Commerce

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32 - Air, Water and Soil Quality

Berkhamsted Place Strategy

Saved Policies of the Decorum Borough Local Plan

Policy 10
Policy 12
Policy 13
Policy 42
Policy 51
Policy 54
Policy 58
Policy 61
Policy 62
Policy 63
Policy 113
Policy 119
Policy 120
Appendices 3, 5 and 8

Supplementary Planning Guidance / Documents

Area Based Policies: Berkhamsted Conservation Area
Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Refuse Storage

Representations

Berkhamsted Town Council

Original Submission

Object. The original objection remains. Notwithstanding the proposed revised opening hours for the pub there is still likely to be noise disturbance to the neighbours and the extension of beer garden will lose existing car parking for staff. It was noted that the staff will be working very late and that some of them travel considerable distances to work. Contrary to Core Strategy Policies CBS 11, CBS 12 and CBS 27 and Saved Local Plan Policies 119 and 120.

Additional Information

The grounds for the previous objection remain i.e. disturbance and loss of parking. The proposed rope barrier after 21.00 would have little effect regarding generated noise. The committee did not believe that noise amelioration would be achieved.

Contrary to Core Strategy Policies CBS 11, CBS 12 and CBS 27 and Saved Local Plan Policies 119 and 120.

(30 November 2015)

Conservation & Design

The Crown Public House is on the south side of Berkhamsted High Street, within the Conservation Area. It is a Grade 2 listed building, dating to the late 16th century. Its timber frame origins are evidenced by the jettied first floor but the front has been refaced with modern stucco and has early 20th century decorative timber framing within the hipped gable. To the rear is a 19th century extension with large decorative windows facing the carriageway and adjoining this are 20th century extensions. The property has a carriageway / yard to the right which runs past the side of the property and the existing beer garden to the parking area at the rear. The land level slopes up to the rear.

The property has suffered from a lack of maintenance in recent years. The external refurbishment entails various minor repairs to the listed building, its render, guttering and timber windows and is considered acceptable. The internal alterations mainly relate to the replacement of modern fabric / additions (carpet/ re-decoration), no objection.

Various forms of additional lighting are proposed internally and externally within the side yard area, details will need to be provided in relation to this. Two new lanterns are proposed to the front elevation/ It is recommended that these are omitted – the two lanterns either side of the front entrance are sufficient.

At first floor level the staff room is being altered through the addition of two further partitions to create Male and Female WC's, there is an existing WC in this room (a later insertion) which is being removed, so the new toilets can link to the existing soil pipe. Further lightweight partitions to create changing rooms are to be inserted. The existing fireplace within this small room has been blocked up and any surround removed so the alterations are not considered to harm the layout of this already altered room and are easily reversible.

New freezers are also proposed within one of the first floor rooms, if they are free-standing and will not have any impact upon the fabric of the listed building then there is no objection to this.

The removal of the car park to the rear, extension of the beer garden and provision of a canopy is not considered to harm the setting of the listed building. More details of the new external lighting and the material and colour finish of the canopy should be provided, this could be dealt with by a condition.

A gate to the alleyway, set back from the entrance to the alley way is acceptable in principle, the design / material construction has not been established but this could be dealt with by a condition.

The proposed alterations to the listed building are considered to preserve the character, fabric and appearance of the grade II listed building in accordance with Local Plan Policy 119, Policy CS27 and the relevant conservation policies within the NPPF, recommend approval.

The following details should be provided as a condition of any approval
:

- Details of the new gateway within the carriageway to the side to be submitted

for approval.

- Details of the new lighting (internal and external) to be submitted for approval.
- Details of the new canopy to be submitted for approval.
- All new internal and external works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

Reason: To safeguard the character and appearance of the Listed Building.

Building Control

Background

Following the receipt of the earlier plans the Building Control Team Leader confirmed that there was a need to address the fire safety implications of the timber canopy adjoining residential properties and the need for a secondary means of escape. This was notwithstanding the advice at that time of Hertfordshire Fire & Rescue Service raising no objections.

Subsequent Advice

There has been the subsequent liaison with the Building Control Team Leader upon the need for the timber canopy to be fire resistant and the resultant provision of a brick wall within the canopy's design adjoining Cavalier Court for inbuilt fire protection. Building Control is aware of the ongoing dialogue between the agent and Hertfordshire Fire & Rescue Service. Members will be updated at the DCC meeting upon any Building Control advice with due regard to the recently received Revised Layout/ Scheme and HFRS's advice, albeit it is expected that the revised approach to be acceptable.

Noise/ Pollution

Main Advice

In accordance with the Noise Impact Assessment Report, ref: MM186/15173 carried out by Spectrum Acoustic Consultants Noise/ Pollution would like to indorse their mitigation recommendations as conditions.

- The noise barrier and canopy detailed in the drawings in Appendix A should be included.
- Use of the proposed new beer garden area should be limited to between the hours of 07:00 and 21:00. After 21:00 patrons should be directed into the existing beer garden area. This represents a cautious approach to preventing significant impact and is in keeping both with the existing use of the beer garden and the background

noise levels (both of which are likely to gradually reduce in the late evening).

- The beer garden should not be used during the night time (23:00 – 07:00).
- J D Wetherspoon should adopt the management plan which is already generally in place at their existing sites throughout the UK. This includes the following measures:
 - Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.
 - Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
 - If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
 - A manager's telephone number is available to nearby residents to contact the pub at any time and allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.
 - If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.

Advisory

If planning permission is granted then the Applicant needs to contact the Licensing Department here at the Council Offices as JDW will need to apply for a variation to their Licence regarding the extended beer garden and the new alleyway. The current Licence does not cover these areas.

Additional Information

As JDW have agreed to the recommendation of the Environmental Health Department this department would have no objections save the conditions issued previously by this department.

Note: The advice excludes any reference to the effect of the canopy's rear wall which has been incorporated for fire protection reasons.

Scientific Officer

Comments awaited.

Hertfordshire County Council: Highways

Recommendation

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.

Note: Whilst the provision of off street parking (for staff parking) is a matter for the LPA to determine in accordance with their local plan/policy, the change of use of the off street parking area to outside tables and chairs would eliminate the need for vehicles to use the access road, which in turn has poor inter-visibility at the point where it converges onto the highway network. For this reason the Highway Authority considers this to be a net gain. Of course the issue of any displaced parking on the highway network interests the highway authority, most of the surrounding roads have some form of waiting restrictions and of course there are many pay and display car parks nearby that the staff that do travel in can use.

Hertfordshire Fire & Rescue Service

Original Scheme

HFRS has examined the drawings and noted that the access for fire appliances and provision of water supplies appeared to be adequate.

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

Revised Scheme

Background. It is understood that the Revised Approach is not the preferred option to HFRS. The preferred option is for a gated access onto adjoining land for emergency access. This is however dependent upon access to Cavalier Court or similar requiring approval of the adjoining landowner / with concerns regarding security/ safety and potential anti social behaviour.

The proposed alternative option in the Revised Scheme is understood to be acceptable to HFRS on the following basis:

- The alley/ access way is kept free from obstruction at all times the premises are open to the public.
- A recommendation that the maximum number of people does not exceed 120 in the garden area.
- An audibility test of the fire alarm system is carried out to ensure that it can be heard at the furthest point of the garden in the event of a fire occurring in the premises.
- The management policy and evacuation planning will need careful consideration and regular practice.

Hertfordshire Constabulary: Crime Prevention Design Advisor | Crime Prevention Design Service

HC has consulted with the Police Licensing Officer and as regards designing out crime issues and HC have no comment to make.

Potential noise issues. HC considers the Councils Environmental Health Department should comment upon this.

Hertfordshire County Council : Historic Environment

The site occupies a prominent position within the Medieval core of Berkhamsted, in Area of Archaeological Significance 21. This includes a number of important prehistoric, Roman and medieval sites. The Crown P.H. [Historic Environment Record 9285] is a designated heritage asset, being a significant timber framed building of early post-medieval or earlier date. It is Listed Grade 2.

The impact of the proposal on the significance of the Listed Building will be best assessed by the DBC Conservation team. However, other than the repairs to be undertaken on the facade of the building, the works would appear to be relatively minor (new decorations, new carpeting, new lighting etc.). However, given the lack of detail provided on the impact of the proposal on the significance of the heritage asset, it is recommended that a properly researched historic building recording is carried out. This should be supplemented by the archaeological monitoring of any interventions affecting the historic fabric of the building (e.g. repairs to the facades, the removal/repair of existing plaster, repairs to flooring, etc.). This work could be secured as part of a negative condition on consent, should planning permission be granted.

The impact of the proposal on buried heritage assets with archaeological interest. It is difficult from the documents submitted to ascertain the level of ground disturbance involved in the creation of the extended beer garden. The site however has the potential contain heritage assets with archaeological interest, and particularly those of medieval date, given its location.

Therefore it is recommended that the following provisions be made, should you be minded to grant consent:

- The archaeological recording of the standing structure in its present form, and the subsequent archaeological monitoring of any structural interventions during the proposed internal and external refurbishment works.
- The archaeological monitoring of the removal of existing concrete, hardstanding, etc. from the rear carpark and alley way, and of any ground reduction or landscaping works necessary to construct the new beer garden.
- The archaeological investigation of any archaeological remains encountered during the monitoring programme.
- The analysis of the results of the archaeological work, with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate.
- Such other provision as may be necessary to protect the archaeological interest of the site.

These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. These recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and the recently Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation, and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

1. Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
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 A and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Comments received from local residents/ Response to Site Notice/ Newspaper Advertisement

Original Submission

- Flat 9 Cavalier Court. Objection.
- 8, Cavalier Court. While there is no objection in principle to the proposed development there one concern relating to staff parking. Currently no.8 overlooks the area of the proposed development and the kitchen has a good overview of the site. Accordingly, no.8 notes how much the staff rely on the current arrangement

(i.e. parking facilities). If these were to be lost there are questions where they will park. The parking facilities at Cavalier Court and adjoining roads will be unduly impacted by the loss of parking in The Crown. At the very least, the company should be asked for their response to such an issue?

Additional Information. No responses.

Considerations

Policy and Principle

The principle of upgrading. The Crown's facilities in this town centre location are acceptable subject to no adverse environmental implications.

Berkhamsted Place Strategy acknowledges that the Town Centre is an attractive commercial, cultural and social focal point with a strong district shopping and service centre. In delivering the Place Strategy Vision paragraph 21.9 expects that the key shopping/ service role will be maintained.

Core Strategy Policy CS1 (Distribution of Development) expects that new development is accommodated subject to its compatibility with the local environment and that it helps to maintain the vitality and viability of the town.

Under Policy CS4 (Towns and Villages) a mix of uses are acceptable in the Borough's town centres. These include shopping, compatible leisure, business, residential and social and community uses. It is expected that retail, business and residential uses will be controlled to enable a broad range of uses to be maintained/ achieved.

Core Strategy Part 13 addresses the Borough's Retailing and Commercial Environment. Table 5 – The Retail Hierarchy—identifies Berkhamsted as a Secondary Town Centre which features a defined Shopping Area. Para 13.6 confirms the role of a lively and diverse evening and night time economy as being an important part of the vitality and vibrancy of a town centre. This is subject to ensuring '...the negative impacts in areas such as community safety, litter and noise 'needing to be '..controlled for the evening and night time economy to have a positive effect in town centres'.

The associated Core Strategy Policy CS16 specifically addresses the support for 'development proposals which promote a diverse evening economy in town centres will be supported provided that the social and environmental impacts are controlled". The environmental impact is addressed below.

The Crown's refurbishment will also accord with the expectations of Para 11.17 of the Core Strategy in supporting tourism within the town.

Impact upon the Listed Building /Character and Appearance of the Conservation Area

This is with due regard to Dacorum Core Strategy Policy CBS 27 and saved DBLP Policies 19, 119 (Development affecting Listed Buildings) and 120 (Development in Conservation Areas) and its relevant Appendices. The Crown's proposed upgrading is in the interests of maintaining and improving the public house's commercial role which will benefit the current vibrant character of Berkhamsted Conservation Area.

The external alterations, canopy and provision of the beer garden will be compatible with the setting of the listed building. The refurbishment's external alterations are positive, in upgrading the building's appearance within the Conservation Area, subject to conditions addressing the external lighting and gate, as recommended by the Conservation Officer who raises no objections to the extended beer garden and canopy.

The commercial benefits for Berkhamsted Town Centre and its Conservation Area resulting from the provision of the enlarged beer garden have to be **very carefully** weighed against the environmental implications resulting from its use. This is addressed below and in summary the proposal's positive aspects are dependent upon the provision of the acoustic canopy and use of the area within the canopy after 21.00 hours each day, with entire reliance upon the applicant's commitment to carry out its daily management plan to mitigate the harm to the adjoining residential properties.

Impact upon Residential Amenity of the immediate Locality and the Adjoining Offices

This is with regard to the aforementioned policies, Dacorum Core Strategy Policies CS12 and CS32. Lighting is addressed separately.

Notwithstanding the presence of an existing beer garden as a starting point/ fallback position, the proposal is materially very different to the prevailing conditions.

In this respect the absolutely fundamental issue is whether the extended beer garden can harmoniously coexist with the adjoining residential development and offices. This is clearly far from straightforward in terms of the effect of noise and disturbance, which resulted in the previous application being withdrawn.

The issue has been comprehensively considered from the outset as expressed through the detailed pre application advice. The absence of a Noise Assessment in the initial and withdrawn application has now been addressed in association with the proposed acoustic fence and canopy to serve the extended beer garden, complemented by a Management Strategy specific to The Crown and reflecting JDW wider national approach in managing its licensed premises.

In recommending permission this is entirely based upon the overriding weight given to the expert/ specialist advice of the Council's Environmental Health Unit which is satisfied with the submitted Noise Assessment Report's approach, findings, conclusions and recommendations. This is with regard to the noise mitigation benefits of the canopy and fundamentally the associated Management Plan (see Annex B).

The Council's Environmental Health Unit's approach is a precautionary recommendation representing a pragmatic and workable way forward. Whilst the canopy's acoustic qualities are essential to noise mitigation these are insufficient. In this respect JDW's Management Plan is pivotal with a closure of the extended area after 21.00hours each day. JDW is aware also that the recent incorporation of the canopy's rear wall (for fire safety reasons) as an alternative to the earlier proposed timber back will assist noise mitigation.

Without this daily management restriction there would be an unacceptable relationship between the use of the beer garden and the adjoining dwellings due to the identified

demonstrable harm to residential amenity as confirmed by the submitted report prepared on behalf of JDW and recognised by the Council's Environmental Health Unit.

A condition requiring strict accordance with the Management Plan at all times is therefore recommended. An alternative to a condition would be a unilateral planning obligation to provide certainty ensuring all operators – now and in the future- to accord with the Management Plan on a daily basis.

It also needs to take into account that from a holistic perspective if there is resultant noise and disturbance the Council's Environmental Team can serve a Noise Abatement Notice. This 'parallel environmental control' in conjunction with JDW's Management daily commitments and the recommended amenity based conditions are individually and collectively important as a way forward. The onus will be very much on the basis of the applicant's continual commitment to daily management, which is reinforced by the need to ensure fire safety measures/ management are fully adhered to at all times.

Also the elimination of the car parking close to existing dwellings will be beneficial to local residents by reducing late night disturbance.

With due regard to the foregoing and with full regard to the objections raised by Berkhamsted Town Council, the specialist and the applicant's unequivocal commitment to daily management, the informed recommendation is that, on balance, there is a case to support the proposed beer garden with conditions.

Note: Should there be an application under the now established 'Prior Approval' Permitted Development Rights to convert the nearby offices to residential the daily restrictions upon the post 21.00hours use will be a positive environmental benefit.

Highway Safety (Vehicle/ Pedestrian), Sustainable Location/ Parking / Traffic Generation/ General Access/ Fire Access/ Access for Persons with Disabilities- Inclusive Access

Highway Safety/ Access/ Traffic Generation. The access is very poor/ dangerous in terms of its width and closeness to such very busy section of the High Street with an extremely high level of pedestrian movements. As observed by HCC Highways any reduction of the use of the access by vehicles is in the interests of highway safety. The priority to fire and service vehicles will be a benefit.

- Fire access. Hertfordshire Fire Rescue Service raised no objections to the earlier scheme. However, it has been necessary to review this following the fundamental concerns raised by Building Control regarding the safety of the canopy close to adjoining dwellings and the means of emergency escape. In summary and after considerable dialogue it is now understood HFRS is satisfied with the Revised Scheme.
- Sustainable Location and Parking. The agent has confirmed:

'The scheme proposes to eliminate the existing car parking spaces that are situated on

site. JD Wetherspoon feel that the elimination of the car parking facility is in the best interest for the conservation area as it provided a natural external environment for both staff and customers. The town already has good existing transport links and there are also two car parks located close to the pub that could be utilised if members of staff need to drive'.

Few commercial properties in the Town Centre feature curtilage parking to the appropriate standards. Due to the site's highly accessible sustainable location it is considered that a flexible approach should be adapted to both the loss of the curtilage parking and providing additional parking to serve the beer garden. In this respect significant weight can be given to Core Strategy Policy CS8 criteria (h) confirms that the application of the car parking standards will take into account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and highway safety. In these respects given the excellent accessibility, the economic and Town Centre, shopping and tourist benefits, improved highway safety and benefits for residential amenity, these individually and collectively provide a robust case for not expecting the provision of car parking. In this respect JDW has confirmed that the provision of parking is not an operational prerequisite. Propriety to be given to fire and service vehicles.

- Inclusive Access/ Access for Persons with Disabilities/ Limited Mobility. The beer garden can be designed to incorporate access, with a recommended condition.
- Servicing (other than fire access). This remains feasible with reliance upon the historic access which remains intact in the revised scheme, with external refuse storage.

Crime Prevention/Security/ Community Safety

Hertfordshire Constabulary's Crime Prevention Team has raised no objections being fully aware of the comprehensive Public House Management Plan. This has been on the basis of the earlier scheme.

There will be consultation upon the exterior lighting.

Approach to Sustainable Construction

A condition is recommended.

Drainage/ Contamination

Surface water and contamination conditions are recommended.

Exterior Lighting

The proposed external lighting scheme is unacceptable and is addressed by a recommended condition. This will need to address the expectations of saved Core Strategy Policies CS12 and 32 and saved DBLP Policy 113 and where relevant it's Appendix 8.

Archaeological Implications

Archaeological conditions are recommended in accordance with Hertfordshire County Council's Historic Advisor.

Ecological Implications/ Biodiversity

There are no apparent implications. There is limited opportunity to incorporate bat or bird boxes within the canopy.

Contamination /Drainage

Conditions are recommended.

Approach to Sustainable Construction

A condition is recommended.

Community Infrastructure Levy

A contribution is not necessary.

Article 35 Requirements

As clarified there has been very extensive LPA / Agent positive dialogue commencing with the previous Case Officer.

Conclusions

The wide range of modifications to the building are important in maintaining and upgrading this Grade 2 listed building in the Town Centre and Conservation Area which is supported by the Conservation Officer.

However, the provision of the extended beer garden is far from straightforward. With the issue of fire access and safety so very recently resolved, the pivotal issue is whether the extended beer garden can harmoniously co-exist with the adjoining residential development and offices. This is in terms of the effect of noise and disturbance.

This issue has been comprehensively considered from the outset as expressed through detailed pre application advice. The absence of a Noise Assessment in the initial and withdrawn application has now been addressed in association with the proposed acoustic canopy to serve the extended beer garden, complemented by a Management Strategy specific to The Crown and reflecting JDW wider national approach in managing its licensed premises.

The Environmental Health Unit supports the proposal subject to adherence to the Management Plan. In this context the establishment of a harmonious relationship between the beer garden and the adjoining residential and office uses. It has been only upon this basis and the applicant's preparedness to confidently commit itself to a very continuous exacting operational daily site management plan that the application is recommended for permission. This is because the proposed physical mitigation measures on their own are insufficient.

In the event that problems do arise for residential amenity action can be taken under the Environmental Protection Act, with reliance upon the applicant's commitment to an effective management plan.

For clarification the question of the licence renewal would have to be considered wholly independently.

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

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

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

- 2 **The beer garden hereby permitted shall operate at all times strictly in accordance with the Site Management Plan submitted with the application to limit the use of the beer garden with due regard to the applicant's submitted Noise Assessment.**

Reason: To safeguard the residential amenity of the locality in accordance with Policy CS12 of Dacorum Core Strategy. Permission has been granted entirely upon the applicant's commitment to a daily management plan to strictly limit the use of the beer garden in response to the Council's Environmental Health Division's precautionary approach to the provision of the beer garden with due regard to the applicant's submitted Noise Assessment.

- 3 **No development shall be carried out until details of the new gateway within the carriageway to the side have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 4 **Before the first use of the beer garden hereby permitted the acoustic canopy (incorporating at all times a full rear wall) and fencing hereby permitted shall be installed fully in accordance with the approved details and there shall be no loudspeaker system installed or used within any part of the beer garden/ external area of the application site including the area of the acoustic canopy. Once installed the approved canopy and fencing shall be retained at all times.**

Reason: To permanently safeguard the residential amenity of the nearby

dwellings and the amenity of adjoining offices and in the interests of fire access and safety at all times in accordance with Policy CS12 of Dacorum Core Strategy.

- 5 **Notwithstanding the submitted details this planning permission does not extend to any of the submitted details of the external lighting. Before the commencement of the development hereby permitted an alternative external lighting scheme shall be submitted to the local planning authority and shall only be installed and thereafter shall maintained fully in accordance with the approved details.**

Reason:To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 6 **All external alterations and finishes shall match the existing original work in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this permission.**

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 7 **Notwithstanding the details shown by Drawing No. AL10.A this planning permission excludes the submitted details of :**

- the replacement troughs as referred to by Note 1.13, and
- the archway's timber surround as referred to by Note1.06.

Before the commencement of any development relating to the replacement troughs, or archway alternative/ additional details/ working drawings for these shall be submitted to the local planning authority. The development for the replacement troughs and archway shall be carried out fully in accordance with the approved details.

Reason: To ensure that the development is compatible with the existing listed building and the character and appearance of Berkhamsted Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policies 119 and 120 of the Dacorum Borough Local Plan.

- 8 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. The programme and methodology of site investigation

and recording,

2. The programme for post investigation assessment,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation, and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the adopted Core Strategy

- 9 **Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 8 and 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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To safeguard the site's archaeology to comply with Policy CS27 of Dacorum Core Strategy.

- 10 **The beer garden hereby permitted shall be provided at all times with access for persons with disabilities.**

Reason: To accord with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 of Dacorum Core Strategy.

- 11 **The development hereby permitted shall be carried out in accordance with a submitted sustainable construction statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CBS 29 of Dacorum Core Strategy.

- 12 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

- (a) **Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - (i) human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the

remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

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. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 Dacorum Core Strategy.

- 13 The extended beer garden hereby permitted shall not be brought into use until a sustainable surface water scheme system is installed fully in accordance with an approved scheme. No soakaways which shall not be constructed on contaminated land.**

Reason To ensure that the site is served an acceptable drainage infrastructure to accord with Policy CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 14 A scheme for signage regarding the restricted use of the beer garden shall be installed before the beer garden's first use fully in accordance with a scheme submitted and approved in writing by the local planning authority. Thereafter all the approved signage shall be retained at all times.**

Reason: To safeguard the residential amenity of the locality in accordance with Policy CS12 of Dacorum Core Strategy.

- 15 Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in**

accordance with the following drawings:

Location Plan

AL02 I Layout received on 13 April 2016

AV01 received on 9 February 2016

AD01C Canopy received on 9 February 2016

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

ARTICLE 35 STATEMENT

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

Informative

The primary basis of the local planning authority's decision is the applicant's commitment to a comprehensive management plan, without which there would be certainty upon limiting the effect upon the residential amenity of the locality. The applicant is expected to ensure that on a daily basis there is strict adherence by its management team at the site to all of the management measures. This is in the interests of the residential amenity of the locality and fire safety at all times.

ANNEX A : EXTRACTS FROM THE SUBMITTED NOISE ASSESSMENT REPORT

Noise Modelling etc

Initial results from the numerical noise model of the proposed layout indicated that noise levels from the extended beer garden would exceed the guideline levels recommended in the WHO Guidelines on Community Noise. As a result, a series of physical noise mitigation measures were modelled and the effect of these included in the analysis. Following discussion with the architects, two specific measures have been agreed. These measures are considered to provide the best achievable mitigation of noise while maintaining proposals that area acceptable in other respects.

The first mitigation measure involves increasing the height of the southern boundary wall from 1.8m to 3m. The second measure involves the installation of a solid canopy extending 4.6m out over the proposed beer garden area from the top of the raised boundary wall and sealed to it.

The assessment of predicted beer garden noise against the WHO absolute guideline levels indicates that during night-time periods the noise impact will be significant, even with the physical mitigation measures that have been incorporated into the design. Considering these indicators the impact of the proposal during night-time hours is expected to be significant.

During normal and peak trading, in external amenity areas at residential receptors, the predicted noise level from patrons in the proposed extended beer garden would be below the WHO daytime guideline for 'few people being moderately annoyed'.

Patron noise levels in living rooms at residential receptors during the daytime are predicted to be below the WHO daytime guideline level for speech intelligibility and moderate annoyance. During the relatively infrequent periods when peak trading occurs, noise levels in living rooms at nearby sensitive receptors exceed the guideline levels by up to 10 dB. Patron noise in nearby offices is below the guideline level during normal trading. Again however, during infrequent peak trading periods, noise levels are predicted to exceed

the guideline level by up to 9 dB.

During the night-time, patron noise levels in bedrooms at the nearest residences would exceed the WHO guideline levels for sleep disturbance during normal trading. During the relatively infrequent periods of peak trading WHO guideline levels would be exceeded by 11 - 15 dB.

This comparison indicates that the noise impact of the proposed beer garden extension is likely to be low during daytime hours under normal trading conditions, as levels fall below WHO guidelines at all sensitive receptor locations.

Whilst operating at peak trading levels, during daytime hours, levels are predicted to be higher than WHO guidelines by up to 10 dB. This indicates a potentially significant impact but will be considered in context in the following sections.

During night-time hours the WHO guideline levels are exceeded at the nearest sensitive receptors during both normal and peak trading. This indicates a significant noise impact and night-time use of the external customer area is unlikely to be acceptable.

Summary Of Noise Impact

Under normal trading conditions, during the daytime period, predicted noise from patrons in the proposed beer garden is below WHO absolute guideline levels, both in external amenity areas and in living rooms.

Patron noise is also below the guideline level for noise inside offices. Noise from patrons in the proposed beer garden is also predicted to be either below or within 1 dB of existing external ambient noise levels. Considering both indicators, the impact of the proposal is expected to be low during daytime hours, under normal trading conditions.

Under infrequent peak trading conditions, during the day-time period, predicted noise from patrons in the proposed beer garden exceeds the WHO guideline level for speech intelligibility and moderate annoyance in living rooms but falls below the maximum guideline level for external amenity areas. Patron noise under these conditions is predicted to exceed guideline levels in offices. Noise from patrons is also predicted to exceed existing ambient levels by up to 12 dB.

Considering these indicators, the impact of the proposal during peak trading periods is expected to be significant. Experience has shown that the 'normal' trading scenario models the typical occupancy and behaviour in JD Wetherspoon customer areas outdoors for the vast majority of the time. It should be noted that the peak trading scenario typically occurs for only a limited number of hours, during some summer weekends when the weather is warm. Additionally, it is important to note that the character of the noise is not likely to change from the existing established noise environment which currently includes noise from patrons in the existing beer garden.

The assessment of predicted beer garden noise against the WHO absolute guideline levels indicates that during night-time periods the noise impact will be significant, even with the physical mitigation measures that have been incorporated into the design. Considering these indicators the impact of the proposal during night-time hours is expected to be significant.

Summary of Mitigation Recommendations

In order to minimise the likelihood of noise from patrons in the proposed beer garden having a significant impact nearby residential receptors during peak trading hours, the following mitigation measures should be employed.

1. The noise barrier and canopy should be included.
2. Use of the proposed new beer garden area should be limited to between the hours of 07:00 and 21:00. After 21:00 patrons should be directed into the existing beer garden area. This represents a cautious approach to preventing significant impact and is in keeping both with the existing use of the beer garden and the background noise levels (both of which are likely to gradually reduce in the late evening).
3. The beer garden should not be used during the night time (23:00 – 07:00).
4. J D Wetherspoon should adopt the management plan which is already generally in place at their existing sites throughout the UK. This includes the following measures:
 - Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.
 - Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.

Conclusion

A noise assessment has been conducted to consider the potential impact of noise generated by patrons.

Predictions of noise from patrons in the proposed beer garden has been carried out using a proprietary numerical noise model. Comments on the nature of the noise environment, mitigation measures and likely noise impact have also been provided.

Noise from patrons in the beer garden has been predicted during normal trading (which occurs for the great majority of the time) in daytime hours (07:00 – 23:00). No significant noise impact as a result of patron noise is predicted under these conditions.

Noise from patrons in the beer garden has been calculated for occasional peak trading periods during daytime hours. Noise impact during these periods is predicted to be significant. However with the relevant mitigation in place, including the recommended barrier and canopy, J D Wetherspoon's

management program and the recommended usage limitations, the significance of this impact will be sufficiently mitigated.

Noise from patrons in the beer garden has been calculated for normal and peak trading during night-time hours (23:00 – 07:00) and the noise impact is predicted to be significant. This impact should be avoided by ensuring that the new beer garden area is not used during night-time hours.

Annex B - J D Wetherspoon's Daily Site Management Plan based upon the Noise Assessment Report

In order to adhere to the times proposed by the Council's Environmental Health Team (see Representations) JDW has confirmed that it would implement a detailed site management scheme. An earlier version was sent to the various technical consultees, Berkhamsted Town Council and neighbours. It has been very recently updated, taking into account the requirements of Hertfordshire Fire & Rescue Service and the previous response from Berkhamsted Town Council.

The Management Plan reflect the recommendations of the Noise Assessment Report. The agent has clarified the applicant's preparedness to adhere to the times proposed by the Noise Impact Assessment Report by implementing the following management plan:

- The separation between the extended beer garden and the existing beer garden will be defined with permanent timber fencing system with a gate. This will make the extended beer garden area only accessible between the hours of 07:00 and 21.00 hours.
 - At 07:00 the public house manager will open up the extended area with consideration to the neighbouring occupiers.
 - Leading up to 21.00 the public house manager and/or their staff will request that any remaining patrons kindly vacate the extended beer garden area and either move to the existing beer garden or inside the pub. The extended beer garden will be completely vacated and the gate shut by 21.00.
 - Any patrons not conforming to the rules of the public house and gaining unmitigated access to the beer garden outside of operation will be removed from the premises.
 - The use of the beer garden will be policed by the public house manager and/or their staff using CCTV and periodic inspections.
 - Signage will be utilised to ensure that Patrons are aware that the extended beer garden will be closed off at 21.00 hours.
 - The beer garden will not be used during the night time (23:00 – 07:00).

JDW advise that it is currently in the process of extending and developing numerous pub beer gardens in their existing estate and this strategy has been successfully used numerous times before. The most recent example of this is the new public house development in Hednesford, where one of the

planning conditions stipulated that the beer garden had the same opening times as the times described in this application.

As part of this proposed scheme JD Wetherspoon would adopt the management plan which is already generally in place at their existing sites throughout the UK. This is defined in additional documents (Code of Conduct for Responsible Retailing and Management Plan). The management plan includes the following measures which are thought to be of importance to this scheme:

- Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.
- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
- A manager's telephone number is available to nearby residents to contact the pub at any time and allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.

In response to dialogue with Hertfordshire Fire & Rescue Service the Agent has confirmed that JDW will accord with the following:

- The maximum number of people will not exceed 120 in the garden area.
- An audibility test of the fire alarm system is carried out to ensure that it can be heard at the furthest point of the garden in the event of a fire occurring in the premises.
- The management policy and evacuation planning will need careful consideration and regular practice.

Agenda Item 5e

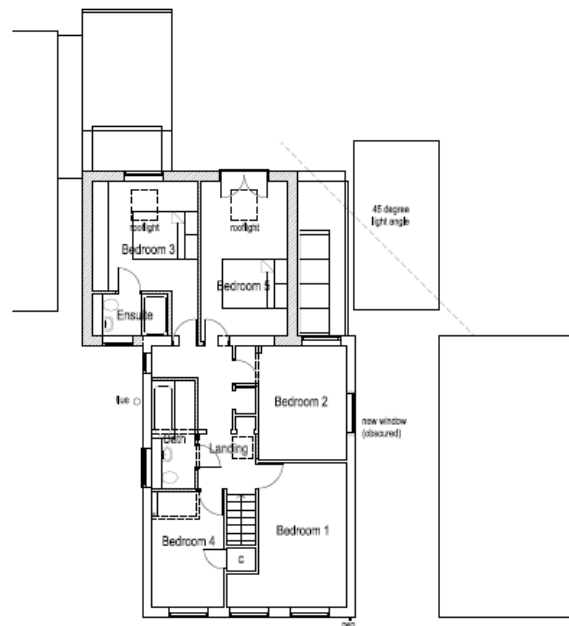
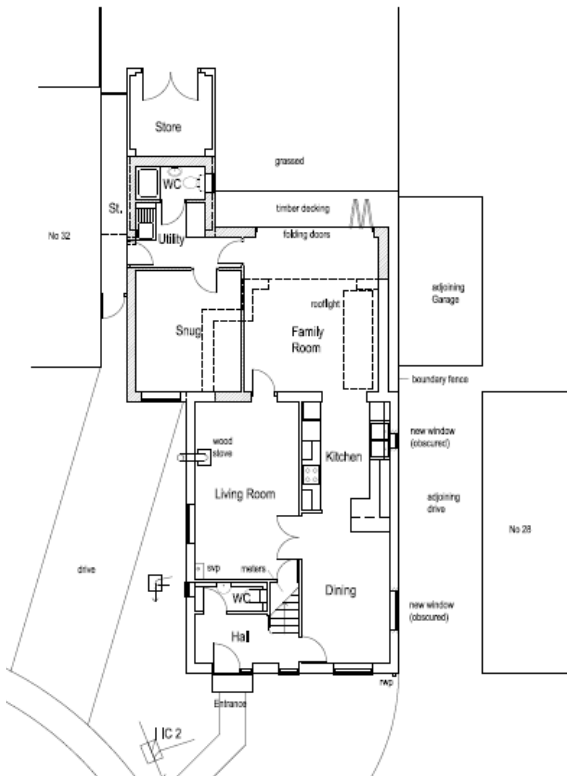
Item 5.05

4/00158/16/FHA - PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING CONSERVATORY

30 ELM TREE WALK, TRING, HP23 5EJ



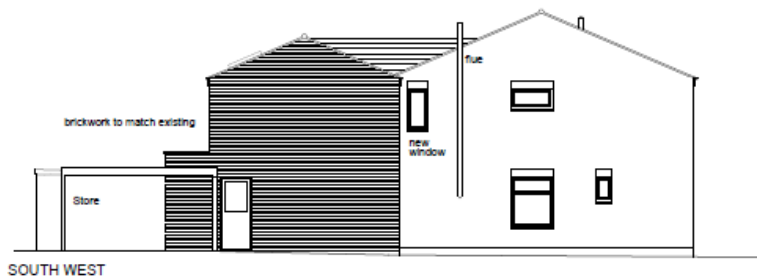
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Item 5.05

4/00158/16/FHA - PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING CONSERVATORY

30 ELM TREE WALK, TRING, HP23 5EJ



**4/00158/16/FHA - PART TWO STOREY AND PART SINGLE STOREY REAR
EXTENSION TO REPLACE EXISTING CONSERVATORY.
30 ELM TREE WALK, TRING, HP23 5EJ.
APPLICANT: Mr & Mrs Walters.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

Site Description

The application site is located to the north of Elm Tree Walk, Tring. The site comprises of a detached dwelling house located within the Silk Mill Area Character Appraisal (TCA11). The dwelling house is externally finished in red multi brick with a grey concrete tiled gable roof. To the side of the dwelling there is a driveway formed of brick paving which leads to a single garage. Parking provision would sufficiently accommodate three domestic cars.

The property was built as part of planned cul-de-sac of similarly constructed properties featuring a mix of semi-detached and detached dwelling houses. All properties are relatively regimented in regards to architectural detailing, separation gap, height and build line. The area has a verdant aspect emphasised by generous rectangular garden plots serving the properties. Several properties have been extended, with rear and side extensions evident within the street scene; however the overall character of the area remains evident.

Proposal

Referral to Committee

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

Planning History

4/00182/06/FH CONSERVATORY

A

Granted
21/03/2006

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23,...
Appendices 3, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [TCA11 - Silk Mill]

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Tring Town Council

The council recommend refusal of this application due to overdevelopment of the site and the loss of amenity to the property itself and to neighbouring properties.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

28 and 32 Elm Tree Walk - Objections

28 Elm Tree Walk

- Lead to substantial overshadowing and loss of light to my home and garden. The plans have included an extra window into the bedroom of their own property due to lack of light from the extension.
- The extension will be clearly visible from even a sitting position of my lounge.
- The lower ground floor extension is in such close proximity to my garage and even the height of the single element is high, is there a guarantee that this would not damage the structure of the garage, not just during the building stage but longer term or even my home?
- The size of the extension has required the need for new obscured windows to the side to let in light but do not mention whether they are fixed or open, and object to any opening windows in such close proximity overlooking my upper and lower bathrooms leading to a lack of **privacy** and the addition of windows will increase **noise** that would echo down the drive way.
- In addition to the new obscured windows to the side, the extension still includes for what looks like one French style window/door opening inward at the rear on the first floor where viewing point is a an invasion of privacy.
- To add to this the extension would cause a loss of one of the parking space to

what is already a busy road to park.

- The enormity of this proposal at 72.5 % increased footprint is completely out of proportion to the original property and its design is intrusive impacting on neighbouring properties to an unacceptable level and trust that the Committee will take into consideration my objections when making their decision as an extension on this scale will set a precedent and by allowing a precedent that others may follow.

15/03/2016

32 Elm Tree Walk

- There should be a two metre gap between the first floor elements of each house and in the proposal there is only one metre.
- There is a visual intrusion to our outlook in that the property protrudes in front of our line of sight to the left as we look outwards from the front of our property
- The plan does not demonstrate the 3 parking spaces required of a 4/5 bed property since the proposal removes the garage space and part of the driveway for development

05/03/2016

Considerations

Policy and Principle

The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Effects on appearance of building

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height. TCA 11 relates to the Silk Mill area and identifies that extensions are required to be subordinate in scale to the parent dwelling.

The proposed side extension projects 1.6 metres from the side of the existing house and 1.42 metres from the existing rear elevation. Only part of this element is two storey. This is considered to be relatively subservient and therefore not considered visually intrusive or harmful to the character and appearance of the dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013).

In accordance with the submitted application the proposed extension would be of traditional design comprising multi red brickwork walls, a grey concrete tiled hipped roof and white UPVC windows and doors; all of which would complement the existing

dwellinghouse. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with policy CS12 of the Core Strategy (2013).

Due to the staggered nature of the houses in this location 30 Elm Tree walk is set back significantly from 32 Elm Tree Walk and as such, the proposed extension by pulling out the rear elevation would increase the natural light into the rear of 30 Elm Tree Walk.

Impact on Street Scene

The proposed side and rear extension is set back from the front elevation and when viewed from the street scene has a minimal impact. The two storey side extension is set back no further than the existing garage which is to be demolished and the current spacing of one metre of the garage to the adjacent property is to be retained.

Impact on Neighbours

There have been objections from both 28 and 32, the neighbours on either side of the proposal site. The objections relate to;

- overshadowing and loss of light;
- the extension will be 'visible' from the adjacent properties;
- parking;
- separation between the properties;

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy. Moreover, Saved Appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The applicant has prepared a drawing showing the 45 degree angle at both levels of the proposed extension to the closest habitable room (sitting room) at 28 Elm Tree Walk. This demonstrates that the two storey element of the proposed two storey extension does not impinge on it. Although the single storey part of the extension would just cross the line, at this level, the existing garage to No 28 is what would shade the area outside the sitting room, depending on the time of year. It is considered that the proposed rear extension would be marginally visible. As a result, it is not considered that there would be a significant loss of daylight to neighbouring ground floor windows as a result of the proposal.

Due to the staggered variation in build line the proposed rear extension would not detriment neighbouring residents at 28 Elm Tree Walk.

Furthermore, no invasion of privacy would occur to neighbouring residents as the new windows on the North East elevation at first floor level would be conditioned to be non-opening and obscure glazed. The additional windows proposed on the south west

elevation would look onto the brick wall of neighbouring property 28 Elm Tree Walk.

Moreover, the proposed doors, roof lights and windows to the rear elevation of the extension are appropriate in size, position and height; in-keeping with the existing fenestrations of the dwelling house. Subsequently they would not result in additional impact upon the residential amenity and privacy of neighbouring residents. The doors on proposed bedroom 3 (at the rear) were removed by the applicant and replaced with a window to ensure privacy.

Additionally, Saved Appendix 3 of the Local Plan states that properties should have a rear garden depth of 11.5m. In this case a 14.5 metre (minimum) deep garden would be retained meeting the saved guidance. In addition, the property located to the rear of the dwelling house (18 Kay Close) would be located 30 metres (approximately) away.

Thus, the proposed extension would not impact upon the residential amenity and privacy of neighbouring residents. As a result the rear extension in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

Over development

Tring Town Council's objection relates to over-development of the site. The scheme represents an increase of floorspace from 147 square metres to 202 square metres, this represents a percentage increase of 37%, given that the property retains a garden of 14.5 metres, which is quite a large garden and the development does not take up more than 50% of the existing garden it is considered grounds for refusal relating to overdevelopment could not be sustained. Moreover this floorspace increase could largely be provided by a single storey outbuilding of at least this size under Permitted Development.

Impact on Trees and Landscaping

No trees are effected by the proposal.

Other Material Planning Considerations

The proposal includes the addition of one bedroom, taking the property from a four to a five bedroom property. The Council's Parking guidelines within Saved Appendix 5 of the Local Plan (1991) set out the 'maximum' parking standards. The guidance sets out that a maximum of 3 spaces should be provided for a 4/5 bed house. The current driveway would allow for 2 cars to be parked comfortably. The existing garage, which is to be demolished, would struggle to fit a modern car and therefore the proposal does not result in the loss of parking. The standards are only set out as a maximum and in this location there are no restrictions on on-street parking. On both visits to the site, there was plenty of available car parking on street. Subsequently, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

Conclusions

The proposed part, single, part two storey side and rear extension through size, position and design would not adversely impact upon the visual amenity of the existing dwelling house, immediate street scene, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendixes 3 and 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012).

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

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

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

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

110
200 E
201C

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

3. **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

4. **The window at first floor level in the North East elevation of the extension hereby permitted shall be non-opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with saved Appendix 3 and Adopted Core Strategy CS12

Article 35 Statement

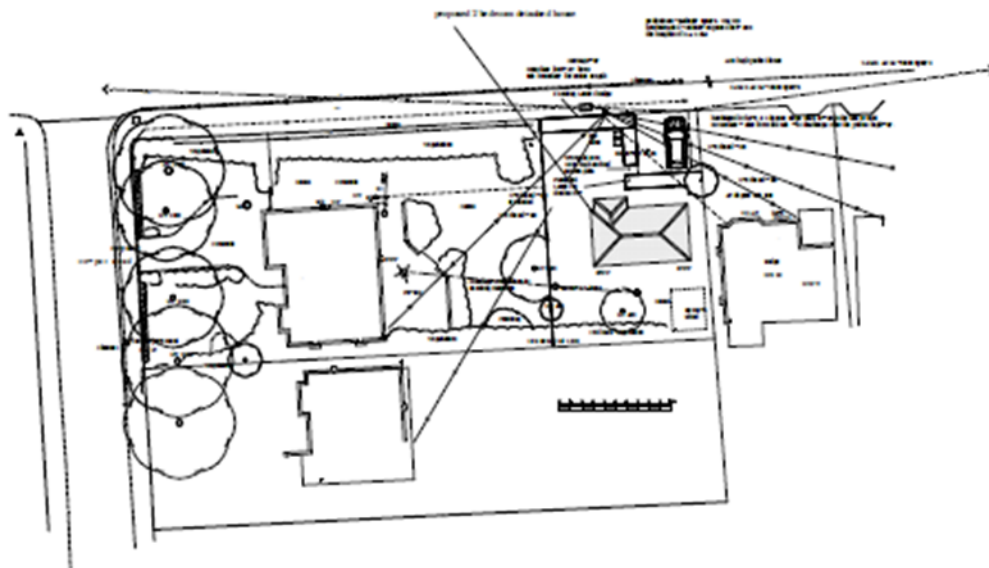
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and

Country Planning (Development Management Procedure) (England)
(Amendment No. 2) Order 2015.

Item 5.06

4/00173/16/FUL - CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE

115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF



**4/00173/16/FUL - CONSTRUCTION OF ONE 2-BEDROOM DETACHED HOUSE.
115 COWPER ROAD, HEMEL HEMPSTEAD, HP1 1PF.
APPLICANT: MR MILLS.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The proposal would not have any adverse impact on the appearance of the streetscene or on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11 and CS12 of the Core Strategy and saved Policies 58, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

115 Cowper Road is located on a corner plot at the junction between Cowper Road and Gravelhill Terrace, within the Hemel Hempstead Character Area 8 (Counters End). The plot currently comprises a two-storey dwelling constructed with light brick, plain tiles and white uPVC. The property benefits from a fairly large garden. The surrounding area comprises predominantly detached dwellings with occasional examples of semi-detached housing.

Proposal

The application seeks planning permission for the construction of a two-storey two-bedroom detached dwelling within the residential curtilage of 115 Cowper Road. The proposed dwelling would be sited at the rear of the garden, adjacent to 11 Gravelhill Terrace.

Referral to Committee

The application is referred to the Development Control Committee following a call-in from Councillor Janice Marshall following concerns raised by the neighbouring residents. These will be discussed in the 'Impact on Residential Amenity' section below.

Relevant Planning History

4/00904/89/FUL - Detached Dwelling (Outline) - Granted

Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13
Appendices 3, 5 and 7

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004)
Accessibility Zones (July 2002)

Summary of Representations

Local Residents

There have been ten fairly lengthy objections to this proposal. To avoid repetition, the material planning considerations included within these objections have been summarised and listed below.

- Not in-keeping with the character of properties in the area
- Breaking the existing building line
- Highway Safety, inadequate parking and inadequate access
- Over-development and density
- Lack of amenity space
- Loss of privacy and overlooking to surrounding properties
- Loss of light to neighbouring properties

Consultees

Trees and Woodlands Department, Dacorum Borough Council

I have reviewed the above planning application. I have no objections, there are a small number of trees require removal to build new dwelling – trees are of low quality so not opposed. Landscaping details are required.

Highways Department, Hertfordshire County Council

Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed development with conditions. Conditions have been put in place to ensure that the proposed development is aligned with HCC standards set out in Roads in Hertfordshire Highway Design Guide 3rd Edition as limited information has been provided.

Ward Councillor

I have been contacted by several households who are greatly concerned at the proposed development of the above and I share their concerns, particularly in respect of the following points

- (1) the proposed development is not in keeping with the building line of Gravel Hill Terrace.
- (2) the development is completely at variance with the character of the area in terms of (a) style of the proposed houses, (b) density (c) the development is semi-detached but houses in the area are detached and on good sized plots.
- (3) Both the new houses appear to have rear gardens of approx. 6m and 5.5m. This falls well short of DBC's policy of a minimum depth of 11.5m. Not only is this at complete variance with the homes in the vicinity and raises the issue of loss of privacy to the occupants of 115 Cowper Road and 113 Cowper Road, but is also detrimental to the amenity of the occupants of these 2 new houses.

In the light of these concerns, I support the residents' arguments that this application should be refused.

Further comments

Further to my email (below) of the 14 February to Mrs Curtain, I am writing again concerning the revised application to develop the rear garden of 115 Cowper Road. Whilst the new proposal, for one house, is an improvement on the original for 2 tiny-semi detached homes, residents still are greatly concerned about the development – and I continue to share their concerns.

My points are:

- (4) the development is still completely at variance with the character of the area in terms of (a) size and style of the proposed house and (b) density. The houses in that vicinity are substantial homes with good sized plots – at complete variance to the proposed development
- (1) the proposed development is not in keeping with the building line of Gravel Hill Terrace
- (2) The new house has a rear garden of 7m. This falls well short of DBC's policy of a minimum depth of 11.5m. Not only is this at complete variance with the homes in the vicinity and raises the issue of loss of privacy to the occupants of 115 Cowper Road and 113 Cowper Road, but is also detrimental to the amenity of the occupants of the new house.
- (3) The above factors clearly demonstrate that the new house is "crammed" in and, in the light of these concerns, I support the residents' arguments that this application should be refused.

Furthermore, in view of the considerable concern this proposal has engendered, I request that this matter is referred to the Development Control Committee should you be minded to grant permission.

As an aside, can I just comment on the Public Transport comment. It is stated that "*the nearest bus stop is off of Gravel Hill Terrace, approximately 315ft from the proposed development. The number H10 provides access to Frogmore End.*" The nearest bus stop is in St John's Road, close to Cowper Road. However, the H10 and the H11 run

along Gravel Hill Terrace as a hail & ride bus – so that there are no bus stops as such. Passengers simply hail the passing bus and, similarly, the bus stops along that part of the route wherever the passengers want. Furthermore, the H10 does not go to Frogmore End. The H10 does a circular route serving Boxmoor, HH Town Centre and Leverstock Green. The H11 does a similar circular route serving Boxmoor, HH Town Centre and Chambersbury Lane.

Considerations

Policy and Principle

The site is located within the residential area of Hemel Hempstead where the Core Strategy, Policies CS1, CS4, CS11 and CS12 are relevant. Policy CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design; to respect the typical density for an area and preserve attractive streetscapes. The location of this development in an urban area is acceptable providing it also meets the following criteria: avoids harm to neighbouring properties; respects the general character and appearance of the street; provides adequate parking and amenity spaces; provides suitable access arrangements and makes efficient use of the land.

In terms of compatibility with the Character Area Appraisal (HCA 8), the development principles for the area are as follows:

- Design: Scope for variety, innovation and modernity in design.
- Type: Detached dwellings are strongly encouraged.
- Height: New buildings should not normally exceed two storeys.
- Size: Medium to large dwellings are encouraged.
- Layout: Informal layouts are acceptable, although dwellings should follow a defined building line. Spacing should be provided in the medium range (2m to 5m).
- Density: Development should be compatible with the character in the existing density range of 15 dwellings/ha.

HCA 8 also states that with regards to infilling, "opportunities are limited, but may be acceptable according to the development principles", as listed above.

Density of Development

As mentioned above, the Character Area Appraisal promotes a low density of development in this area. This conflicts with saved Policy 10 of the Dacorum Borough Local Plan (DBLP), which seeks to optimise the use of urban land. National guidance (NPPF) states that with regards to density, new development should correspond with neighbouring buildings and the local area. The proposal would have a density of 34 dwellings/ha, which is higher than HCA 8 recommends (15 dwellings/ha). However, following the government's current stance to maximise housing supply, the density is considered acceptable in accordance with saved Policy 10 of the DBLP and the NPPF (Paragraph 59). It is also worth noting that there are a number of nearby developments that comprise a much higher density but are located within the same character area. For instance, the blocks of flats at Adrian Close have a much higher density, located just over 100m away.

Impact on Streetscene

No adverse impact.

HCA 8 states that detached dwellings are strongly encouraged. It also advises that infill development should follow the existing building line. The original plans comprised a pair of semi-detached properties, set approximately 3-4m in front of the Gravelhill Terrace building line. There have been a number of amended schemes submitted. The final scheme has reduced the proposal to one detached property, which is now set approximately 2m in front of the Gravelhill Terrace building line. However, it is important to note that the proposed dwelling sits approximately 1m behind the flank of 115 Cowper Road. Therefore, the proposed would be set in between the flank of 115 Cowper Road and the Gravelhill Terrace building line, creating a staggered transition between them. When looking in a westerly direction down Gravelhill Terrace towards the site, the proposed property would be set against the existing backdrop of 115 Cowper Road and would not appear incongruous.

Policy CS12(g) states that new development should respect adjoining properties in terms of site coverage, scale, height, bulk and materials. It is felt that the proposal responds to the character of the area in terms of dwelling type, scale and design. Although smaller than the neighbouring properties, the final amended scheme changed the appearance of the property to preserve the streetscape character, whilst ensuring that the potential of the site is optimised in accordance with Policy CS11(b) and Policy CS12(f) and saved Policy 10 of the DBLP. Overall, the proposal is felt to be in-keeping with the adjacent properties, resulting in a harmonious collection of dwellinghouses.

Impact on Residential Amenity

There have been nine objections received from neighbouring properties. These objections have been identified, summarised and addressed below. Throughout the determination period, the areas of concern raised by the neighbours were discussed with the agent and a number of amended schemes submitted. It is felt that all of the issues raised have been mitigated by changes in design. These are explained below.

Overlooking/Loss of Privacy

No adverse impact.

The neighbour with a garden to the rear of the proposed property (113 Cowper Road), along with a number of other residents raised concerns about potential overlooking. The amended scheme has dealt with this by changing all of the rear windows to obscure glazing, as shown on drawing 'WREN NAJ 59e 2015 (Revision A)'. If approved, this will be secured by condition. There are no windows proposed on the flanks. Therefore, views towards the neighbouring properties to the sides/rear are non-existent.

Loss of Light

No adverse impact.

A number of neighbours objected with regards to loss of light. Following the 45 degree

guidance as set out by saved Appendix 7 of the DBLP, there would no serious impact with regards to loss of light to the neighbouring properties. Considering the spacing between the property and its neighbour, along with its position within the plot, it is not felt that there would be any detrimental loss of light to any habitable windows on the surrounding properties in accordance with Policy CS12 of the Core Strategy.

Access, Parking and Highway Safety

A number of the objectors were concerned with parking in the area and the potential for the additional dwelling to generate more parked cars on the road. Saved Appendix 5 of the Local Plan advises that as a maximum standard, dwellings comprising two bedrooms should accommodate 1.5 parking spaces. The resultant site layout would comprise two off-street parking spaces. Considering this and considering the proximate (walking distance) to local centres within Hemel Hempstead and nearby public transport links, the proposal is deemed acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan. If approved, a condition would be added to the application to ensure that the car parking space sizes are in accordance with the relevant policy (2.4m x 4.8m). With regards to the access and highway safety, Hertfordshire County Council (Highways Department), have not raised any concerns, however, they have asked for a number of conditions and informatives to be included. These will be added to the decision notice if the application is approved.

Lack of Amenity Space

A few of the neighbouring residents commented on the lack of amenity space within the proposed site. The final amended scheme submitted reduced the building size to free up more amenity space. The proposed garden is considered sufficient when compared to the surrounding residential development on Woodland Avenue, Woodland Close and Sheridan Close. A strip of garden to the side of the property would extend approximately 20m, with a width of 4m, acting as a small side garden. It is felt that this would provide adequate functional amenity space for the modest two-bedroom property. It is clear that properties on Gravelhill Terrace and Cowper Road generally benefit from larger amenity areas. However, it must be noted that the majority of these properties are larger and provide more bedrooms. Considering this and considering the proximate (walking distance) to Northridge Park, just 300 metres to the north-west and Shrub Hill Common slightly further on, it is considered that the amenity space provided is sufficient.

Density, Over Development and Building Line

This has been covered in the 'Density of Development' and 'Impact on Streetscene' sections above.

Other Information

Community Infrastructure Levy (CIL)

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

July 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

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

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

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

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

- 3 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:**

Schedule 2 Part 1 Classes A, B, and E

Reason: Over development of the residential plots and enlargement of the individual dwellings may result in a cramped layout and insufficient amenity space for the occupants. To enable the local planning authority to retain control over this, and in the interests of safeguarding the visual amenity of the locality, the condition above has been imposed in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

- 4 The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking in order to minimise the impact on the safe and efficient operation of the adjacent highway in accordance with Policy CS8 (h) and CS12 (b) of the Core Strategy.

- 5 Pedestrian visibility splays of 2m by 2m shall be maintained, on both sides of the existing and proposed hardstanding areas, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway.**

Reason: In the interests of highway safety.

- 6 **No development shall take place until full details of the on-site surface water drainage mechanisms for the parking spaces, have been submitted to and approved in writing by the Local Planning Authority. The parking spaces and pathways shall be constructed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.**

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the Dacorum Borough Core Strategy.

- 7 **The windows at first-floor level in the southern elevation of the proposed dwellinghouse hereby permitted shall be permanently fitted with obscured glass, as indicated on drawing WREN NAJ 59e 2015 (Revision A).**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12(c) of the Dacorum Borough Core Strategy.

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

**WREN NAJ 59d 2015 (Revision A)
WREN NAJ 59e 2015 (Revision A)
WREN NAJ 59f 2015**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

INFORMATIVES:

Highways Department

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the County Council.

Advisory Notes

AN1) Where works are required within the public highway to facilitate the new vehicle access or modify an existing (no works planned at present but the applicant needs to be made aware), the Highway Authority require the

construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Agenda Item 5g

Item 5.07

**4/00050/16/FHA - DEMOLISH EXISTING SINGLE STOREY EXTENSION AND
CONSTRUCT A NEW SINGLE/TWO STOREY REAR EXTENSION**

14 NEW MILL TERRACE, TRING, HP23 5ET



SITE PLAN @ 1:500

Item 5.07

4/00050/16/FHA - DEMOLISH EXISTING SINGLE STOREY EXTENSION AND
CONSTRUCT A NEW SINGLE/TWO STOREY REAR EXTENSION

14 NEW MILL TERRACE, TRING, HP23 5ET



PROPOSED REAR ELEVATION @ 1:100

**4/00050/16/FHA - DEMOLISH EXISTING SINGLE STOREY EXTENSION AND
CONSTRUCT A NEW SINGLE/TWO STOREY REAR EXTENSION.
14 NEW MILL TERRACE, TRING, HP23 5ET.
APPLICANT: Ms Duggan.**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The site is located within the residential area wherein the principle of development is considered acceptable in accordance with policy CS4. The part single storey part two storey extension would appear subordinate and sympathetic to the parent house and would not detract from the character of the area in accordance with policy CS12. The amenity of the neighbouring properties would not be seriously compromised by the development in accordance with policy CS12. Finally, no off street parking is provided, however, the residents park on the road adjacent and it is not considered that as a result of this development that highway safety would be compromised due to the small scale nature of the development.

Site Description

The application site comprises a two storey Victorian terraced residential dwellinghouse in New Mill Terrace, Tring. There is an existing single storey rear projection to the back of the property.

Proposal

The application seeks planning permission for a half width two storey hipped roof extension together with a single storey flat roof extension extending to the full width of the parent property. The proposal would comprise a bedroom on the first floor and kitchen on the ground floor and allow for re-configuration of the internal layout.

Relevant Planning History

None.

Representations

One letter received, commenting that the proposed represents overdevelopment of the dwelling and the extension would be detrimental to the amenities of 15 New Mill Terrace.

Tring Town Council - recommend refusal on the grounds of overdevelopment of the site, overshadowing/ loss of light to neighbouring property, out of keeping with the original design of the terrace of properties.

Planning Policy

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendix 5 - Parking
Appendix 7 - Small Scale Residential Extensions

Supplementary Planning Guidance

Accessibility Zones for the Application of Car Parking Standards

Policy and Principle

Number 14 is located within the residential area of Tring wherein the principle of household extensions is acceptable subject to compliance with all other policies of the plan. Policy CS12 requires all development to a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space.

Effects on the Appearance of Building and Streetscene

The two storey extension comprises a hipped roof which extends just half the width of the parent house at first floor level. Therefore, whilst this two storey is the first one within the line of terraced properties, it is considered to appear subordinate to the parent property and does not project such a distance to dominate the original house. The hipped roof is set down from the ridge height which appears sympathetic to the row of properties and the original dwelling. There are no prominent views to the rear of the property and as such the extension would not detract from the character of the area. It is noted that there are no other two storey extensions along this line of terraced properties, however, the other terraces along New Mill Terrace feature two storey extensions and as such this proposal is not considered to introduce an alien development to the area. It is noted that the Town Council have objected stating that the extension would result in overdevelopment of the site, however, it is considered that the extension is limited in size, and sufficient space is retained around the extension and within the rear which avoids a cramped development.

It is noted that a similar proposal has recently been granted at number 10 New Mill Terrace and whilst the introduction of a two storey rear extension is a new addition to this terrace, it is considered that as there are no prominent views to the rear and as the site is not located within a conservation area or areas of outstanding natural beauty, the extension would not give rise to any significant harm. It would also allow for better

space standards within the small dwellings for the occupiers.

Impact on Neighbours

Appendix 7 states that for first floor or two storey extensions, these will be permitted up to the lines of 45 degree angles taken from the centre of the nearest windows of habitable rooms in the adjacent properties. Furthermore, BRE Sunlight and Daylight guidance states that "if the centre of neighbour's window lies on the extension side of both of the 45 lines (horizontal/vertical plane), then more detailed BRE tests are required, otherwise, daylight and sunlight level are unlikely to be adversely affected because reasonable light will continue to be received.

With regard to the first floor element of the proposed extension, this would not be in breach of the 45 degree line taken from the centre of the neighbours (15 New Mill Terrace) kitchen window or bedroom window outwards (horizontal plane) which is in accordance with the BRE Sunlight and daylight guidance. Also the other neighbour (13) windows would not be breached at 45 degrees outwards by this extension at first level. It is appreciated that the neighbour (number 15) is concerned that the proposed extension would reduce light to their kitchen window and result in a tunnelling effect. The proposal would result in some loss of light to the adjacent kitchen window, however, as it complies with the minimum guidance requirements in terms of the two storey element not breaching the 45 degree rule in the horizontal plane, it is considered a refusal based on loss of light could not be warranted. Furthermore it is noted that a similar single storey extension could be erected without planning permission resulting in a similar impact to this neighbour at ground floor level. As such, it is considered that the extension is acceptable in respect of its impact to the neighbouring properties. It should also be noted that the extension is positioned north of the ground floor window and as such sunlight will not be affected.

In this instance there is no particular requirement to set the extension in by 1m from the party wall as this policy is normally intended to avoid a terracing effect between semi-detached dwellings, however there is the requirement to avoid breaching a 45 degree line from the nearest windows.

Car Parking

The extension would not alter the number of bedrooms at the dwelling and therefore has no implications for the Council's Car Parking Standards.

Sustainability

The proposal is of a modest scale and as such, opportunities for providing sustainability gains are limited. However, the extension will be required to be built to modern building control standards which are considered sufficient to ensure that the proposed development would not result in any adverse impacts in respect of sustainability.

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

1 **The development hereby permitted shall be begun before the expiration**

of three years from the date of this permission.

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

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

CR-216R.02

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

Agenda Item 5h

Item 5.08

**4/03720/15/FHA - REPLACEMENT FRONT WALL, ENTRANCE PILLARS AND PAVING
(RETROSPECTIVE)**

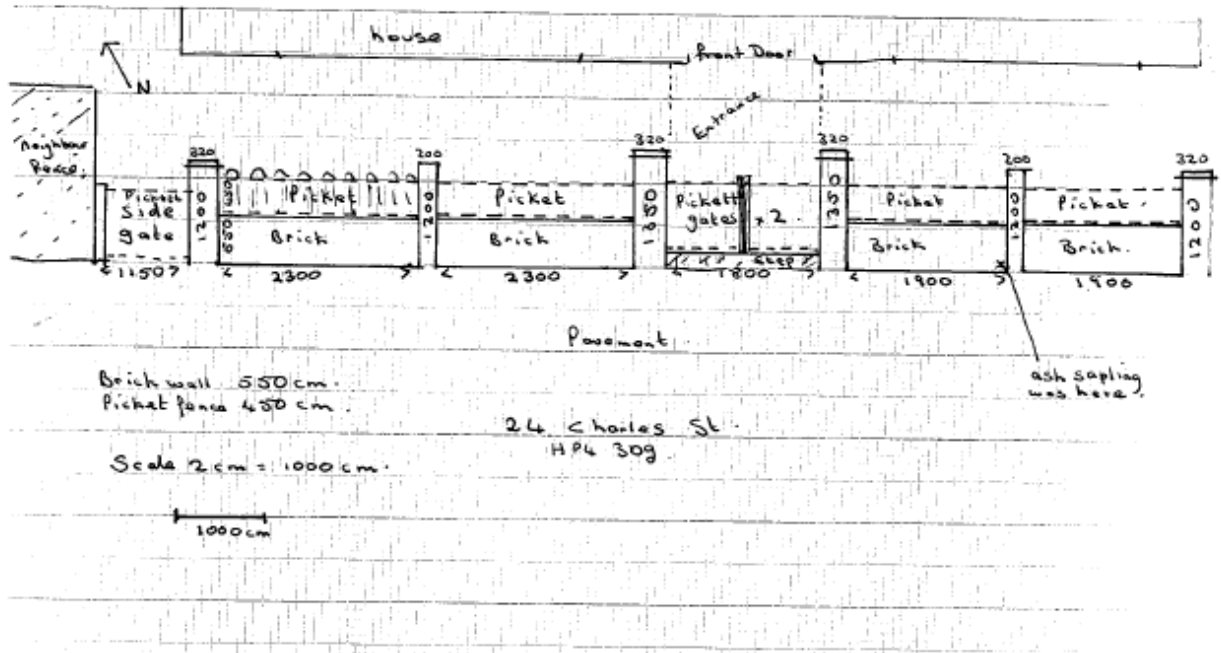
24 CHARLES STREET, BERKHAMSTED, HP4 3DG



Item 5.08

4/03720/15/FHA - REPLACEMENT FRONT WALL, ENTRANCE PILLARS AND PAVING (RETROSPECTIVE)

24 CHARLES STREET, BERKHAMSTED, HP4 3DG



**4/03720/15/FHA - REPLACEMENT FRONT WALL, ENTRANCE PILLARS AND PAVING (RETROSPECTIVE).
24 CHARLES STREET, BERKHAMSTED, HP4 3DG.
APPLICANT: MRS JANE FETHNEY.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the streetscene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking would not be affected by the proposal. Therefore, the proposed is considered acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120, and saved Appendices 5 and 7 of the DBLP.

Site and Surroundings

The application site comprises a four-bedroom detached property, identified as an un-designated heritage asset (locally listed building). The property falls within the urban area of Berkhamsted and within the Conservation Area. The site also falls within the Queens Road Character Area (BCA5).

Proposal

The application seeks planning permission for the retention of entrance pillars, walls (with a wooden picket) and paving. The works are located to the front of the property.

Referral to Committee

The application is referred to the Development Control Committee due to a Councillor living in the property.

Relevant Planning History

None.

Site Constraints

Conservation Area
Area of Archaeological Importance

Relevant Policy

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy 2006-2031

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment

Dacorum Borough Local Plan 1991-2011

Policy 58 - Private Parking Provision
Policy 120 - Development in Conservation Areas
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance/Documents

Area Based Policies (May 2004) - Residential Character Area [BCA5: Queens Road]
Conservation Area Character Appraisals and Policy Statements: Development
Residential Areas Berkhamsted

Summary of Representations

Berkhamsted Town Council

Concern.

This is a locally listed building in the conservation area. The intention was to renew an existing wall which had fallen into disrepair, and install crazy paving. The work was undertaken prior to the planning application being made. In order to conserve and enhance the CA the Council would wish to see the use of wrought iron rather than picket fencing; and full slabs laid rather than crazy paving.

Natural, Historic and Built Environment Team

In this instance I consider that the scheme is unlikely to have an impact upon significant heritage assets. I therefore have no specific comment to make upon it.

Local Residents

No comments.

Considerations

The main issues of relevance to the consideration of this application relate to the impact of the works upon the character and appearance of the dwelling and the Berkhamsted Conservation area in accordance with Policies CS12, CS13 and CS27 of Dacorum's Core Strategy. Other issues of relevance relate to the impact of the proposed additions and alterations on the character and appearance of the streetscene, the impact on neighbouring properties and the impact on car parking.

Visual Impact on Building, Streetscene and Conservation Area

No adverse impacts.

An assessment of the impact of the proposed works has considered the effect of the works on the appearance of the building. There will be particular consideration to the collective role that the appearance of the dwelling serves in the character of the conservation area. Dacorum's adopted Core Strategy, Policy CS27 (Quality of the Historic Environment), states that "development will positively conserve and enhance the appearance and character of conservation areas". This is reinforced by saved Policy 120 of the Dacorum Borough Local Plan and Section 12 of the National Planning Policy Framework (NPPF).

An informal meeting with our Conservation and Design Officer revealed that the proposal would preserve the character of the building, streetscene and conservation area. Low walls and brick pillars are typical of this era and although metal railings would have been more in-keeping than wood picket, it is felt that the proposal is acceptable in terms of maintaining the visual appearance of the property and wider locality. With regards to the streetscene, the surrounding properties generally have lower walls and wrought iron railings. However, 24 Charles Street is fairly unique within the streetscene, being detached when the majority of properties are terraced. The property is also covered in a light pink render and has architectural details that emphasise its appearance within the streetscene. Considering the contrast the property brings to the street, it is not felt that a slight deviation from the standard type of enclosure would be detrimental to the appearance of the area. It should also be noted that there is a large amount of panelled fencing along this side of the street, which helps to assimilate the proposed wooden picket within the streetscene. Overall, what has been erected is viewed as a visual improvement by the Conservation and Design Officer and therefore deemed acceptable in accordance with the local and national policies listed above.

Impact on Amenity of Neighbours

Consideration has been given to the impact that the alterations would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. There would be little or no harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposal would not impact the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan.

Impact on Access and Parking

No adverse impact.

The proposal would not increase demand for vehicles to access the site or impact the existing parking arrangements. It follows that the parking arrangements are acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 and saved Appendix 5 of the Local Plan.

Pedestrian Safety

Although the walls and picket fence are taller than the surrounding properties, there is

need for additional safety on the property frontage. The ground slopes sharply away from the road, leaving a drop of 2-3 metres to the dwellings basement area. The original low-lying walls offered little protection for passing pedestrians. Therefore, considering pedestrian safety, the proposal is extremely beneficial.

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved application form.**

Reason: To safeguard the character and appearance of the un-designated hertiage asset and in the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Dacorum Borough Core Strategy and saved Policy 120 of the Dacorum Borough Local Plan.

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

Proposed Elevation (no reference - received 20th November 2015)

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

Article 35 Statement

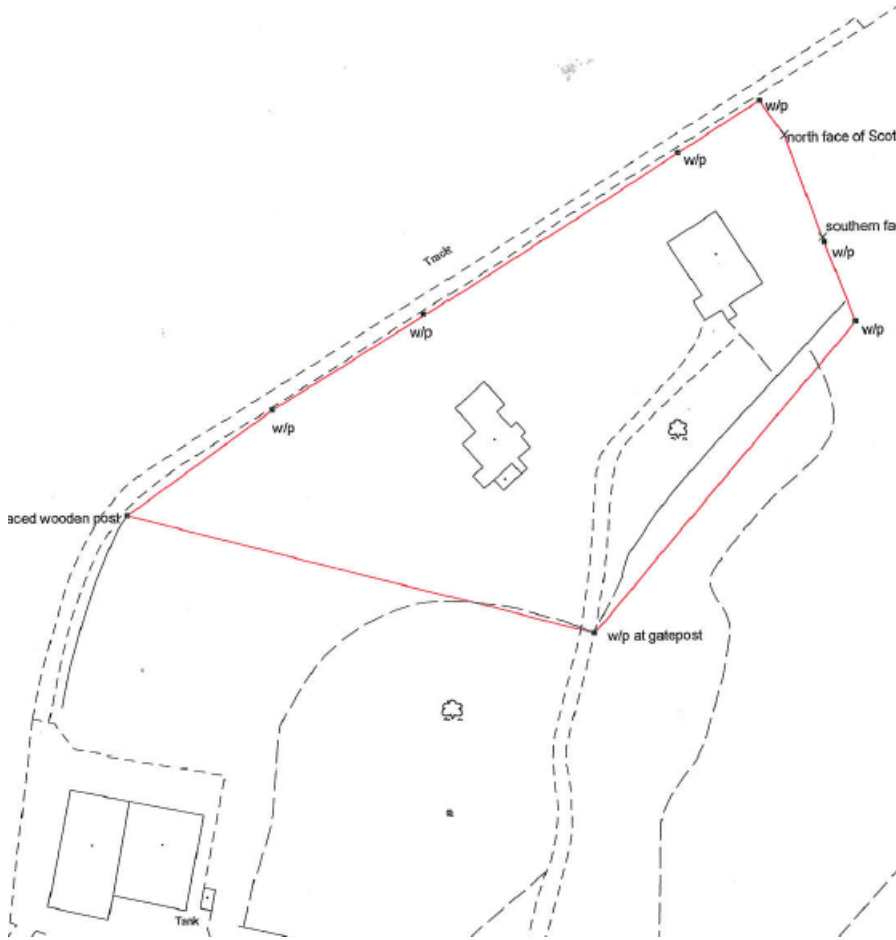
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.

Agenda Item 5i

Item 5.09

4/00205/16/FUL - CHANGE OF USE OF THREE BUNGALOWS FROM RESIDENTIAL (C3) TO STORAGE (B8)

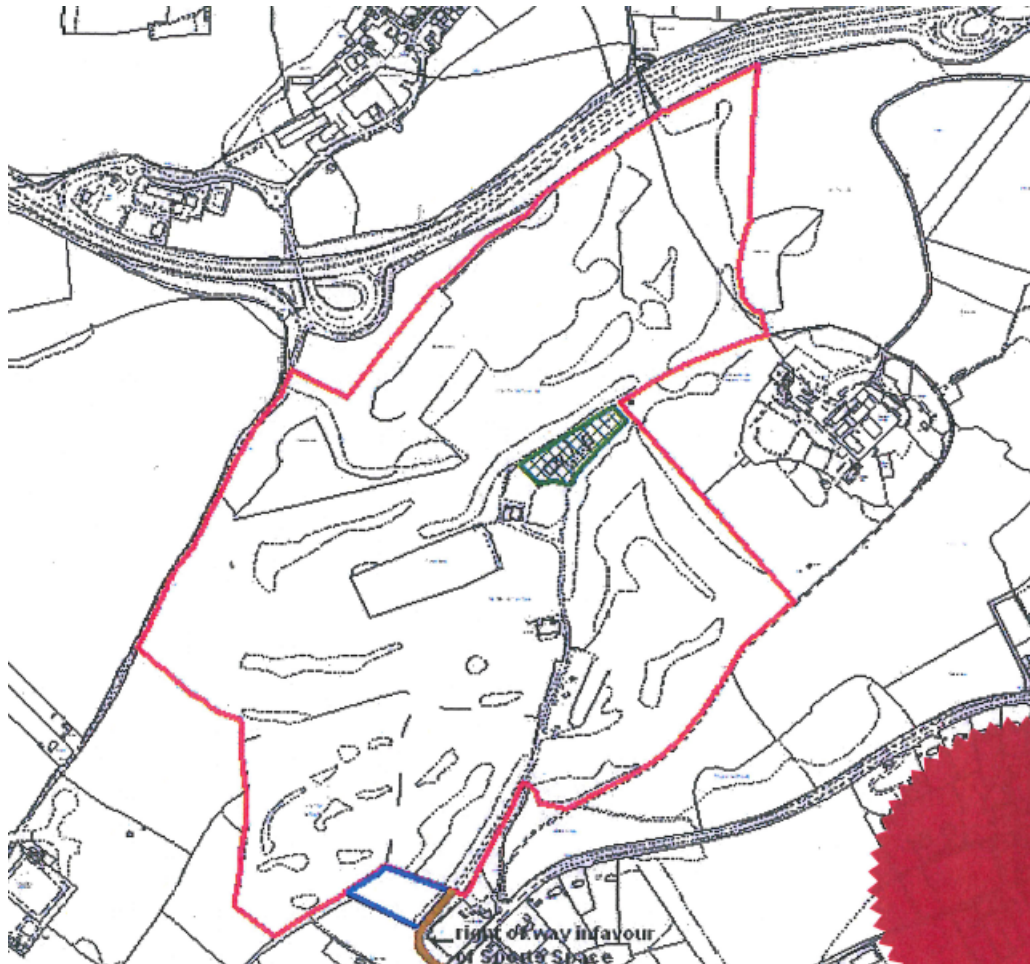
LITTLE HAY GOLF COMPLEX, BOX LANE, HEMEL HEMPSTEAD, HP3 0XT



Item 5.09

4/00205/16/FUL - CHANGE OF USE OF THREE BUNGALOWS FROM RESIDENTIAL (C3) TO STORAGE (B8)

LITTLE HAY GOLF COMPLEX, BOX LANE, HEMEL HEMPSTEAD, HP3 0XT



**4/00205/16/FUL - CHANGE OF USE OF THREE BUNGALOWS FROM RESIDENTIAL (C3) TO STORAGE (B8).
LITTLE HAY GOLF COMPLEX, BOX LANE, HEMEL HEMPSTEAD, HP3 0XT.
APPLICANT: Dacorum Sportspace.**

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable. The site falls within the Green Belt whereby the National Planning Policy Framework (NPPF), Paragraph 90, alongside Policy CS5(d) of Dacorum's adopted Core Strategy allows for the re-use of a building providing the buildings are permanent and substantial. It is felt that there would be no material harm to the openness of the Green Belt as a result of this proposal. Core Strategy Policy CS17 and saved Policy 17 of the Dacorum Borough Local Plan (DBLP) seek to protect the Borough's housing stock. However, it is felt that considering the current state of disrepair, isolated location and long term vacancy of the properties, that it would be reasonable to be flexible over the loss of the residential use. Overall, it is felt that the application is acceptable in accordance with the relevant national and local policies.

Site and Surroundings

The application site is situated within the Little Hay Golf Complex and comprises one small detached bungalow and two semi-detached bungalows, which are all presently vacant. The buildings are surrounded by dense undergrowth and tree cover and the fairway to one of the holes on the golf course. The site is located on the outskirts of the village of Bovington within the designated Green Belt.

Proposal

The application seeks planning permission to convert three currently vacant bungalows from residential (C3) to storage (B8) ancillary to the golf course.

It should be noted that a previous application (4/01053/00/FUL) granted planning permission for the change of use of one of the bungalows (No. 3) to a meeting room. However, the agent has confirmed that this permission was never implemented.

Referral to Committee

The application is referred to the Development Control Committee because Dacorum Borough Council owns the land.

Planning History

Application: 4/01053/00/FUL
Address: LITTLE HAY GOLF COMPLEX, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HERTS
Description: CHANGE OF USE OF BUNGALOW 3 FROM ACCOMMODATION TO MEETING ROOMS
Decision: Granted

Dated: 10/08/2000

Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - Green Belt
CS12 - Quality of Site Design
CS17 - New Housing

Saved Policies of the Dacorum Borough Local Plan

Policies 17
Appendix 5 and 7

Summary of Representations

Local Residents

No comments.

Consultees

Bovingdon Parish Council

No objection.

Strategic Planning and Regeneration

The site falls within the Green Belt wherein national (NPPF (para. 90)) and local policies (Policy CS5(d)) would allow for the re-use of a building providing the building was permanent and substantial (which does appear to be the case). Therefore, we have no objection to the basic principle of using the existing dwellings for storage. We see no material harm arising to the openness of the Green Belt as a consequence. It would make more sense to re-use rather than construct new buildings within the complex, and it appears that they are already being used informally for storage and other purposes in any event.

However, Policy CS17 and saved DBLP Policy 15 both seek the retention of dwellings as part of safeguarding the existing housing stock. The re-use of the dwellings for non-residential purposes would run counter to this approach.

We note the case made by the applicant over:

- the current suitability of the property as dwellings and the potential cost to

remedy this;

- the restricted access to the dwellings through the golf course and relatively isolated location;
- their long term vacancy (7 years); and
- their historic links to the golf course facilities.

We acknowledge that these factors do not point to the longer-term residential future of the buildings. On this basis, therefore, we feel that it would be reasonable to be flexible over the loss of the dwellings in the circumstances.

Considerations

Policy and Principle

The NPPF advises that certain forms of development may not be inappropriate in the Green Belt including the re-use of buildings providing they are of permanent and substantial construction and the new use would preserve the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt. Policy CS5 of the Core Strategy reinforces this. Ordinarily, the loss of residential units would be a material planning consideration of significant weight against the grant of permission (Policy CS17 of the Core Strategy and saved Policy 15 of the DBLP). However, in the circumstances of this case the agent has provided a number of material considerations that weigh in favour of the proposal and against the retention of the residential use of the buildings. These are listed below.

- The buildings have not been occupied for residential purposes for over eight years
- The buildings are not currently fit for human habitation (damp ripe in the structure and some leaks in the roof)
- Over the years the buildings have become damp and difficult to maintain
- The buildings have been the subject of trespass and vandalism
- The scale of works to reinstate the residential use of the buildings is currently prohibitive
- The buildings are not accessible other than via the golf course
- Access to the buildings is only by foot generally and there are no direct footpaths to serve the buildings
- The route to the buildings does not benefit from any lighting and the buildings are remote from all other buildings and roads within the golf course complex
- The buildings are reliant on the golf course for services and access
- The operator of the golf course does not require the buildings for residential purposes

The bungalows were originally used for staff members ancillary to Little Hay Golf Complex. The applicant was approached for further information regarding the loss of the workers dwellings. It was explained that in 2007, Dacorum Sports Trust took over the operational management of the complex and the employees were TUPE'd (transfer of undertakings) over and as part of these arrangements, Dacorum Borough Council decided to re-house the residents in properties off-site. TUPE means that the staff members are transferred to another company (i.e. Dacorum Sports Trust) with at least the same terms, if not better, than the original company they worked for. However, as explained previously, the decision was made that it would be too costly to bring the bungalows up to modern living standards. The bungalows required significant

investment and there was no funding for such works. Therefore, over a period of time the bungalows simply fell vacant as occupiers were not replaced. Staff now travel to the site from surrounding town and villages on a daily basis.

Impact on Streetscene

No adverse impact.

The proposal would not change the appearance of the bungalows. Further to this, the buildings are located within an area on the golf course that is shrouded by mature vegetation. The properties are also a considerable distance from public vantage points. For these reasons, the application is deemed acceptable in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on Neighbouring Properties

No adverse impact.

There are no residential properties near to the bungalows. Considering this and considering that there would be no change in the physical form of the buildings, the application is not felt to impact any neighbouring properties in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

Impact on Access and Parking

No adverse impact.

The proposal would not increase demand for vehicles to access the site. The storage of equipment would be transferred from the clubhouse using on-site vehicles. Therefore, the proposal would not hinder the surrounding road network in any way in accordance with saved Appendix 5 and saved Policy 58 of the Local Plan.

Summary and Conclusion

Given no one has occupied the buildings for over eight years it is not felt that the proposal would lead to the loss of any existing residential accommodation. Considering this and considering the issues raised above regarding the negative issues surrounding the re-use of the buildings for residential purposes, it is felt that it would be reasonable to allow the buildings to be used for ancillary storage for the Golf Complex. With respect to the Green Belt, streetscene, neighbouring properties and access/parking, the potential impacts are considered extremely minimal and the proposal will assist in supporting this important outdoor recreational use. Overall, the application complies with the NPPF, Policies CS5, CS11 and CS12 of the Core Strategy and saved Appendix 5 and 7 of the DBLP.

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

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

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

- 2 **The buildings subject to this application shall only be used for storage purposes ancillary to the use of the Golf complex.**

Reason: For the avoidance of doubt and to ensure the use is compatible to its green belt setting, supports the rural economy and to accord with Policy CS5 and CS12.

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

site location plan
floor plans

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

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

6. APPEALS UPDATE

A. LODGED

- 4/01679/15/MOA E. J Waterhouse & Sons Ltd
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 25
HOUSES (4 X 4 BED 10 X 3 BED AND 11 X 2 BED) WITH
GARAGING, PARKING AND NEW ESTATE ROAD - OUTLINE
APPLICATION WITH ALL MATTERS RESERVED EXCEPT
LAYOUT AND ACCESS.
LAND R/O 71 - 87A AND, 89 SUNNYHILL ROAD, HEMEL
HEMPSTEAD, HP1
[View online application](#)
- 4/02278/15/FHA Williams
BOUNDARY FENCING AND ASSOCIATED LANDSCAPING
6 KILN CLOSE, POTTEN END, BERKHAMSTED, HP4 2PX
[View online application](#)
- 4/02925/15/FUL Mr M Patel
PROPOSED DEMOLITION OF GARAGES AND CONSTRUCTION
OF TWO BEDROOM DWELLING
LAND REAR OF 100 HIGH STREET, TRING, HP23 4AF
[View online application](#)
- 4/03464/15/FUL Rivergate Homes Limited
CONSTRUCTION OF ONE 3-BED DWELLING
LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED,
HP4 2EJ
[View online application](#)
- 4/03614/15/ROC Mr Tosar
VARIATION OF CONDITION 3 (APPROVED PLANS) ATTACHED
TO PLANNING PERMISSION 4/02151/13/FHA (CONSTRUCTION
OF NEW GARAGE)
ANNEXE AT, LITTLE MARTINS, BURY RISE, BOVINGDON,
HEMEL HEMPSTEAD, HP3 0DN
[View online application](#)
- 4/03729/15/FHA Mr & Mrs Brinklow
TWO STOREY FRONT AND REAR EXTENSIONS
6 THE BEECHES, TRING, HP23 5NP
[View online application](#)
- 4/03915/15/FUL MR ALAN AND LEE PRETTY
DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION
OF TWO DWELLINGS
24 TANNSFIELD DRIVE, HEMEL HEMPSTEAD, HP2 5LG
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

4/00488/16/ENA

MR A MATHERS
APPEAL AGAINST ENFORCEMENT NOTICE, CONVERSION OF ONE
DWELLINGHOUSE TO SEVEN FLATS
1 AIREDALE, HEMEL HEMPSTEAD, HP2 5TP
[View online application](#)

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

None