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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 26 NOVEMBER 2020 AT 6.30 PM
MICROSOFT TEAMS - MICROSOFT TEAMS

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

Membership

Councillor Guest (Chairman)	Councillor Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Uttley
Councillor Hobson	Councillor Woolner
Councillor Maddern	Councillor Tindall
Councillor McDowell	

For further information, please contact member.support@dacorum.gov.uk or 01442 228209

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 20/01940/FUL - DEMOLITION OF EXISTING EXTERNAL STORES AND CONSTRUCTION OF NEW ONE BEDROOM DWELLING Buttercup House, 33 High Street, Bovingdon Hemel Hempstead, Hertfordshire, HP3 0HG (Pages 6 - 23)
- (b) 20/01941/FUL - DEMOLITION OF EXISTING LOCK-UP GARAGES AND CONSTRUCTION OF NEW GARAGES WITH A ONE BED DWELLING ABOVE Garages Opp. Flats 1 & 2 Buttercup House, 33 High Street, Bovingdon Hemel Hempstead, Hertfordshire, HP3 0HG (Pages 24 - 39)
- (c) 20/02550/FUL - CONVERSION OF BASEMENT INTO 1X 1-BEDROOM FLAT Nash House, Dickinson Square, Hemel Hempstead Hertfordshire HP3 9GT (Pages 40 - 64)
- (d) 20/02272/FHA - CONSTRUCTION OF A SINGLE STOREY OAK CART SHED STYLE CAR PORT WITH LOG STORE 3 Little Gaddesden House, Nettleden Road, Little Gaddesden, Berkhamsted, Hertfordshire, HP4 1PL (Pages 65 - 71)

6. APPEALS (Pages 72 - 149)

INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	20/01940/FUL	DEMOLITION OF EXISTING EXTERNAL STORES AND CONSTRUCTION OF NEW ONE BEDROOM DWELLING Buttercup House, 33 High Street, Bovingdon Hemel Hempstead, Hertfordshire, HP3 0HG	
5b.	20/01941/FUL	DEMOLITION OF EXISTING LOCK-UP GARAGES AND CONSTRUCTION OF NEW GARAGES WITH A ONE BED DWELLING ABOVE Garages Opp. Flats 1 & 2 Buttercup House, 33 High Street, Bovingdon Hemel Hempstead, Hertfordshire, HP3 0HG	
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Agenda Item 5a

ITEM NUMBER: 5a

20/01940/FUL	Demolition of existing external stores and construction of new one bedroom dwelling	
Site Address:	Buttercup House, 33 High Street, Bovingdon	
Applicant/Agent:	Mr Arthur Rickett	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application is referred to committee in view of the contrary recommendation of the Parish Council.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposals represent an appropriate form of residential development in this location and would result in improvements to the overall appearance of Buttercup House in accordance with Policies CS4, CS8, CS11, CS12 and CS13 of the Core Strategy. The residential unit would provide an appropriate level of amenity space for future occupants in accordance with Policy CS12 of the Core Strategy and Saved Policy 18 and Appendix 3 of the Local Plan 1991-2011
- 2.2 The proposals are not considered harmful to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

- 3.1 Buttercup House is located to the rear of properties forming 33-37 High Street Bovingdon and is accessed via an archway from the High Street. To the north east of the site there are a number of terraced and semi-detached properties forming Hamilton Mead.
- 3.2 Buttercup House comprises a two storey flat roofed brick building constructed in the eighties and separated into two flats. A single storey brick store together with a more basic lean to structure are attached to the main building.

4. PROPOSAL

- 4.1 The proposals involve the construction of a new one bedroom unit in place of the two small stores to the north east flank elevation of Buttercup House. This would be constructed from brick and would have a shallow mono-pitch roof some 5.2m-5.4m in height.
- 4.2 This property would be accessed from the south east with a ground floor kitchen/dining area and small terrace. The first floor accommodation would have two balconies in the south eastern and north western elevations with the later utilising a section of flat roof to a retained store area. The property would have a gross internal floor area of some 47 square metres.
- 4.3. The proposed dwelling would be set back from the north eastern site boundary by 0.8m allowing for a small landscaping screen to be planted adjacent to the site boundary. Brick

detailing including the use of a diamond pattern of a subtle contrasting brickwork will be utilised on the north eastern elevation to alleviate the mass of the building.

- 4.4 Brick screens will be used to prevent views from the proposed balconies into neighbouring
- 4.5 A parking space will be allocated to the property within a garage block opposite the application site and within the applicant's control (see 20/01941/FUL)

5 PLANNING HISTORY

- 5.1 A concurrent application is under consideration for the demolition of an existing garage block and the construction of a replacement garage block and one bed flat opposite Buttercup House. This is considered under planning application number 20/01941/FUL (See Item 5xxxx)

6. PLANNING POLICIES

6.1 National Policy

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

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of 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
CS17 – New Housing
CS18 – Mix of Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

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

Policy 10 - Optimising the use of urban land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 58 - Private Parking Provision
Policy 118 - Important Archaeological Remains.
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located in the village of Bovingdon where appropriate residential development would be encouraged in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within Saved Appendix 5 of the Local Plan 1991-2011.
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy. It would also provide smaller affordable accommodation in accordance with the aims and objectives of Policy CS18 and Saved Policy 18 of the Local Plan 1991-2011.
- 8.5 The site is located in an area of archaeological significance and as such the impact on archaeological remains needs to be carefully considered in accordance with Policy CS27 of the Core Strategy.
- 8.6 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

Layout and Design

- 8.7 The proposed development is considered to be acceptable in terms of its design, bulk, scale, height, site coverage and use of materials in accordance with Policy CS11 and CS12 of the Core Strategy and would not detract from the visual amenities of the area.

- 8.8 The application site is not within the Bovingdon Conservation Area. Notwithstanding the criticism from the Conservation and Design section, it would replace an existing structure which is of little architectural merit with a more sympathetic extension to the building.

Residential Amenity

- 8.9 The proposed residential unit would be a small one bedroom dwelling extending above an existing storage area at first floor level and providing a starter home. This property would have a gross internal floor area of some 48m² and would contribute to the mix of one bedroom properties in the locality.
- 8.10 The property is considered to have a reasonable level of internal space having regard to the National Space Standards, Saved Policy 19 and the explanatory text of unsaved Policy 20 from the Local Plan 1991-2011. The National Space Standards (NSS) are not adopted planning policy under the Core Strategy and as such should be afforded only limited weight in any decision. The NSS does not specify how large a dwelling should be for single occupation, however it is acknowledged that there is a shortfall of around 10 square metres against the NSS for a 1 bed 2 person house.
- 8.11 A limited amount of external amenity space is also provided in the form of balconies and a yard to the dwelling. This is also acceptable given the nature of the property, those in the locality and the close proximity of public open spaces. The yard is sufficient in size to allow for the drying of clothes and is functional for use by the occupant.

Impact on Residential Amenity

Hamilton Mead

- 8.12 The applicants have provided a section through the site, drawing 270pa2.107, which clearly demonstrates the impact of the proposed building upon the residential amenities of properties in Hamilton Mead to the north east of the site.
- 8.13 The flank elevations to the proposed property would be located some 12.37m from the principle rear elevation of properties in Hamilton Mead and would extend to some 5.2m in height. It is evident that the proposed building would not breach a 25 degree angle to the main windows within the rear elevation of properties to Hamilton Mead and as such would not have any significant impact in terms of daylight or sunlight to these properties in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.14 The bulk and mass of the flank elevation to the proposed building will be alleviated through the brick detailing thereto and will be further screened by new landscaping along the boundary of the application site. Beyond this, there is a high boundary wall demarcating the boundary with 22 Hamilton Mead. The flank elevation would also not be considered to be overbearing or particularly intrusive to those properties at Hamilton Mead.
- 8.15 There would be no windows within this flank elevation to Hamilton Mead. Although two balconies would be introduced in the front and rear elevations to the property, screen walls will prevent overlooking of neighbouring land, thus ensuring that there is no significant detrimental impact upon the privacy of these properties.

Newhall Mews

- 8.16 In relation to Newhall Mews, the proposed new property would have a single bedroom and single bathroom window at first floor level facing 5 Newhall Mews. A modest balcony area would also be provided.

- 8.17 These openings and the balcony would be between 14m to 16m from the neighbouring properties in Newhall Mews and would exhibit a similar relationship with neighbouring land to Flat 2, Buttercup House. Given the layout, site coverage and juxtaposition of 5 Newhall Mews, there would not be any significant impact on either daylight or sunlight to this property. The proposals are also not considered to result in any significant increased overlooking of 5 Newhall Mews and as a consequence no significant impact upon the privacy of this and other properties to the north west of the site.

Access, Parking and Safety

- 8.18 The site, in common with the existing properties at Buttercup House and residential properties at first floor level on the High Street, would be accessible via an archway from the High Street. The dwelling would be allocated a single parking space within a newly reconstructed garage building (see application 20/01941/FUL)
- 8.19 The access to the site is considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 54 and Appendix 5 of the Local Plan 1991-2011.
- 8.20 A single parking space is considered to be sufficient in accordance with Saved Appendix 5 of the Local Plan 1991-2011 for a 1 bedroom property in this location. Furthermore the proposed unit is within reasonable walking distance of a range of shops and local facilities including the local bus stop.
- 8.21 There would be no objections from the County Council as highway authority in relation to this scheme.

Archaeology

- 8.22 Despite the site being within a designated area of archaeological significance, the County Council consider the proposals as unlikely to have an impact on heritage assets of archaeological interest. Accordingly the proposals would be acceptable under Policy CS27 of the Core Strategy.

Developer Contributions and Infrastructure

- 8.23 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.24 Residential development will be charged CIL in accordance with the adopted CIL Charging Schedule. The site is located within Charging Zone 2 where a charge of some £150 per square metre (index linked) will be levied against new residential developments. In some instances an exemption from the payment of CIL may be applicable.

Sustainable Construction

- 8.25 A Sustainability Checklist has not been submitted with the application to address the requirements of Policy CS29 of the Core Strategy.

- 8.26 A number of the requirements under Policy CS29 have subsequently been embodied in the Building Regulations. It is however recommended that additional information is secured through the use of a planning condition.

Other Material Planning Considerations

Noise

- 8.27 A refusal of planning permission based on noise and disturbance to neighbouring residential units could not be substantiated. There is no reason to believe that future occupants would lead to a noise issue and in the unlikely event that excess noise is generated by future occupants, statutory noise nuisances can be dealt with under Environmental Health legislation.

Contamination

- 8.28 The Environmental Health team have recommended the imposition of contaminated land conditions in view of concerns over the historical land use of the site and to address any potential risk to human health.

9 RECOMMENDATION

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

Conditions

- 1. The development hereby permitted shall begin 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:**

**SU1.101A (Location Plan)
2.103A (Site Plan)
2.104A (Proposed Floor Plan)
2.105A (Proposed Elevations)
2.106A (Roof Plans)**

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

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

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013)

- 4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- means of enclosure;
- all external hard surfaces within the site
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

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

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

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

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

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. **Any contamination, other than that reported by virtue of Conditions 5 and 6 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this**

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

8. **The development, hereby approved, shall not be occupied until the arrangements for vehicle parking associated with the dwelling have been submitted and approved in writing by the local planning authority. These arrangements shall be provided in accordance with the approved details and shall thereafter be retained for the use of this dwelling.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

9. **No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning

10. **The bathroom window at first floor level in the north-west elevation of the dwelling hereby permitted shall be fitted with a high level opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).Policy Framework (2019).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object ' overlooking neighbours ' the north west elevation overlooks 5 New Hall Mews and the south east elevation overlooks several properties in Hamilton Mead. The proposed scheme is out of keeping with surrounding properties and is of a poor design. There is a lack of parking.
Hertfordshire County Council – Archaeology Unit	In this instance I consider that the development is unlikely to have an impact on heritage assets of archaeological interest, and I therefore have no comment to make upon the proposal.
Hertfordshire County Council – Growth and Infrastructure	<p>Hertfordshire County Council’s Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p>
Hertfordshire County Council - Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should</p>

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.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway

.
Comments

The proposals are for the demolition of existing external stores and construction of new one bedroom dwelling at 33 High Street, Bovingdon. High Street is an classified C local distributor road with a speed limit of 30 mph and is maintained at public expense.

The dwelling in the application is not proposing a new access and will continue to use the current access and vehicle crossover for the current flats in the vicinity. This means that there will be no added detriment to the highway network regarding increased trips or vehicles for the dwelling. The current access has good visibility on both sides for vehicles to enter and exit safely.

Parking is a matter for the Local Planning Authority (LPA). However, HCC would comment that from the proposal drawings that the property will be allocated a parking space from the existing parking area within the private courtyard.

The dwelling is 50 metres from the nearest bus stop which has links to the local town of Hemel Hempstead and its train station.

	<p>The construction of the planned dwelling should not affect surrounding dwellings or the highway network and therefore HCC is satisfied with this outcome.</p> <p>Conclusion HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application.</p>
<p>Conservation and Design</p>	<p>It is difficult to be positive about the design of any addition, when the existing itself is so poorly designed.</p> <p>I would suggest that the way forward for this site is to seek a redevelopment which includes Buttercup House itself, currently a mix of storage/residential; and being two storeys with a flat roof is of no architectural merit. The proposed outlook of the proposed house would be poor, with overlooking issues created by the first floor balcony and the creation of a 'lifeless' brick north-east elevation</p>
<p>Environmental Health</p>	<p>I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is close to land with a contaminated land use history (slaughter house) and will involve a change of use to a more sensitive receptor, as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report</p>

	<p>has been submitted to and approved by the Local Planning Authority which includes:</p> <ul style="list-style-type: none"> (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology. (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority. (d) This site shall not be occupied, or brought into use, until: <ul style="list-style-type: none"> (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority. <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning</p>
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	<p>Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with</p>

	<p>other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>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.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
20 Hamilton Mead	<p>I am writing to object to the construction of the one bedroom dwelling at the rear of my property, It is being built too close to the boundary wall at the back of my property, this would mean increased noise and I would be looking out of a brick wall also blocking out daylight.</p> <p>I think that the traffic in & out of the entrance would be chaotic, it is a very busy part of the high street. With shops either side of the entrance, it's extremely busy during morning & afternoon school time.</p>
22 Hamilton Mead	<p>This site referred to in this proposal is directly behind my property at 22 Hamilton Mead.</p> <p>The storage shown on the existing site plan is currently one storey high, with the existing 2 storey structure set well back (5.6 m away) from the wall at the rear of our boundary.</p> <p>The proposed application would mean that the new build would effectively move 5.6m nearer to our garden, ie: would be right up to our property boundary.</p> <p>I object on the basis that a two storey building constructed right up to the edge of my boundary will increase noise nuisance, impede our privacy and block light from both the garden and the rear of our property. This would cause severe overshadowing during the autumn and winter months, which is currently far less of an issue with the existing building set back 5.6m.</p> <p>I also object as the extending of the only flat roofed two storey building in the high street vicinity is completely out of keeping with the character of the area. The existing property is already out of place and</p>

allowing its footprint to expand would result in an enormous visual intrusion right on the boundary overlooking our property.

I would also question how the required depth of footings for a 2 storey structure could be built without risking the integrity of the 10 foot wall at our property boundary that the proposed building would be immediately next to?

Anyone familiar with the site location would be aware that the parking provisions are already totally inadequate in this enclosed area behind the High Street shops. Bovingdon is woefully short of parking and forcing more cars to park on and around the High Street so close to the village primary school will also increase the likelihood of road traffic accidents/ children being run over etc.

If however, the plans were changed to only allow the building of a one storey section in place of the 5.6m of existing storage, I would not then object; aside of my comments regarding the parking provision.

Amended/Additional Plans

This site referred to in this proposal is directly behind my property at 22 Hamilton Mead.

As I pointed out before, the storage shown on the existing site plan is currently one storey high, with the existing 2 storey structure set well back (5.6 m away) from the wall at the rear of our boundary.

The proposed application would mean that the new build would effectively move 5.6m nearer to our garden, i.e: would be right up to our property boundary.

I object on the basis that a two storey building constructed right up to the edge of my boundary will increase noise nuisance, impede our privacy and block light from both the garden and the rear of our property. This would cause severe overshadowing during the autumn and winter months, which is currently far less of an issue with the existing building set back 5.6m.

Furthermore, the revised October Rear North East elevation plan conveniently excludes the balcony on the right of the building that is shown in the proposed rear North west elevation. This balcony would give a clear view directly into my garden and that of 20 Hamilton Mead, which is an obvious and major intrusion on our privacy.

I also continue to object to the extension of the only flat roofed two storey building in the high street vicinity. This is completely out of keeping with the character of the area. The existing property is already out of place and allowing its footprint to expand would result in an enormous visual intrusion right on the boundary overlooking our property.

Finally, the government recently announced that any permitted development rights should meet the nationally described space standards; a standard that Dacorum Borough Council never

	<p>implemented into their planning policy when it was introduced as optional guidelines.</p> <p>I believe that the proposed building is covered by this, as the extension is effectively a change of use issue. If I am correct, then the property on the North East elevation must have an internal area of 58 square metres in size, but would be less than 45 square metres. Furthermore, it is also required to have built in storage of at least 1.5 square metres, but has none shown.</p> <p>Additional Comment</p> <p>It is worth noting that the family of the applicant own the vast majority of property in the direct vicinity of this application.</p> <p>For example, nos 26 and 26a Hamilton Mead are rented out to tenants by the applicant, meaning that they are hardly likely to object given their circumstances.</p> <p>I would assume 5 addresses were contacted in Hamilton Mead and it's no surprise that all 3 that have commented are privately owned, whilst the two that have not are property owned by the applicant's family.</p>
24 Hamilton Mead	<p>The site referred to in this proposal is partly behind my property at 24 Hamilton Mead, and completely behind my neighbour's at No.22.</p> <p>At the moment, there is some relief from the existing two-storey building as it is set well back from our garden boundaries, but this proposal would bring a two-storey building almost up to the garden wall itself. As a result, it will block light from my garden, with the overshadowing being especially pronounced in the autumn and winter months when the sun is lower in the sky.</p> <p>Considered in tandem with Proposal No. 20/01941/FUL by the same Applicant for the erection of another two-storey building at the other side of my garden, this will detract from the character and atmosphere of my home and garden by making it feel very overshadowed and hemmed in.</p> <p>Currently, the parts of the building being considered for conversion are non-residential. Converting them to two-storey, and residential to boot, will almost certainly increase noise nuisance.</p> <p>The fact that the view from the front windows (south-easterly) of the proposed new one bedroom dwelling will overlook my garden and the back of my house will compromise and severely impede my privacy. There are also windows proposed at the north-eastern side which would peer straight into my garden and those of my neighbour's further impeding privacy. This, despite the promise of new trees, which as per the plan would not block the view from the south-easterly window anyway. Nor I suspect would they ever be planted as there is not really space for them to thrive.</p>

	<p>In this part of the village, we are surrounded by mainly pitched roof buildings, so the extension or expansion of the only two-storey flat-roofed building would be completely out of keeping with the character of the area.</p> <p>Aside from the increased noise nuisance, a single storey proposal would be far more sympathetic to the surroundings and overcome most of my objections. The site referred to in this proposal is partly behind my property at 24 Hamilton Mead, and completely behind my neighbour's at No.22. The proposed development would overlook both the back of my house and garden.</p> <p>Amended/Additional Plans</p> <p>I have looked at the amendments to the original application, but can see nothing to alleviate the objections I previously logged here on 23rd July 2020.</p> <p>Presumably this also constitutes a 'Change of Use' for the site if a miniscule residence is going to replace the existing storage facility. I also second my neighbour's concerns about the risk of nationally described minimum space standards and government policy being passed over by Dacorum, which he raised in his objections to this amended proposal on 15th October 2020.</p> <p>Considering this in tandem with Proposal No. 20/01941/FUL by the same Applicant for another two-storey building the other side of my garden (including another potential 'Change of Use', replacement of stand-alone garages, but with the addition of another miniscule residence perched on top), this will detract from the character and atmosphere of my home and garden by making it feel very overshadowed and hemmed in.</p>
<p>The Old Butchers Shop 5 Newhall Mews</p>	<p>Original Plans</p> <p>When we purchased our property we were advised that the neighbouring property (Buttercup house) was occupied by Leon catering downstairs and a photographic studio up stairs and was classed as commercial, later we have discovered that when the studio closed it was converted in to a residential flat of which we were not informed of.</p> <p>The proposed new development at two storeys will adversely affect the levels of light in our property as it will increase the height of the existing store .I am also concerned about the proposed conifer hedge and the level to which they will grow re further reducing our light levels.</p> <p>The developer's statement states that the building materials used will match the existing building but is proposing to install grey aluminium windows which do not match the existing white upvc windows in Buttercup House.</p> <p>I am also concerned about our privacy as there will be two extra first floor windows on the north west elevation now overlooking us.</p>

This is a small site which serves the shops and existing flats with access and residential parking, additional parking will be required for the new property in an area that is already over-crowded this will force residence to park on the high street causing further congestion along an already dangerous road.

Additional/Amended Plans

Please see my comments of the 16th July 2020 further to the new plans I have an objection to the northwest elevation which directly overlooks my property previous was for 2 windows on this elevation it is now a window and french doors with a balcony so this is far worse than the previous proposal, to which I objected to the two windows. This is an invasion of our privacy as this will be overlooked into our kitchen study and hall.

Agenda Item 5b

ITEM NUMBER: 5b

20/01941/FUL	Demolition of existing garages and construction of new garages and first floor one bedroom dwelling	
Site Address:	Garages opposite Buttercup House, 33 High Street, Bovingdon	
Applicant/Agent:	Mr Arthur Rickett	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application is referred to committee in view of the contrary recommendation of the Parish Council.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposals would constitute an appropriate form of residential development within the village of Bovingdon and would make a valuable contribution to the supply of new homes under Policies CS17 and CS18 of the Core Strategy and Saved Policy 10 of the Local Plan 1991-2011.
- 2.2 The residential unit is considered to be acceptable in terms of both its access, appearance and impact upon neighbouring properties in accordance with Policies CS8, CS11, CS12 and CS27 of the Core Strategy and Saved Policies 51, 54 and 58 and Appendices 3 and 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

- 3.1 The site is located to the rear of properties forming 33-37 High Street Bovingdon and is accessed via an archway from the High Street. The site comprises land forming a service and parking area for commercial units within the High Street and the associated flats at first floor level. The site also comprises Buttercup House, a building containing two flats and storage buildings.
- 3.2 A garage block, the subject of this application, is located adjoining the boundary of the site and 39 High Street comprising four lock up garages. There is a stepped access from the garages into the garden of No.39 within which there is a garden building abutting the garages. The property is within the applicants control as are a number of surrounding properties.
- 3.3 39 High Street is a grade II listed building.

4. PROPOSAL

- 4.1 The proposals involve the demolition of these garages and the construction of a new two storey building providing replacement garages and a first floor 2 bed property.
- 4.2 The building would be constructed in brick with contrasting brick detailing including projecting brick courses. This property would be accessed from a staircase at the north eastern end of the building. A single space would be allocated at ground level for the occupants of the proposed dwelling. The first floor accommodation would have a wide balcony to the front

elevation to provide a functional outdoor amenity area. The proposed property would have a gross internal floor area of some 73 square metres.

- 4.3. The building would be set back from the north eastern site boundary by 0.94m and would be located some 11.47m from the main rear elevation of Nos 26 and 26a Hamilton Mead. The building would be some 9.44m from the rear elevation of properties in the High Street and approximately 10.45m from Buttercup House.

5 PLANNING HISTORY

- 5.1 A concurrent application is under consideration for the demolition of existing storage buildings and the construction of a single 1 bed dwelling at Buttercup House. This is considered under planning application number 20/01940/FUL (See Item 5xxxx)

6. PLANNING POLICIES

6.1 National Policy

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

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of 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
CS17 – New Housing
CS18 – Mix of Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

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

Policy 10 - Optimising the use of urban land
Policy 12 - Infrastructure Provision and Phasing
Policy 13 - Planning Conditions and Obligations
Policy 18 - Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 58 - Private Parking Provision
Policy 118 - Important Archaeological Remains.
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 - Parking Provision

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located in the village of Bovingdon where appropriate residential development would be encouraged in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within Saved Appendix 5 of the Local Plan 1991-2011.
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy. It would also provide smaller affordable accommodation in accordance with the aims and objectives of Policy CS18 and Saved Policy 18 of the Local Plan 1991-2011.
- 8.5 The site is located in an area of archaeological significance and is also located upon the boundary of the Bovingdon Conservation Area. The adjacent residential unit at 39 High Street, is a grade II listed building. The impact of development upon these heritage assets needs to be considered in accordance with Policy CS27 of the Core Strategy.
- 8.6 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy.

Layout and Design

- 8.7 The proposed development is considered to be acceptable in terms of its design, bulk, scale, height, site coverage and use of materials in accordance with Policy CS11 and CS12 of the Core Strategy and would not detract from the visual amenities of the area. The replacement of an existing structure of little architectural merit with a building of a similar footprint and

constructed from high quality materials and with good brick detailing and fenestration is considered to be positive.

Impact on Listed Buildings and Heritage Assets

- 8.8 Paragraphs 193 to 197 of the NPPF is clear that when considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Where a development proposal leads to less than substantial harm to the significance of the asset, this harm should be weighed against the public benefits of the proposals. Policy CS27 is clear that the integrity, setting and distinctiveness of heritage assets will be protected, conserved and if appropriate enhanced.
- 8.9 There are three heritage assets that need to be considered in relation to the proposals; namely archaeological remains, the grade II listed property at 39 High Street and the Bovingdon Conservation Area.
- 8.10 Despite the site being within a designated Area of Archaeological Significance, the County Council consider the proposals as unlikely to have an impact on heritage assets of archaeological interest. Archaeological remains are likely to have been disturbed through previous activity on the site and as a result of historical development. The proposals would be acceptable from an archaeological perspective under Policy CS27 of the Core Strategy.
- 8.11 The proposed development would be located some distance from the core of the adjacent listed building. The listed building, as seen from the High Street, comprises an attractive pair of 16th Century cottages which have been overwhelmed through the provision of large extensions to the rear of the property. These later additions are of little architectural merit and given the fact that the proposals would be set away from the original cottages, it is difficult to conclude that they would be harmful to the appearance and setting of the heritage asset in accordance with the NPPF and Policy CS27 of the Core Strategy. This is confirmed in the response of the Conservation Officer who has indicated that the harm to both the listed building and wider Conservation Area should be regarded as less than substantial/nominal to low level under the NPPF.
- 8.12 The benefits of providing additional residential development and the contribution that such units would make under Policies CS17 and CS18 are considered to out-weigh the less than substantial harm to heritage assets as a result of this proposals.

Residential Amenity

- 8.13 The property is considered to provide a good level of amenity for future occupants. The dwelling would exceed the minimum floor area requirements in the National Space Standards for both single storey 2 bed 3 person (60 sqm) and two storey 2 bed 3 person (70 sqm) housing.
- 8.14 A limited amount of external amenity space is also provided in the form of a wide balcony to the front elevation. The balcony is screened by boundary walls from views to the north east and south west. Although not a completely private amenity space, this would exceed the external amenity space provided for existing flats at Buttercup House and those associated with first floor units to the High Street, thereby increasing the choice of housing available in the locality. This is considered to be acceptable under Policy CS12 of the Core Strategy and having regard to Saved Appendix 3 of the Local Plan 1991-2011.

Impact on Residential Amenity

Buttercup House

- 8.15 The proposed dwelling would be located some 10.45m from the main south eastern elevation to Buttercup House and between 10.45m and 15m from the first floor windows thereto. The main living space to this property is located at the south western end of the property with principle views to the south-west and north-west of the site. A single lounge window is located in the south east elevation some 15m from the balcony and bedroom to the proposed unit.
- 8.16 A stairwell window and kitchen window are located opposite the proposed bedrooms to the new property and at a distance of 10.45m from this elevation. The lounge to the proposed dwelling would be located opposite the store and new dwelling to Buttercup House (subject to 20/01940/FUL)
- 8.17 The relationship between the two buildings is considered to be appropriate and would result in both satisfactory amenities for both new dwellings and for the existing flat above Buttercup House.

Hamilton Mead

- 8.18 The applicants have provided a section through the site, drawing 270pa2.107, which clearly demonstrates the impact of the proposed building upon the residential amenities of properties in Hamilton Mead to the north east of the site.
- 8.19 The flank elevations to the proposed property would be located some 11.47m from the principle rear elevation of properties in Hamilton Mead. The latest plans (Revision B) are not reflected on this sectional detail, but have reduced the height of the proposed building from 5.8m to 5.4m in height. It is evident that the proposed building would not breach a 25 degree angle to the main windows within the rear elevation of properties to Hamilton Mead and as such would not have any significant impact in terms of daylight or sunlight to these properties in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.20 The bulk and mass of the flank elevation to the proposed building will be alleviated through the brick detailing to the proposed building. The height of the building is limited through the use of a flat roof. The resulting elevation is not considered to be overly intrusive or over bearing to the properties in Hamilton Mead.
- 8.21 The landing window to the north eastern elevation will be obscured by the brick aperture to this elevation and would be inwardly opening in the interests of privacy.

High Street

- 8.22 The primary objective in relation to the properties in the High Street is to ensure that any development does not have any adverse impact upon the privacy of residents at first floor level.
- 8.23 The proposed development will introduce a single flank window facing these units and serving an en-suite bathroom. This window will also be obscured by the brick aperture to this elevation, but will also be obscured glazed and inwardly opening in the interest of privacy.

39 High Street

- 8.24 The rear wall of the proposed development will form the common boundary with 39 High Street and will adjoin the shed within the garden to this property. This wall would be increased in height by approximately 3.4m above the existing boundary treatment.

- 8.25 This property is within the ownership of the applicant, however the local planning authority should still ensure that there is no significant detriment to the amenity of this unit in accordance with Policy CS12 of the Core Strategy
- 8.26 The proposed building would be located beyond a 45 degree angle to the nearest (bedroom) window within the rear elevation of property, however it is located to the north of the property and given both the size and internal layout to the dwelling is not considered to have a demonstrably harmful impact on sunlight or daylight to the room.
- 8.27 The brick detailing to this elevation and siting of the adjoining shed substantially reduces any visual intrusion and given the rear garden size and layout and outlook from the dwelling, I am satisfied that the proposed building would not result in any over bearing or oppressive impact in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

Access and Parking

- 8.28 The access to the site is considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 54 and Appendix 5 of the Local Plan 1991-2011.
- 8.29 A single parking space is considered to be sufficient as Saved Appendix 5 of the Local Plan 1991-2011 requires 1.5 spaces for a 2 bedroom property in this location. Furthermore the proposed unit is within reasonable walking distance of a range of shops and local facilities including the local bus stop.
- 8.30 There would be no objections from the County Council as highway authority in relation to this scheme.

Developer Contributions and Infrastructure

- 8.31 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.32 Residential development will be charged CIL in accordance with the adopted CIL Charging Schedule. The site is located within Charging Zone 2 where a charge of some £150 per square metre (index linked) will be levied against new residential developments. In some instances an exemption from the payment of CIL may be applicable.

Sustainable Construction

- 8.33 A Sustainability Checklist has not been submitted with the application to address the requirements of Policy CS29 of the Core Strategy.
- 8.34 A number of the requirements under Policy CS29 have subsequently been embodied in the Building Regulations. It is however recommended that additional information is secured through the use of a planning condition.

Other Material Planning Considerations

Contamination

- 8.35 The Environmental Health team have recommended the imposition of contaminated land conditions in view of concerns over the historical land use of the site and to address any potential risk to human health.

Response to Objections

- 8.36 There would be no direct views from the proposed building into the garden of 24 Hamilton Mead and as such there is no significant loss in the privacy of this property in accordance with Policy CS12 of the Core Strategy.

9 RECOMMENDATION

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

Conditions

- 1. The development hereby permitted shall begin 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:**

**SU 1.201A (Location Plan)
2.203A (Site Plan)
2.204A (Proposed Floor Plan)
2.205B (Proposed Elevations)
2.206A (Roof Plans)**

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

- 3. No construction of the superstructure of the development hereby permitted shall be constructed until details of the materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013)

- 4. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.
For the purposes of this condition:**

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

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

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

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

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

Reason: To ensure that 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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

- 6. Any contamination, other than that reported by virtue of Conditions 4 and 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this**

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

- 7. The development, hereby approved, shall not be occupied until the arrangements for vehicle parking associated with the dwelling have been submitted and approved in writing by the local planning authority. These arrangements shall be provided in**

accordance with the approved details and shall thereafter be retained for the use of this dwelling.

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

- 8. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning

- 9. The bathroom window at first floor level in the south west elevation of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).Policy Framework (2019).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object overlooking neighbours in Hamilton Mead. The proposed scheme is out of keeping and over bearing with surrounding properties and is of a poor design. There is inadequate parking
Hertfordshire County Council – Archaeology Unit	In this instance I consider that the development is unlikely to have an impact on heritage assets of archaeological interest, and I therefore have no comment to make upon the proposal.
Hertfordshire County Council – Growth and Infrastructure	<p>Hertfordshire County Council’s Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p>

<p>Hertfordshire County Council - Highways</p>	<p>Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) 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.</p> <p>AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p>Comments</p> <p>The proposals are for the demolition of existing lock-up garages and construction of new garages with a one bed dwelling above at land adjacent to 33 High Street, Bovingdon. High Street is an classified C local distributor road with a speed limit of 30 mph and is maintained at public expense.</p> <p>The dwelling in the application is not proposing a new access and will continue to use the current access and vehicle crossover for the current flats in the vicinity. This means that there will be no added detriment to the highway network regarding increased trips or vehicles for the</p>
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	<p>dwelling. The current access has good visibility on both sides for vehicles to enter and exit safely.</p> <p>Parking is a matter for the Local Planning Authority (LPA). However, HCC would comment that from the proposal drawings that the property will be allocated a parking space from the newly parking area within the private courtyard which is deemed acceptable for the amount of dwelling proposed in the area.</p> <p>The dwelling is 50 metres from the nearest bus stop which has links to the local town of Hemel Hempstead and its train station.</p> <p>The construction of the planned dwelling and associated garages should not affect surrounding dwellings or the highway network and therefore HCC is satisfied with this outcome.</p> <p>Conclusion HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application.</p>
<p>Conservation and Design</p>	<p>This proposal has again taken Buttercup House as its visual cue, when the latter itself is so poorly designed. I would suggest, as with 20/01940 that the way forward for this site is to seek a redevelopment which includes Buttercup House itself, currently a mix of storage/residential; and being two storeys with a flat roof is of no architectural merit.</p> <p>Unless this takes place, there is little opportunity to ensure the design and style of the proposed schemes are of a high quality. The outlook of the proposed unit would also be poor, with overlooking issues and the creation of 'lifeless' brick elevations particularly on the rear (south-east)</p> <p>The proposal would impact on the setting of designated heritage assets. There are two adjacent designated assets The listed buildings at 39 High St (East Wing) and the Bovingdon Conservation area. The impact on the setting of 39 would appear to be less than substantial and at a nominal to low level. This is due to the existing building being in position which would in the main prevent views through to the listed building.</p> <p>In relation to the conservation area it would be visible. The impact would be less than substantial and at a low to moderate level. This is due to the increase in height and prominence in particular in glimpsed views from the High St.</p> <p>Whilst contemporary design can add to the interest of the Conservation Area we do not believe that these proposals do so.</p> <p>The planning officer should weigh up these harms in relation to the public benefits as per the guidance set out in the framework noting that the preservation of heritage assets should have great weight.</p>

Environmental Health	<p>I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is close to land with a contaminated land use history (slaughter house) and will involve a change of use to a more sensitive receptor, as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is</p>
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	<p>submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide</p>

	<p>working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>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.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
24 Hamilton Mead	<p data-bbox="523 300 711 331"><u>Original Plans</u></p> <p data-bbox="523 367 1430 499">The site referred to in this proposal is completely behind my neighbours at No.26. and No. 26A. They are both tenants of the Applicant or his family and this may mean they feel constrained from commenting on this Application.</p> <p data-bbox="523 535 1430 835">At the moment, the existing garages are single storey and therefore I enjoy a relatively attractive and airy view across the pitched roofs of the village towards the library, but this proposal would bring a two-storey building almost up to the garden wall of No. 26 itself, thus creating a visual intrusion. I do have some trees at the back towards this side of the garden, but nevertheless, the new building would still block existing light from my property, with the overshadowing being especially pronounced in the autumn and winter months when the sun is lower in the sky.</p> <p data-bbox="523 871 1430 1003">Considered in tandem with Proposal No. 20/01940/FUL by the same Applicant for another two-storey building the other side of my garden, this will detract from the character and atmosphere of my home and garden by making it feel very overshadowed and hemmed in.</p> <p data-bbox="523 1039 1430 1137">Currently, the parts of the building being considered for conversion are non-residential. Converting them to two-storey, and residential to boot, will almost certainly increase noise nuisance.</p> <p data-bbox="523 1173 1430 1473">The fact that the view from the front windows (north-westerly) of the proposed new one bedroom dwelling will overlook my garden and the back of my house will also compromise and impede my privacy. Although I have a screen of trees, some of these windows will still have an eyeline into my garden and all of them to the back windows of my house, and I do not want to have to feel compelled to keep the trees as a partial screen anyway. There are also windows proposed at the north-eastern side which would peer straight across into my garden and those of my neighbours, further impeding privacy.</p> <p data-bbox="523 1509 1430 1709">Surrounded by pitched roof buildings, the raising of this single storey building to a two-storey flat-roofed one would be completely out of keeping with the character of the area. The plans state that the new building has been designed to match the flat-roofed Buttercup House opposite, but it would have been better had it been designed to match all the other pitched roof buildings surrounding it instead.</p> <p data-bbox="523 1744 1430 1877">Aside from the increased noise nuisance, a proposal to simply rebuild the garages without the second storey, or convert the garages to a single storey home, would be far more sympathetic to the surroundings and overcome most of my objections.</p> <p data-bbox="523 1912 735 1944"><u>Amended Plans</u></p> <p data-bbox="523 1980 1430 2040">I live at No. 24 Hamilton Mead, and the site referred to in this proposal is completely behind my neighbours at No.26. and No. 26A, but as</p>

well as their houses and gardens (albeit that they are tenants of the Applicant), the proposed development would also overlook the back of my house and garden.

I have looked at the amendments to the original application, but can see nothing to alleviate the objections I previously logged here on 23rd July 2020.

Presumably, this Application also constitutes a 'Change of Use' for the site if a miniscule residence is going to be added to the replacement of the existing garages.

Considering this in tandem with Proposal No. 20/01940/FUL by the same Applicant for another two-storey building the other side of my garden (including another potential 'Change of Use', from storage facility to miniscule narrow residence), this will detract from the character, privacy and atmosphere of my home and garden by making it feel very overshadowed and hemmed in.

Agenda Item 5c

ITEM NUMBER: 5c

20/02550/FUL	Conversion of basement into 1x 1-bedroom flat	
Site Address:	Nash House Dickinson Square Hemel Hempstead Hertfordshire HP3 9GT	
Applicant/Agent:	Nash House Development Ltd	DLA Town Planning Ltd
Case Officer:	Nigel Gibbs	
Parish/Ward:	Nash Mills Parish Council	Nash Mills
Referral to Committee:	Contrary to Parish Council's View and called in by Councillor Maddern	

RECOMMENDATION

1.1 That the application be **GRANTED**.

2. SUMMARY

2.1 The principle of providing an additional one bedroom basement flat at Nash House is acceptable, contributing to the Borough's housing stock.

2.2. Nash House is subject to Planning Permission 4/01679/17/MFA for 9 flats and a community use served by 11 parking spaces. This was amended by Planning Permission 4/01092/19/ROC. The development is at a very advanced stage of construction.

2.3 The Original Scheme has been superseded by the Revised Scheme. The flat would be served by two connected south west facing windows adjoining the glazed entrance front door which would be linked to the proposed living room. It is considered that the flat would provide an adequate standard of accommodation.

2.3 The proposal is materially different to the previously proposed conversion refused under Application 20/01248/FUL for a basement flat which had no windows being reliant upon a lightwell for the bedroom.

3. SITE DESCRIPTION

3.1 Nash House, a non designated heritage asset, comprising a former Georgian style dwelling house (1750) located within the former Sappi site residential development. It occupies a prominent position visible from and to north of the Red Lion Lane junction with Rose Lane which is the main entry road to the estate. This part of the Sappi development features flats/ flat blocks and terraced/ townhouse style housing.

3.2 Nash House was the residence of key pioneers of the paper making industry, with international historical significance, Despite the former English Heritage's not supporting its listing. The highly influential John Dickinson was amongst these former residents, purchasing the building in 1811.

3.3 Until recently - through the grant and carrying out of Planning Permission 4/01679/17/MFA - Nash House had become wholly derelict with its shell roof and portico entrance being particularly prominent. What should have been the prestigious landmark building at the visual focus of this part of the Sappi development - as a legacy to the site's

historical importance - had become the focal point for all the wrong reasons which resulted in major local/ national criticism.

3.4 When 4/01679/17/MFA was considered Nash House's condition wholly detracted from the otherwise high quality surrounding nearby residential development, in its high profile very visible location set against the designated play area at Dickinson Square adjoining Butterfly Crescent and the culverted mill stream.

3.5 In granting 4/01679/17/MFA, the approved Revised Scheme involved:

- ☐ a reduction in the number of units from ten to nine;
 - ☐ the provision of 5 one-bed units and 4 two bed-units;
 - ☐ the introduction of a community use on the ground floor with a ramped access;
 - ☐ Flat 4 shown as a duplex and including a bedroom within the basement;
 - ☐ the provision of bin storage areas;
 - ☐ all of the residential units designed to meet the national space standards; and
- The removal of 3 second floor windows on the north-east elevation.

3.6 With regard to the remainder of the basement the Agent has previously advised that it wouldn't be suitable for any form of accommodation or any other practical use due to low ceiling heights, pilling for walls, and backfilling. In this respect the Agent has clarified that having discussed it with the client they have ensured that, at great cost, as much of the basement has been retained as possible in order to retain this historic feature as opposed to simply concreting it in. In this context the Agent has explained that if there is any concern about the remainder of the basement having a residential use in the future the Developer would agree with the imposition of a condition to stop this.

3.7 In addition to Refusal 20/01248/FUL, Planning permission was also refused under reference 20/01249/FUL for the provision of a flat within the approved community unit for the following reason:

'The proposal would result in the permanent loss of the approved community use at Nash House which is a non designated heritage asset.

This loss would be contrary to Policy CS23 of the Dacorum Core Strategy (2013), saved Framework's parts Paragraphs 9.1 and 9.2. This is set against the approved use forming an integral part of Planning Permission 4/01679/17/MFA, as modified, at Nash House, which was to form the focal point of the now otherwise completed redevelopment of the area of the former Sappi Industrial site providing a mix of uses at Nash House.

There would be an incompatible relationship between the location of the flat's windows serving the lounge and bedroom and the approved communal refuse store serving Nash House under Planning Permission 4/01679/17/MFA. The proposal would conflict with the expectations of saved Policy 19 criteria (iii) (Conversions) of Dacorum Borough Plan (2004) which requires the provision of a high standard of accommodation and the Refuse Storage Guidance Note (February 2015) and would be contrary to the National Planning Policy Framework's Part 12 (Achieving well- designed places) Paragraphs 127 and 130 which is supported by the National Design Guide.

The adverse impact of the loss of the approved community use and the layout implications relating to the location of the windows adjoining refuse bin storage area outweighs the implications of the lack of a 5 year housing land supply by the Council, as referred to by the National Planning Policy Framework Paragraph 11 (d) (ii), with the loss of the use and layout being contrary to the NPPF's Paragraph 8 (b). It is not a sustainable development, by not being in accordance with its social objectives'.

4. PROPOSAL

4.1 This is for the provision of a self-contained (70.6 sq. m) one bedroom flat within part of Nash House's basement. It features a separate living room, bedroom and kitchen benefitting from internal storage.

4.2. The unit would be located within the south western side of Nash House accessed by an external staircase. It would feature two connected south west facing windows adjoining the glazed door which would be linked to the living room. The flat would be served by the previously communal approved refuse storage facility with access to one of the approved 11 parking spaces and communal refuse storage area. The application is accompanied by a Planning Statement and Lighting Report.

4.3 The Revised Scheme has modified the internal layout with the front door opening into the living room. The Original Scheme featured the bedroom adjoining the entrance door served by main window.

4.4 The Revised Scheme's accompanying notes confirm:

1. The internal space of the proposed flat is 70.6sqm. This is greater than the required 50sqm national minimum floorspace standards.

2. The internal space of the proposed bedroom is 12.2sqm in size. This is greater than the required 11.5sqm as set out in the technical requirements.

3. The floor to ceiling height 2.376m as shown on the section drawings.

4. The bedroom meets building regulations requirements.

Note: The standards are those referred to by the Homes & Communities 'Technical housing standards – nationally described space standard'.

5. PLANNING HISTORY

Planning Applications

20/00507/NMA - Non material amendment to planning permission 4/01679/17/mfa (Roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and ramped access, bin storage area and parking (11 spaces))
GRA - 23rd April 2020

20/00924/DRC - Details required by condition 2 (Heritage Signage) and 14 (basement management plan) of planning permission 4/01679/17/MFA (Roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and ramped access, bin storage area and parking (11 spaces))

GRA - 13th July 2020

20/01248/FUL - Conversion of basement into 1x 1-bedroom flat
REF - 17th August 2020

20/01249/FUL - Conversion of gym into into one 1-bedroom flat
REF - 17th August 2020

20/02528/NMA - Non material amendment to planning permission 4/01679/17/MFA (Roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and ramped access, bin storage area and parking (11 spaces))
REF - 2nd October 2020

4/01093/19/DRC - Details required by condition 2 (community use: partial), condition 6 (drainage design), 8 (boundary treatment), 12 (details of exterior lighting) and 14 (management plan:partial) attached to planning permission 4/01679/17/mfa - roof extension, refurb
GRA - 31st July 2019

4/01092/19/ROC - Variation of condition 5 (approved site layout plan) attached to planning permission 4/01679/17/mfa - roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and ramped access, bin
GRA - 6th August 2019

4/02571/18/DRC - Details as required by condition 4 (scheme for noise insulation/mitigation) of planning permission 4/01679/17/mfa (roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and rampe
GRA - 21st June 2019

4/02387/18/DRC - Details required by conditions 3 (external works and materials), 9 (contamination 15 (construction management) and 16 (drainage) attached to planning application 4/01679/17/mfa (roof extension, refurbishment and repair, use of building as 9 flats (5 one-b
GRA - 22nd February 2019

4/01679/17/MFA - Roof extension, refurbishment and repair, use of building as 9 flats (5 one-bed, 4 two-bed) community use on part of ground floor and ramped access, bin storage area and parking (11 spaces)
GRA - 5th June 2018

4/00195/13/FUL - Conversion of upper floors from commercial (b1a) to three residential flats (c3) with associated car parking
GRA - 2nd April 2013

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Canal Buffer Zone: Minor
Canal Buffer Zone: Major
CIL Zone: CIL3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Nash Mills CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)

National Planning Policy Guidance

National Design Guide

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy NP1 - Supporting Development

Policy CS1 - Distribution of Development

Policy CS4 - The Towns and Large Villages

Policy CS10 - Quality of Settlement Design

Policy CS11 - Quality of Neighbourhood Design

Policy CS12 - Quality of Site Design

Policy CS13 - Quality of Public Realm

Policy CS17 - New Housing

Policy CS18- Mix of Housing

Policy CS27- Quality of Historic Environment

Policy CS29 - Sustainable Design and Construction

Policy CS32- Air, Soil and Water Quality

Hemel Place Strategy

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 10 - Optimising the use of Urban Land

Policy 18 - Size of New Dwellings

Policy 19 - Conversions

Policy 21 - Density of Residential Development

Policy 51- Development and Transport Impacts

Policy 54- Highway Design

Policy 58 - Private Parking Provision

Policy 113- Exterior Lighting

Policy 129 - Storage and Recycling of Waste on Development Sites

Appendix 1 - Sustainability Checklist

Appendix 3 - Layout and Design of Residential Areas

Appendix 5 - Parking Provision Appendices

Supplementary Planning Guidance

Sustainable Development Advice Note (March 2011)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (September 2011)

Refuse Storage Guidance Note (February 2015)

Parking Standards Supplementary Planning Document (March 2019)

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:

- ☐ Principle. This relates to a residential use.
- ☐ Viability.
- ☐ Heritage Implications.
- ☐ The layout issues.

9.2 This is set against the LPA's grant for the redevelopment of Nash House and the refusal of Application 20/01248/FUL for the following reason:

'The proposed flat would not be served by any windows. The proposal would conflict with the expectations of saved Policy 19 (conversions) of Dacorum Borough Local Plan which requires the provision of a high standard of accommodation. The development (sic) would be contrary to the National Planning Policy Framework Part 12 (Achieving well- designed places), Paragraphs 127 and 130 which are (sic) supported by the National Design Guide.

The adverse implications of providing a flat without any windows outweighs the implications of the lack of a 5 year land supply for housing by the Council, as referred to in the National Planning Policy Framework Paragraph 11 (d) (ii). The development

would be contrary to the NPPF Paragraph 8 (b). It is not a sustainable development, by not being in accordance with its social objectives’.

9.3 This refusal was because the proposed flat was wholly dependent upon a south facing lightwell and door. Due to the lack of any window the proposal was not considered to be to a high standard/ well designed as expected through saved DBLP Policy 19 and the National Design Guide, with reference to various studies regarding the importance of some daylighting/ windows.

9.4 This took into account that the adjoining approved flat unit features a basement bedroom relying upon a lightwell. Contrary to the NPPF’s Para 8 the proposed conversion failed to accord with its expected social objective by failing to meet the needs of all occupiers now and in the future, not being well designed and not providing an adequate environment.

Principle of Development: Residential Development

9.5 The site is located within the urban area of Hemel Hempstead. Under Policies CS1 and CS4 of the Dacorum Core Strategy residential development is acceptable in principle. CS1 confirms that Hemel is to be the focus for new homes, as expressed through Hemel Hempstead Place Strategy. CS4 clarifies that in residential areas appropriate residential development is encouraged.

9.6 Policy CS17 supports new residential development to meet the district housing allocation, with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This approach is set against the NPPF’s emphasis upon delivering sustainable development – with the social objective of providing a sufficient number and range of new homes, as expressed through Part 5 (Delivering a sufficient supply of homes).

9.7 Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure under criteria (a). This echoes the NPPF’s Paragraph 61.

9.8. Also in considering the application the Council does not have a demonstrable 5-year supply of deliverable housing sites. Under the NPPF’s paragraph 11 planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF that protect areas or assets of particular importance provide clear reasons for refusal.

Viability

9.9 The Planning Statement addresses viability:

Whilst it is considered that the proposal is acceptable on its own merits, it is also noted that the current permission does not provide a viable form of development. Viability was raised as a factor during the previous application. However, between the submission of the previous application and the current (near complete) stage, the financial situation has considerably worsened. This is due to significant reductions in expected property values, as well as increases in construction costs. This has significantly altered the projected viability

for the project. The applicant's financial forecasts show a developer profit margin that is significantly below the levels that are generally accepted as necessary to make a development viable.

9.10 However, It is not considered that this issue would outweigh the importance of only supporting applications which provide an environmentally acceptable form of development.

Heritage Implications

9.11 Planning Permission 4/01679/17/MFA ensures the retention of Nash House as a non – designated heritage asset. The use of part of the basement would not harm the building with reference to the NPPF's Paragraph 197. It is not considered that the proposed changes to the windows would harm the overall appearance of the building.

Layout: Background

9.12 This is with reference to Dacorum Core Strategy Policy CS12 and saved DBLP Policies 19 and 21, with Appendix 3 in achieving a high quality of design, as expected through the NPPF's Part 12 and the National Design Guide.

9.13 This is set against the NPPF's approach to 'making effective use of land' under Part 11 with specific regard to achieving appropriate densities under paras 122 and 123. Para 123 explains that where there is a shortage of land for meeting housing needs it is expected that developments make optimal use of each site.

9.14 Saved DBLP Policy 19 expects high quality residential conversions with a range of development criteria. Saved DBLP Appendix 5 establishes the standards for new housing with criterion (iv) addressing the satisfactory level of sun and day light.

9.15 The NPPF's Part 12 (Achieving well- designed places) expects the delivery of high quality buildings and places through Paragraph 124. Its Paragraph 127 addresses the importance of achieving such developments through both policies and individual decisions, with the need to consider the 'lifetime' of the development. Accordingly Paragraph 130 reinforces this through clarifying that permission should be refused for poor design.

9.16 National Design Guide notes under H1 the importance of a 'Healthy, comfortable and safe internal and external environment' with reference to its Paragraphs 124 to 128. Paragraph 124 explains good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, accessibility and adaptability. Para 126 clarifies that well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. Background documents addressing Quality Environments / Homes include:

Public Health England Spatial Planning for Health: An evidence resource for planning and designing healthier places. 2017, and

Quality standard of homes delivered through change of use permitted development rights July 2020: Report on the independent MHCLG funded research into quality standard of homes delivered through certain permitted development rights for the change of use. Published 21 July 2020 Ministry of Housing, Communities & Local Government. Although this addresses the implications of the exercise of 'permitted development' rights relating to conversions, there is specific reference to the quality of the conversions. This includes the size of units and their living conditions with reference to lighting and the presence of windows and the implications, which is reinforced with the recent increased likelihood of working from home. It notes that access to sufficient natural light and sunlight has long been linked to health and its lack can very likely impact the wellbeing of residents, with reference to longstanding recognition of the role of daylight and a recent study of the role of sunlight. It clarifies that Building Regulations do not actually require a dwelling to have a window and this is not something that an LPA can consider through the prior approval process, but it is of serious concern in terms of residential quality

Layout: The Proposal

9.17 The LPA can only give limited weight to the National Space standards as these have not been adopted, however they are an important indicator of what is acceptable. With reference to the expectations of saved DDBLP Policy 19, the 70 .6 sq. m gross provision is acceptable with regard to the minimum of 23 sq. m of habitable floor space under (iv), with an adequate bedroom size.

9.18 The provision of a main double window serving the living room is a fundamental material difference to Refusal 20/01248/FUL, benefitting from a southerly aspect, adequately addressing the previous objection. The submitted Lighting Report, based upon the Original Scheme's layout confirms the adequacy of the lighting.

Other Material Planning Considerations

Effect upon Residential Amenity

9.19 This is with reference to Dacorum Core Strategy Policy CS 12 and saved DBLP Appendix 3. It addresses the physical impact, privacy, the receipt of day and sunlight and noise and disturbance.

9.20 There would be no harm to the adjoining approved flats or the surrounding area.

Highway Safety / Access/ Parking

9.21 This is with reference to Policies CS8, CS12, saved DBLP Policies 51, 54 and 58, Appendices 3 and 5 and the NPPF's Part 9 promoting sustainable transport.

9.22 Access. This was approved decision under 4/01679/17/MFA. A fire tender can park next to the site. Access for persons with disabilities to the unit is problematical for wheelchair users/ persons with limited mobility, generally reflecting the difficulties in accommodating access for building conversions. However, the Nash House conversion

has provided access opportunities for the community unit with a ramped access and 2 disabled parking spaces.

9.23 Parking. Nash House would continue to be served by 11 parking spaces (with 2 spaces for persons with disabilities) as required by both the previous permissions, enabling community use and residential parking in a sustainable location as observed by Hertfordshire County Council Highways.

9.24 The Sappi Development was based upon 1 parking space per unit. The approach to the Nash House scheme was the same with the 11 spaces split between the 9 flats and community facility. In this context, set against the NPPF's Part 9 (Promoting sustainable transport) with the opportunity for the flat to benefit from use of the car park in this sustainable location, it is not considered that there is a parking objection to the provision of this one bedroom unit.

Ecological Implications

9.25 Hertfordshire Ecology raise no objections.

Contamination/Flooding/Foul and Surface Water Drainage/ Water Supply

9.26 This has been addressed through 4/01679/17/MFA with no relevant consultee objections to the current application.

Security/ Crime Prevention Exterior Lighting

9.27 There are no apparent objections. Lighting at the entrance would be important.

CIL

9.28 There will be a requirement. Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development site within Zone 3.

10. CONCLUSION

10.1. The proposal adequately addresses the severe limitations associated with Refusal 20/01248/FUL served by no windows, representing an acceptable alternative approach. In this relatively sustainable location and the availability of off street parking for Nash House as a whole, it is not considered that there is a parking objection to the application, set against the NPPF's emphasis upon promoting sustainable transport.

10.2 It is in accordance with the National Planning Policy Framework's economic, social and environmental objectives representing a sustainable development.

11. RECOMMENDATION

11.1 That planning permission be granted subject to the conditions set out below.

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin 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 flat hereby permitted shall not be occupied until both windows serving the dwelling are provided fully in accordance with Plan Nos. PL-2-04a and PL-2-03e . Thereafter the flat shall be served at all times by both windows.**

Reason: Without both windows the use of this part of the basement for the provision of a flat would conflict with the expectations of saved Policy 19 (conversions) of Dacorum Borough Local Plan (2004) which requires the provision of a high standard of accommodation. Without the windows the development would be contrary to the National Planning Policy Framework Part 12 (Achieving well- designed places), Paragraphs 127 and 130 which are supported by the National Design Guide.

3. **The flat hereby permitted shall not be occupied until the community use unit at Nash House subject to Condition 2 Planning Permissions 4/ 01679/MFA and Condition 1 of Planning Permission 4/01092/19/MFA is provided fully in accordance with these conditions. Thereafter the community use unit shall be permanently available for community use between 10.00 and 20.00 hours Mondays to Fridays and 10.00 and 16.00 hours on Saturdays. In all other respects the use shall be operated in accordance with the letter (Management Plan) from DLA Town Planning dated 11 October 2018 to the local planning authority and therefore, notwithstanding the content of the letter dated 11 October 2019 the community unit shall not be used outside the times specified by this condition.**

Reason: To ensure that the community use is permanently provided at all times to accord with the expectations to the former Sappi site which is subject to Planning Permission 4/01382/09/MFA and Policies CS 23 and CS27 of Dacorum Core Strategy. The Management Plan's hours referred to by the letter dated 11 October 2019 extends beyond those originally approved by the local planning authority.

4. **The development hereby permitted shall not be occupied until the following have been provided:**

- **The ramped/ disabled accesses to the community unit and Unit 1 fully in accordance with Plan No 1805/A1.01Rev G subject to Planning Permission 4/01092/19/ROC, and**
- **11 (eleven) parking spaces serving the development including 2 disabled spaces being located next to the community unit and Unit 1 in accordance with Planning Permission 4/001092/ROC, notwithstanding the details shown by Plan No. PL-2-01 Rev A.**

Both accesses and all of the parking spaces shall be retained thereafter at all times and they shall not be used thereafter otherwise than for the respective approved purposes. In addition cycle storage at Nash House shall be provided at the site at all times fully in accordance with details submitted to and approved in writing by the local planning authority before the first use of the building hereby permitted.

Reason: To provide the ramped/ disabled/ inclusive accesses, parking and cycle storage at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

5. **Subject to the requirements of other conditions of this planning permission, all the conditions of Planning Permissions 4/01679/MFA and 4/01092/19/ROC, the development hereby permitted shall be otherwise carried out in accordance with the following approved plans:**

PL-2 -01A

PL-2-04a

PL-2-03e

PL-2-05b

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
3. 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.
4. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

<p>Hertfordshire Highways (HCC)</p>	<p>ORIGINAL SCHEME</p> <p>Application type Full Application</p> <p>Proposal Conversion of basement into 1x 1-bedroom flat</p> <p>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.</p> <p>HIGHWAY INFORMATIVES</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p> <p>3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p>
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	<p>ANALYSIS: This application is for: Conversion of basement into 1x 1-bedroom flat.</p> <p>ACCESS: No new or altered vehicular or pedestrian access is proposed to or from the public highway and no works are required in the highway.</p> <p>PARKING: No additional parking spaces are proposed for this development. The site is in a sustainable location close to town centre amenities.</p> <p>CONCLUSION Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the informative notes above.</p>
Trees & Woodlands	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Thames Water	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Affinity Water - Three Valleys Water PLC	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Herfordshire Building Control	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Hertfordshire Property Services (HCC)	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Conservation & Design (DBC)	<p>ORIGINAL SCHEME</p> <p>This application is confusing as it states there are no external alterations but additional light is only possible by the introduction of two new adjacent windows of different dimensions and styles in the side elevation and introducing an inappropriate half-glazed door, and moving the steps toward the façade requiring additional excavation and engineering - all requiring changes to this elevation.</p>

	<p>The proposed layout still leaves the kitchen area without its own natural lighting. The 'storage area' is entirely unlit. The layout places the double bedroom and bed directly opposite the front door.</p> <p>The calculations for the ADF are not given.</p> <p>What will be the impact on bin storage?</p> <p>This proposal is an afterthought and appears on the plans as such, failing to integrate with the rest of the works.</p>
Hertfordshire Ecology	<p>ORIGINAL SCHEME</p> <p>Thank you for your letter of 19 June 2020 which refers, and for consulting Herts Ecology.</p> <p>I commented on a previous similar application at this address on 10 July 2020 and my advice remains the same.</p> <p>ORIGINAL SCHEME</p> <p>As before, the Hertfordshire Environmental Records Centre has no records of notable ecological interest at this recently converted building. Consequently, I am not aware of any ecological constraints that could apply. There will be no loss of biodiversity and, given the scale, type and location of the proposed development, the aspiration to deliver a net gain of biodiversity can be put to one side.</p> <p>I hope these comments are helpful.</p>
Canal & River Trust	<p>ORIGINAL SCHEME</p> <p>No comment.</p>
Parish/Town Council	<p>ORIGINAL SCHEME</p> <p>Objection Nash House 20/02550/FUL</p> <p>NMPC object to the amended proposals as they do not adequately address our concerns raised in the previous applications.</p> <p>NMPC feel that the planning officers report detailing his extensive justification for recommending refusal of the previous application have only been satisfied in part by the addition of a small window.</p> <p>The concerns about the space being suitable and well-designed living space is still not met in our opinion, the layout is still controversial in that the front door opens straight into a bedroom.</p> <p>NMPC have concerns that the proposed new window will still not allow sufficient light due to the fact that the majority of it is underground and shadowed by the neighbouring stairs, railings and portico.</p>

	<p>Section 4.2 of the accompanying light report mentions that a kitchen, if non-daylit should have access to a well-lit living/dining room ' the plans show that the kitchen is next to the bedroom so it is unclear if this space is a studio flat or a one bedroom flat as described.</p> <p>We also object under CS12 under the following points Cs12 (b).</p> <p>Parking was a component of our original objection and this issue has not been addressed.</p> <p>It is well known that there is under provision for parking at Nash Mills Wharf and parking there is a cause of grave concern for existing residents and the parish council. This development had only the minimum required spaces on its approved application and therefore the lack of any additional provision with this new proposal will mean that there is not sufficient parking provided for the Nash House development</p>
Environmental And Community Protection (DBC)	<p>ORIGINAL SCHEME</p> <p>Noise / Pollution</p> <p>No comment.</p> <p>Scientific Officer</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>
Civil Aviation Authority	<p>ORIGINAL SCHEME</p> <p>Comments awaited.</p>
Civil Aviation Authority	<p>REVISED SCHEME</p> <p>Comments awaited.</p>
Canal & River Trust	<p>REVISED SCHEME</p> <p>No comment.</p>
Conservation & Design (DBC)	<p>REVISED SCHEME</p> <p>Comments awaited.</p>
Trees & Woodlands	<p>REVISED SCHEME</p>

	Comments awaited.
Environmental And Community Protection (DBC)	REVISED SCHEME Comments awaited.
Hertfordshire Property Services (HCC)	REVISED SCHEME Response by HCC's Growth & Infrastructure Unit to Conversion of basement into 1x 1-bedroom flat at Nash House Dickinson Sq. Hemel Hempstead HP3 9GT Thank you for your email regarding the re-consultation on the above mentioned planning application. Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department. Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision. I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.
Hertfordshire Highways (HCC)	REVISED SCHEME Application type Full Application Proposal AMENDED PROPOSAL Conversion of basement into 1x 1-bedroom flat 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.

HIGHWAY INFORMATIVES

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public

right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

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

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

highway. Further information is available via the website

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

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

Further information is available via the website

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

ANALYSIS:

This application is for: AMENDED PROPOSAL Conversion of basement into 1x 1-bedroom flat.

This proposed revised application is for having additional windows in place as well as an accompanying lighting report.

	<p>ACCESS: No new or altered vehicular or pedestrian access is proposed to or from the public highway and no works are required in the highway.</p> <p>PARKING: One car parking space will be provided for the additional unit. The site is in a sustainable location close to town centre amenities.</p> <p>CONCLUSION Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the informative notes above.</p>
Hertfordshire Ecology	<p>REVISED SCHEME</p> <p>Comments awaited.</p>
Hertfordshire Building Control	<p>REVISED SCHEME</p> <p>Comments awaited.</p>
Parish/Town Council	<p>REVISED SCHEME</p> <p>NMPC have considered the submitted amendments to the application and object to this revised application as we do not feel that our earlier concerns have been addressed satisfactorily.</p> <p>NMPC feel that the planning officers report detailing his extensive justification for recommending refusal of the previous application have only been addressed in part. The concerns about the space being suitable and well-designed living space is still not met in our opinion. The proposed development would result in overdevelopment and overcrowding. NMPC fully supports the view of the conservation officer, this amended scheme is not in character and will have a detrimental effect on a very significant heritage asset.</p> <p>We also object under CS12 with the following points Cs12 (b) Parking was a component of our original objection, there are insufficient spaces for the number of approved flats even without this additional unit. There would be no overall increase in the net number of spaces available for Nash House (including the community facility within) to provide this proposed dwelling with parking. Parking remains a major issue in Nash Mills especially within the Wharf.</p>
Affinity Water - Three	<p>REVISED SCHEME</p>

Valleys Water PLC	Comments awaited.
Thames Water	REVISED SCHEME Comments awaited.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
119	11	0	11	0

Neighbour Responses

Address	Comments
2 Butterfly Crescent Hemel Hempstead Hertfordshire HP3 9GS	<p>ORIGINAL SCHEME</p> <p>I should like to object to this proposal as it will result in over development of the site and insufficient parking.</p> <p>There is already inadequate parking for Nash House, based on the number of units for which permission has been granted and one more unit will exacerbate the problem.</p> <p>Lack of proper parking facilities results in residents parking in unallocated spaces, which is dangerous as it reduces road width and the ability of emergency vehicles to enter and exit the site with ease. It also results in cars in allocated spaces being blocked in. It is not realistic in 2020 to expect a unit holder to own only one vehicle. Most units of this nature are occupied by couples, with one car each.</p>
1 Butterfly Crescent Hemel Hempstead Hertfordshire HP3 9GS	<p>ORIGINAL SCHEME</p> <p>1. Inadequate parking provision: 11 spaces for 10 flats is inadequate There is already insufficient parking, and as a resident of 8.5 years I have become increasingly frustrated during the past 2 years with visitors parking in my 2 spaces with no prior arrangement. This results in my having to knock on doors to establish ownership of the offending vehicle/s.</p> <p>2. Increase in traffic: there is already a constant flow of traffic around the development often with little regard for noise or speed.</p> <p>3. Other - Vermin risk: there are already issues with vermin on the development with residents not responsibly binning refuse. The inadequate provision of only 2x 1,100 litre bins (for recycling and</p>

	<p>non-recycling) for 10 units is likely to contribute to vermin risk.</p> <p>4. Over development: 9 flats is thought to be too many; the proposal to have 10 flats is unacceptable.</p>
<p>Chris Newman 10 Croxley Road Nash Mills Wharf</p>	<p>ORIGINAL SCHEME</p> <p>I am very disappointed to see yet another application relating to Nash House. As I mentioned before this can only be regarded as the further overdevelopment of Nash House. Nash Mills Wharf is a very dense development with horrendous parking problems exacerbated by outdated parking policies. There is no additional parking proposed for this new apartment which is simply unacceptable and it is not realistic as has already been proven on this development with Red Lion Lane full of cars parking on the pavement and insufficient overflow parking opposite Water Mill House Care Home. This proposal would further reduce visitor spaces on the development.</p> <p>I am still not convinced on the natural light which would be very unpleasant for the occupants and I wonder how this apartment, particularly the kitchen and bathrooms would be ventilated.</p> <p>I am still not convinced that the bin enclosure/proposals would be sufficient for the unit numbers within Nash House.</p> <p>This proposal still has no community space whatsoever. The previous application included for at least a gym area which was insufficient then. Now there is no community or commercial space at all.</p> <p>I would also stress that the proposal would have a negative impact on the overall character of Nash House which would be detrimental to its heritage and identity.</p> <p>Previous applications for additional units has already been refused for similar reasons and we see no justification for any further additional units.</p>
	<p>We have just seen the plans for the above reference and I would like to object these plans. From the beginning of building there was only meant to be a total of 9 flats, the developer then put a request in for 10 which got declined and now originally and now they are trying again. I feel the developer is being greedy and not thinking about it from a location point of view or parking. There is not enough parking for 9 flats (as majority are already double occupancy). The parking around the development is minimal already and this is only going to add to the issue.</p>
<p>12 Dickinson House Nash Mills Wharf HP3 9DR</p>	<p>ORIGINAL SCHEME</p> <p>Please note the following:</p> <ol style="list-style-type: none"> 1. Similar applications have been refused twice in 2017 and in 2020. Why another one, as nothing has changed? 2. The development is already overcrowded with massive issues with car parking, and health matters with regards to vermin. More bin stores will further exacerbate the problem. Vistry Group via Rentokil have only installed further traps last week due to a surge in rats from the weir and river area.

	<p>3. The original site planning application granted to Crest Nicholson/Linden Homes ref: Dacorum Borough Council Granted Application No. 4/01382/09/MFA (12th May 2010) This has never been complied with and is the subject of a non compliance order by your department for a range of issues not least of which was the failure to build or do anything with Nash House and leave it derelict for over 5 or more years, and adequately provide for a nice visual aspect for the residents. Ha, ha!! Vistry Group need to be communicated with as they are waiting for Dacorum Council to approve completion works by the EA at your own offices! Nothing should be agreed until this is transparent and it is far from it.</p>
<p>11 Frances Mews Hemel Hempstead Hertfordshire HP3 9GR</p>	<p>ORIGINAL SCHEME</p> <p>Over development - 9 flats is too many as it is so 10 is excessive. Bins/Vermin - there is a known problem with vermin on the estate, the proposal for 2 x 1,100 litre dustbins is not enough as it is for 9 flats, so risk of overflow of rubbish and vermin being attracted to where these will be stored. Living next to these flats with children is an issue with bins and issues that will come with it next to our living space. Parking - There is a lack of parking for the estate as it is, adding another flat only adds to the parking issues we face Revised design proposal - the last application for this additional unit was refused due to lack of natural light. The new plans shows the addition of 2 windows next to the door . From an outside point of view this will look odd and not in keeping with the rest of the building. Internally it would compromise the privacy for the occupant.</p>
<p>5 Butterfly Crescent Hemel Hempstead Hertfordshire HP3 9GS</p>	<p>ORIGINAL SCHEME</p> <p>I write to OBJECT to the revised application to create one more residential unit in the basement of Nash House. This would bring the total number of units to 10. In 2017 an application was submitted to convert and extend Nash House to create 10 units and this application was rejected. Why would 10 units now be acceptable when nothing in the area or site itself has improved/changed? The same problems remain, as follows: 1. Parking - when Crest Nicholson/Linden Homes sold the Nash House site they sold most of the visitor parking in Nash Mills Wharf with it including the only allocated disabled parking bay. This has led to residents and their visitors spilling over on to Red Lion Lane and other neighbouring streets causing a nuisance and danger to road users (including Emergency vehicles) and pavement users. 9 units will add to the existing problem and a total of 10 will only exacerbate the problem further. 2. Over-development - 9 units is cramming but 10 would be totally excessive. 3. Vermin risk - The plans provide for a bin store for only 2 x 1,100 litre bins - one for re-cycling and the other for non-recycling. This provision is likely to be inadequate for 9 units and adding another unit risks having major problems with vermin and rubbish spilling out of the bin housing. 4. Design & external impact of the basement flat - The June 2020</p>

application was refused due to lack of natural light. The developer is now proposing to add two windows next to the door to the basement to allow more light. Externally, this is going to look most odd and not in keeping with the overall look of the building. Their plan also suggests that the flat will, in fact, be a studio as the bed space is not separate from the living area.

Further, the proposed position of the bed itself is opposite the door and windows which would mean that blinds/curtains would need to be covered in order to afford the occupant any privacy, which leaves the problem of not having sufficient natural light.

Is the developer going to keep coming back with tweaked designs so that in the end the Council just gives in and grants their application so as to 'get rid' of a time-consuming problem? Please do not let this happen.

May I suggest an alternative use for the basement? To create 9 storage spaces - one for each flat. The design for the 9 flats is cramped and affords little space for storage. The developer has expressed a concern (the Planning Officer should not take this into account) that not enough profit will be made from 9 units. With the addition of a storage space the developer can surely add a premium to the price of each flat so as to compensate for income he feels he might have lost.

Please reject this latest planning application and word the refusal in such a way as to 'shut the door' on any other tweaks to the plans and any other re-submission.

I write to OBJECT to the revised application to create one more residential unit in the basement of Nash House.

On 28th October 2020 we were notified of an amendment to this planning application. It would appear that the layout of the proposed basement flat has been amended.

Changing the layout of the basement flat does not change the fact that this would bring the total number of units to 10. In 2017 an application was submitted to convert and extend Nash House to create 10 units and this application was rejected.

Why would 10 units now be acceptable when nothing in the area or site itself has improved/changed?

The same problems remain, as follows:

1. Parking - when Crest Nicholson/Linden Homes sold the Nash House site they sold most of the visitor parking in Nash Mills Wharf with it including the only allocated disabled parking bay. This has led to residents and their visitors spilling over on to Red Lion Lane and other neighbouring streets causing a nuisance and danger to road users (including Emergency vehicles) and pavement users. 9 units will add to the existing problem and a total of 10 will only exacerbate the problem further.

2. Over-development - 9 units is cramming but 10 would be totally excessive.

3. Vermin risk - The plans provide for a bin store for only 2 x 1,100 litre bins - one for re-cycling and the other for non-recycling. This provision is likely to be inadequate for 9 units and adding another unit risks

	<p>having major problems with vermin and rubbish spilling out of the bin housing.</p> <p>4. Design & external impact of the basement flat - The June 2020 application was refused due to lack of natural light. The developer is now proposing to add two windows next to the door to the basement to allow more light. Externally, this is going to look most odd and not in keeping with the overall look of the building.</p> <p>As I said before, is the developer going to keep coming back with tweaked designs so that in the end the Council just gives in and grants their application so as to 'get rid' of a time-consuming problem? Please do not let this happen.</p> <p>Please reject this latest planning application and word the refusal in such a way as to 'shut the door' on any other tweaks to the plans and any other re-submission.</p>
<p>6 Frances Mews Hemel Hempstead Hertfordshire HP3 9GR</p>	<p>ORIGINAL SCHEME</p> <p>Vermin Risk</p> <p>Design and external impact of the basement flat proposal. It will not have enough light and will make it look odd externally.</p> <p>It feels like the developer is cramming people and flats in a confined space with effects to teh wider community, eg parking.</p>
<p>3 Frances Mews Hemel Hempstead Hertfordshire HP3 9GR</p>	<p>ORIGINAL SCHEME</p> <p>The planning application for 10 units was refused as the scheme was over developed and there is a lack of parking provision. The application for 11 units was also recently refused. Now applying again to squeeze in another unit and all the reasons for refusal are still valid. Will the developer keep re-applying until the local authority relent?</p> <p>The over development of this scheme is well documented. Where will the residents park? Red Lion Lane is already dangerous due to parking from apartment owners in Nash Mills Wharf.</p> <p>All visitors parking places have been taken up by this scheme.</p> <p>The planning application for 10 units was refused as the scheme was over developed and there is a lack of parking provision. The application for 11 units was also recently refused. Now applying again to squeeze in another unit and all the reasons for refusal are still valid. Will the developer keep re-applying until the local authority relent?</p> <p>The over development of this scheme is well documented. Where will the residents park? Red Lion Lane is already dangerous due to parking from apartment owners in Nash Mills Wharf.</p> <p>All visitors parking places have been taken up by this scheme.</p>
<p>25 Butterfly Crescent Hemel Hempstead Hertfordshire HP3 9GS</p>	<p>ORIGINAL SCHEME</p> <p>The development can barely cope with the amount of residents it already has. The congestion within the development and the parking issues means that adding a further 10 flats with not enough parking will</p>

	<p>cause massive issues. The bin lorries, delivery vans and emergency services struggle as it is too.</p> <p>We are also concerned for the increased vermin risk as we live by the canal and already suffer with this from time to time.</p> <p>The basement flat proposal is also a concern with lack of privacy.</p>
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ITEM NUMBER: 5d

20/02272/FHA	Construction of a single storey oak cart shed style car port with log store.	
Site Address:	3 Little Gaddesden House Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PL	
Applicant/Agent:	Mr Philip Clarke	
Case Officer:	Sally Robbins	
Parish/Ward:	Little Gaddesden Parish Council	Ashridge
Referral to Committee:	Contrary view of Little Gaddesden Parish Council	

1. RECOMMENDATION

That planning permission be **REFUSED**

2. SUMMARY

2.1 The construction of a detached carport in this location is not acceptable in principle, would result in urban sprawl and would harm the setting of the Listed Building, which is contrary to Policies CS7, CS25 and CS27 of the Core Strategy and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

3. SITE DESCRIPTION

3.1 The application site is located off Nettleden Road, to the south of Little Gaddesden in predominantly open countryside. No. 3 forms part of Little Gaddesden House, a 19th Century Grade II Listed property, which was originally constructed as the home and office for the Agent at the Ashridge Estate. However, the property was subdivided in the 1970's and now consists of a number of smaller dwellings formed from the original building, incorporating certain extensions. The building is finished with small clay plain tiled roof over Luton Grey brickwork with stone mullioned windows. The site resides within the designated Rural Area, Little Gaddesden Conservation Area and the Chilterns Area of Outstanding Natural Beauty.

4. PROPOSAL

4.1 The application seeks full planning permission for the construction of a single storey oak cart shed style carport with log store.

5. PLANNING HISTORY

Planning Applications

20/00190/FHA - Loft conversion and associated internal and external alterations.
GRA - 8th April 2020

20/00191/LBC - Loft conversion and associated internal and external alterations.
GRA - 8th April 2020

20/02325/LBC - Construction of a single storey oak cart shed style car port with log store.
PCO -

4/01123/82 - Historic File Check DMS for Documents and Further Details
DET - 11th November 1982

4/00822/78 - Historic File Check DMS for Documents and Further Details
DET - 3rd August 1978

4/01210/18/DRC - Details as required by condition 2 (drawings of joinery details to doorway) on application 4/03340/17/lbc (alteration to internal wall and introduction of boiler adjacent to Property).
GRA - 26th June 2018

4/01201/18/DRC - Details required by condition 2 (landscape and planting plan) on application 4/03339/17/fha (alteration to internal wall and introduction of boiler adjacent to property).
GRA - 26th June 2018

4/03340/17/LBC - Alteration to internal wall and introduction of boiler adjacent to property
GRA - 10th April 2018

4/03339/17/FHA - Alteration to internal wall and introduction of boiler adjacent to property
GRA - 11th April 2018

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
Area of Outstanding Natural Beauty: CAONB outside Dacorum
Article 4 Directions: 1-9 Little Gaddesden House
CIL Zone: CIL1
Conservation Area: LITTLE GADDESSEN
Former Land Use (Risk Zone):
Listed Building, Grade: II,
Parish: Little Gaddesden CP
RAF Halton and Chenies Zone: Red (10.7m)
Rural Area: Policy: CS7
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development
CS7 - The Rural Area
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS25 – Landscape Character
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

Principle of Development
Impact on Heritage Assets
Visual impact / impact on Rural Area & Chilterns Area of Outstanding Natural Beauty
Impact on Residential Amenity
Impact on Highway Safety and Parking
Other Material Planning Considerations

Principle of Development

9.2 The application site is located within the designated Rural Area, which lies beyond the Metropolitan Green Belt. Whilst its role is different from the Green Belt, the pressures it faces are comparable and in order to retain its open character, development must be controlled in a similar way.

9.3 Core Strategy Policy CS7 states that small-scale development will be permitted, for example the replacement of existing buildings for the same use and limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside. Policy CS7 does not have any direct provision for the construction of curtilage buildings, such as carports. Assessment is sometimes given to curtilage buildings as being residential extensions, however in most cases they are separate entities.

9.4 There is very limited potential for the construction of new buildings (such as carports) in the Rural Area. The site comprises undeveloped amenity land and the introduction of further buildings on the land would result in sprawl and urbanisation of the countryside through new built structures.

9.5 The construction of a new detached carport is contrary to Policy CS7 of the Core Strategy and therefore not acceptable in principle. Nonetheless, the merits of the scheme are discussed in further detail below.

Impact on Heritage Assets

9.6 The application site comprises a Grade II Listed Building and resides within Little Gaddesden Conservation Area. Policy CS27 of the Core Strategy and Saved Policies 119 and 120 of the Local Plan seek to ensure that designated heritage assets, including Conservation Areas and Listed Buildings, are protected, conserved and if appropriate enhanced.

9.7 Furthermore, regard must be given to the statutory tests of preserving or enhancing the character and appearance of Conservation Areas and the setting of Listed Buildings under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.8 The Council's Conservation & Design Officer has been consulted and provided the following representation:

"The proposal is to erect a double garage with log store. The structure will sit in front of No 3. It is a sizeable timber-framed building with a rear aisle and side log store. It does appear that it will impact on several trees, sits awkwardly in relation to the entrance drive, and will affect views of, and from the listed building.

In conjunction with a recent application for an office/summerhouse for the same property, and in terms of setting a precedent, I am concerned that this will lead to a proliferation of disjointed outbuildings of different styles and material springing up around the listed building, and these will further diminish its setting and views. It would of course be possible to move the parking away from the house which would improve the setting of the listed building without having to construct a large outbuilding."

9.9 It is considered that the proposed development would cause harm to the setting of the Listed Building. In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.10 Given the above assessment, it is considered that the proposal will have a low level of adverse impact upon the setting of the listed building. There would unlikely be any public benefits to the proposal to outweigh the identified harm to the heritage asset and accordingly the proposed scheme fails to comply with the NPPF, Policy CS27 of the Core Strategy, Saved Policy 119 of the Dacorum Local Plan and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

Visual impact / impact on Rural Area & Chilterns Area of Outstanding Natural Beauty

9.11 Policy CS12 states that on each site development should integrate with the surrounding area. Policy CS24 seeks to ensure that development preserves the special qualities of the Chilterns Area of Outstanding Natural Beauty (AONB) and Policy CS25 seeks to conserve and enhance Dacorum's natural landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Dacorum Landscape Character Assessment. Furthermore, Policy CS7 seeks to ensure that new development should have no significant impact on the character and appearance of the countryside

9.12 The application site is rural in character and its verdant setting contributes positively to the character and landscape quality of the area. The proposed carport would be sited adjacent to the driveway near the vehicular access to the site, which is currently amenity space.

9.13 The building would be timber framed with a catslide roof, measuring 6.2m wide by 6m deep with a ridge height of 4m. It would provide off-street car parking for two vehicles, as well as a log store on the flank elevation.

9.14 It is considered that the construction of a new carport building in this location would result in sprawl and urbanisation of the countryside. Given the existing undeveloped and verdant nature of this part of the site, it is considered that the proposed carport would not conserve or improve the

prevailing landscape quality or character, by virtue of the increase in built form. The proposal is therefore contrary to Core Strategy Policies CS7 and CS25 of the Core Strategy.

Impact on Residential Amenity

9.15 Given the separation distances between surrounding residential units, it is unlikely that the proposed development would adversely affect the residential amenities of neighbouring properties with regard to light, privacy or visual intrusion.

Impact on Highway Safety and Parking

9.16 There would be no changes to the parking requirement of the dwelling as a result of the proposal. The carport would provide two off-street car parking spaces, however there is adequate space on the existing driveway for at least two vehicles. The proposal would therefore have a neutral impact on local parking provision.

Other Material Planning Considerations

Impact on trees and landscaping

9.17 In accordance with the submitted application documents, no trees are proposed to be removed or pruned in order to facilitate the development, although it is noted that the proposed carport would be in close proximity to a number of trees. The submitted site survey shows that there are a number of bushes within the proposed footprint that would need to be removed or pruned. No objections are raised regarding the removal of bushes.

Ecology

9.18 The County Ecologist recommended that an informative note be added to any permission advising that vegetation removal should be carried out outside of bird nesting season. There are no other ecological constraints.

Response to Neighbour Comments

9.19 No formal objections received.

Response to Parish Council

9.20 Little Gaddesden Parish Council supports the application, however as outlined in the above planning assessment, the proposed development is not acceptable in principle and would cause harm to the setting of a Grade II Listed Building. The above assessment provides clear and sufficient grounds for refusal of the proposed scheme, contrary to the views of the Parish Council.

Community Infrastructure Levy (CIL)

9.21 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

10. CONCLUSION

10.1 The proposed construction of a detached carport in this location is not acceptable in principle. The proposed development would result in sprawl and urbanisation of the countryside, contrary to Core Strategy Policies CS7 and CS25.

10.2 Furthermore, the proposed carport would sit awkwardly in relation to the entrance drive and would affect views of, and from the listed building. The setting of the Listed Building would be harmed, which is contrary to Policy CS27 of the Core Strategy and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

11. RECOMMENDATION

11.1 That planning permission be **REFUSED**.

Reason(s) for Refusal:

1. **The proposed construction of a detached carport in this location is not acceptable in principle. The proposed development, by virtue of its siting and built form, would result in sprawl and urbanisation of the countryside, contrary to Core Strategy (2013) Policies CS7 and CS25.**
2. **The proposed carport would sit awkwardly in relation to the entrance drive and would affect views of and from Little Gaddesden House, a Grade II Listed Building. The setting of the Listed Building would be harmed and there are no public benefits to outweigh the harm. The proposed development is therefore contrary to Policy CS27 of the Core Strategy (2013), Saved Policy 119 of the Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.**

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The proposal is to erect a double garage with log store. The structure will sit in front of No 3. It is a sizeable timber-framed building with a rear aisle and side log store. It does appear that it will impact on several trees, sits awkwardly in relation to the entrance drive, and will affect views of, and from the listed building.</p> <p>In conjunction with a recent application for an office/summerhouse for the same property, and in terms of setting a precedent, I am concerned that this will lead to a proliferation of disjointed outbuildings of different styles and material springing up around the listed building, and these will further diminish its setting and views. It would of course be possible to move the parking away from the house which would improve the setting of the listed building without having to construct a large outbuilding.</p>
Parish/Town Council	Little Gaddesden Parish Council supports this application

Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Hertfordshire Ecology	<p>I am not aware of any significant ecological constraints relating to this proposal. If the construction requires the removal of any of the garden shrubs then safeguards to protect nesting birds should be observe. I advise the following precautionary Informative is included in any consent given.</p> <p>"Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

Agenda Item 6

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between July 2020 and November 2020

Our reference: 4/02140/19/MFA

PINS Reference: **APP/A1910/W/20/3247645**

Caddington Hall Luton Road
Markyate
ST. ALBANS
AL3 8QB

Procedure: Hearing

Our reference: 19/03052/ROC

PINS Reference: **APP/A1910/W/20/3252729**

Top Common, The Common
Chipperfield
KINGS LANGLEY
WD4 9BN

Procedure: Written Representations

Our reference: 20/00803/FUL

PINS Reference: **APP/A1910/C/20/3256773**

Land at Leighton Buzzard Road
Hemel Hempstead
HP1 1JG

Procedure: Written Representations

Our reference: 20/00041/ENFORC

PINS Reference: **APP/A1910/C/20/3256772**

Land at Leighton Buzzard Road
Hemel Hempstead
HP1 1JG

Procedure: Written Representations (Enforcement Notice Appeal)L

Our reference: 20/00033/ENFORC

PINS Reference: **APP/A1910/C/20/3254307**

Land at Plot 1
Cupid Green Lane
Great Gaddesden
Hertfordshire

HP2 6HN

Procedure: Written Representations (Enforcement Notice Appeal)

Our reference: 20/00964/FUL

PINS Reference: **APP/A1910/W/20/3256852**

Highlands

Kings Road

Berkhamsted

HP4 3BP

Procedure: Written Representations

Our reference: 20/01677/FUL

PINS Reference: **APP/A1910/W/20/3256735**

13 Shrublands Road

Berkhamsted

HP4 3HY

Procedure: Written Representations

Our reference: 20/00248/FUL

PINS Reference: **APP/A1910/W/20/3256051**

52 Bronte Crescent

Hemel Hempstead

HP2 7PR

Procedure: Written Representations

Our reference: 20/00013/ENFORC

PINS Reference: **APP/A1910/C/20/3249358**

Land at Haresfoot Farm

Chesham Road

BERKHAMSTED

Hertfordshire

HP4 2SU

Procedure: Hearing (Enforcement Notice Appeal)

Our reference: 20/00818/FUL

PINS Reference: **APP/A1910/W/20/3259756**

Akeman Business Park

Tring

Herts
HP23 6AF

Procedure: Written Representations

Our reference: 20/00049/REFU

PINS Reference: **APP/A1910/W/20/3259290**

The Royal Oak
The Street
Chipperfield
Hertfordshire
WD4 9BH

Procedure: Written Representations

Our reference: 19/02948/RET

PINS Reference: **APP/A1910/W/20/3258742**

26 Morefields
TRING
HP23 5EU

Procedure: Written Representations

APPEALS DISMISSED

Our reference: 4/01970/19/FHA

PINS Reference: **APP/A1910/D/20/3251555**

68 Tring Road
Wilstone
TRING
HP23 4PD

Procedure: Written Representations

Main Issues

The main issues are the effect of the development on (i) the character and appearance of the area, including the Wilstone Conservation Area (WCA) and (ii) highway safety, with particular regard to visibility. Reasons Character and appearance

4. The appeal relates to a corner garden plot within the WCA. There is an existing tall timber fence, which sweeps around the tight bend in the road and extends the full length of the garden's frontage. This does not have the benefit of planning permission.

5. The proposal seeks to retain the fence but in a different position, set back from the roadside. It also seeks to reduce its height through the removal of the trellis feature

which runs along the top of the existing fence. The fence would be set back by about 1.85 metres from the road nearest to the dwelling and around 0.5 metres where it meets the shared boundary with No 66. The site is in a slightly elevated position above the road. As a result, the plans indicate that the fence would be around 2.15 metres tall from the road for its entire length.

6. From the evidence before me and my own observations of the area, the significance of the WCA appears to lie in its historic layout, including the Appeal Decision APP/A1910/D/20/3251555 <https://www.gov.uk/planning-inspectorate> 2 incidental public and green spaces this has created, the tightly knit grain of buildings along the main part of Tring Road, and the age and quality of many of its buildings, both individually and in groups. The site itself is in an extremely prominent location close to the edge of the conservation area, opposite public open space and a right of way. When approaching from the north, the sharp bend effectively announces the entrance to the main historic character of the village. As such, the site is in a very sensitive part of the WCA.

7. There are a variety of boundary treatments to the front of buildings throughout the village. The majority, however, are low fences, hedgerows and shrubbery, walls or railings. They tend therefore to be much lower profile and, in many cases, softer features than what is proposed here. The only examples of timber fencing of the height and nature of that proposed are in sporadic examples of side boundaries. While some of these are visible from the roadside, none are in as prominent a location as the appeal site.

8. The appellant has drawn my particular attention to the fencing of No 55. However, this is also a side fence which runs away from the road along the side of the dwelling and public footpath. The majority of this fence is also outside the conservation area and is in a less prominent position. The element nearest the road, and within the WCA, is also at a lower height. Examples of similar fencing fronting Grange Road are also outside the conservation area. Furthermore, they are set back behind both a pavement and grass verge and thus offer a far less imposing and overbearing physical presence than what is proposed.

9. Therefore, by virtue of its excessive height and length, combined with the large unbroken expanse of timber, the development would result in an unduly prominent, intrusive, hard and discordant feature. Neither the set back from the road, nor painting the fence a different colour, would alter what would be an uncharacteristic and unsympathetic addition to the street scene.

10. The fence would therefore result in unacceptable harm to the character and appearance of the area and detract from the significance of the WCA. Accordingly, there would be conflict with Dacorum Core Strategy (DCS)(2013) policies CS12 and CS27 and saved Policy 120 of the Dacorum Borough Local Plan (2004) which seek, amongst other things, to ensure development integrates with streetscape character and preserves or enhances the appearance and character of conservation areas. The harm caused to the significance of the WCA would be 'less than substantial'. Paragraph 196 of the National Planning Policy Framework (the Framework) states

that in such circumstances, the harm should be weighed against the public benefits of the proposal. I shall return to this below. Highway safety

11. The Council raised two concerns relating to highway safety; firstly, that drivers exiting the dwelling's car port would have poor visibility and secondly, that drivers approaching the bend would have restricted forward visibility around what is a very sharp bend in the road.

12. The car port is relatively near to the bend and, with or without the fence, it is likely that visibility to the left is less than ideal. The fence in its current position directly abutting the roadside is likely to exacerbate any visibility issues that may exist. Setting the fence back by around 1.85 metres would provide a clearer view across the front of the garden to the bend itself. However, visibility around the bend would still be restricted. The evidence before me is not persuasive that the fence would not unacceptably or unnecessarily increase the risk to drivers exiting the site.

13. Similarly, the evidence does not clearly demonstrate that the setting back of the fence, by just 0.5 metres in places, would provide sufficient forward visibility around the bend to be considered safe. In coming to this conclusion, I have had regard to the fact that drivers will need to slow down for the bend in any event. I have also noted various references in the evidence to a hedge that has been removed from the site. However, few details relating to this have been provided in relation. Neither of these factors lead me to conclude the fence would not increase risks to drivers and pedestrians.

14. Based on the evidence before me, I cannot conclude with any certainty that the proposal would not result in unacceptable risks to drivers exiting or approaching the site. Accordingly, there would be conflict with CS Policy C12 which seeks, amongst other things, to ensure development provides a safe and satisfactory means of access for all users. It would also conflict with paragraph 109 of the Framework, which states that development should be refused where it would have an unacceptable impact on highway safety. Other Matters & Planning Balance

15. The fence would clearly provide some private benefits to the occupants in terms of privacy and security. However, there is nothing to suggest that similar benefits could not be achieved without causing the same degree of harm. Furthermore, these would not be public benefits and thus do not weigh in favour of the proposal in terms of the impact on the WCA. There are therefore no public benefits that would outweigh the harm to the heritage asset. Accordingly, the development would also conflict with paragraph 196 of the Framework.

16. The appellant has drawn my attention to the lack of a conservation area appraisal for the WCA. However, this does not mean the impact on the heritage asset cannot be assessed. I have considered the merits of the proposal based on the evidence that has been provided and my own observations of the area.

17. In conclusion, I am satisfied that there are no material considerations that would outweigh the harm identified or the conflict with the development plan as a whole.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Our reference: 4/02222/19/FUL

PINS Reference: **APP/A1910/W/20/3251892**

16 Hempstead Road
KINGS LANGLEY
WD4 8AD

Procedure: Written Representations

The application form states the proposal is for a small development (eight units) including demolition of the existing residential building at No 16 Hempstead Road. However, the scheme was amended to a scheme including seven flats in two buildings and that is the scheme the Council made its decision on. For the avoidance of doubt, I have made my determination on the amended proposal. I have therefore taken the description from the Council's decision notice as this accurately describes the scheme. I am satisfied that no party has been prejudiced by my approach.

Main Issue

The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

The appeal proposal would involve the replacement of a dwelling in a long and narrow plot with seven flats in two buildings. The first (Building 1) would be positioned close to the main Hempstead Road, the second (Building 2) would be next to No 18 Hempstead Road (No 18) at the end of a row of dwellings set back from the main Hempstead Road behind mature landscaping in a linear cul-de-sac arrangement.

5. The main Hempstead Road nearby accommodates dwellings and commercial buildings of a variety of styles giving it a mixed character and appearance. In contrast the cul-de-sac is characterised by detached dwellings of similar Appeal Decision APP/A1910/W/20/3251892 2 appearance, with spaces between them (particularly above single storey garages) and set back from the road. Even though some of the properties have been substantially extended the cul-de-sac retains a relatively uniform, spacious and verdant character and appearance.

6. I acknowledge the scheme was recommended for approval by the Council's Officers. I note the Council's Design Officer found the scheme acceptable and positive pre application advice was received. However, even though the scheme has been reduced in scale and density and would be finished in materials matching those

used nearby it would replace a relatively modest dwelling with two relatively large buildings.

7. When viewed from the main Hempstead Road the proposal would be softened by the mature landscaping in front of the cul-de-sac and would not appear out of scale or place blending in with the varied character and appearance of the area.

8. However, when viewed from the cul-de-sac, Building 2, whilst similar in height and depth to No 18, would be of contrasting form and appearance and positioned directly adjacent to it. Building 2 would almost fill the full width of the plot and Building 1 would be taller, deeper and closer to the cul-de-sac head than the existing dwelling it would replace leaving only a small space between the two proposed buildings.

9. I accept the appeal site is currently of a relatively poor appearance and the side elevation of the existing house is a prominent feature of the cul-de-sac street scene. However, through the scale of the proposed buildings and the lack of space around them, the proposed development would dominate the head of the cul-de-sac and appear cramped eroding the spacious characteristic of the area.

10. In reaching these conclusions I note the National Planning Policy Framework (the Framework) promotes an effective use of land in meeting the need for homes and other uses making as much use as possible of previously developed land. Furthermore, the Framework is clear in that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and decisions should ensure that developments make optimal use of the potential of each site.

11. I note Policy CS10 of the Dacorum Core Strategy 2006-2031 (2013) (CS) seeks higher densities of development in locations such as the appeal site. I also note saved Policies 10 and 21 of the Dacorum Borough Local Plan 1991-2011 (2004) seek to optimise the use of land, ensure an efficient use of land and say that higher densities will be encouraged in such locations.

12. However, even if I were to find the density of the development to accord with the development plan policies, this does not justify a development which I find would harm the relatively uniform, spacious and verdant character and appearance of the cul-de-sac. Consequently, on balance the scheme is contrary to the good design aims of the Framework and in conflict with the development plan, particularly Policies CS10, CS11 and CS12 of the CS which taken together overall seek to ensure good design.

Other Matters

I note the Council granted planning permission for a development including 55 homes in the Green Belt nearby. However, I have determined the appeal on its merits and the full circumstances of that case are not before me. I also note the appeal proposal is in a location where services and employment can be easily accessed by a range of transport choices. However, the Council do not object to the principle of development in this location and these matters or any other raised do not outweigh the harm I have identified.

Conclusion

Thus, for the reasons set out above and with regard to all other matters raised I conclude that, on balance the appeal would not accord with the development plan and the appeal should therefore be dismissed.

Our reference: 19/02925/MFA

PINS Reference: **APP/A1910/W/20/3251407**

Land R/O 38 Rambling Way

Potten End

Hertfordshire

HP4 2SF

Procedure: Written Representations

Main Issues

The main issues are: • Whether the appeal proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, • The effect of the appeal proposal on the character and appearance of the surrounding area; and, • If the appeal proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site is an undeveloped plot of land within the Green Belt. The National Planning Policy Framework (the Framework) directs that the construction of new buildings should be regarded as inappropriate in the Green Belt, save for specific exceptions.

4. Paragraph 145 e) of the Framework identifies one of the exceptions as limited infilling in villages. Paragraph 145 f) further identifies limited affordable housing for local community needs under policies set out in the development plan as an exception.

5. Policy CS6 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that limited infilling with affordable housing for local people will be permitted in selected small villages in the Green Belt, including Potten End. As this is a more restrictive form of wording and the CS predates the Framework, I have given more weight to the Framework.

6. The Framework does not contain a definition of 'limited infilling' and it is a matter of planning judgment whether or not the development proposed can be considered as such. As the site lies between buildings on Rambling Way and The Laurels the development would be infilling. Whether it would be limited requires an assessment of both the size of the site and scale of development and must be determined with regard to the overall aim of Green Belt policy, which is to preserve its openness.

7. Relative to the scale of neighbouring development on Rambling Way, Kiln Close and The Laurels the appeal proposal would involve a significantly higher density of development. The development proposed would comprise a mix of semidetached

and terraced houses with relatively small gardens, where neighbouring properties are predominantly detached with much larger gardens. The appeal proposal would result in a cramped form of development that would be out of keeping with the comparatively spacious character of the surrounding area. The appeal proposal does not therefore amount to limited infilling as identified at paragraph 145 e).

8. 35% of the houses proposed would be affordable housing. However, the exception identified at paragraph 145 f) only applies where a proposal is for limited affordable housing. As set out above, the appeal proposal is not limited and while the proposed houses would be smaller than the surrounding area, the market houses would not be affordable in accordance with the definition in the Framework.

9. The appeal proposal would not meet any of the exceptions identified in the Framework for new buildings in the Green Belt. It would therefore be inappropriate development in the Green Belt, and conflict with paragraph 145 of the Framework and Policy CS6 of the CS. Character and Appearance

10. The appeal site lies within the village of Potten End and the surrounding character is primarily residential with a mix of bungalows and two-storey houses. As set out above, the surrounding properties are predominantly detached houses set within generous plots. While the density of development in Potten End as a whole may vary, the immediate vicinity of the appeal site comprises low density development comprising predominantly detached houses on large plots.

11. As the appeal site is set back from the road the development would not be prominent when viewed from the highway. However, the site is overlooked by the surrounding existing houses and there is a public footpath along one boundary. While landscaping is proposed to the site boundaries to provide screening, I do not consider that this would be likely to wholly conceal the site from view.

12. The development proposed would therefore be out of keeping with the established pattern of development and harmful to the character and appearance of the surrounding area. It would conflict with Policies CS6, CS11 and CS12 of the CS. These policies require, amongst other things, that development be sympathetic to its surroundings in terms of local character, design, scale and that it respect the typical density intended in an area. Other matters

13. The appellant has referred to CS Policies CS10, CS13, CS16, CS19 and CS20 in their submissions. However, I have not been provided with copies of these policies, so have based my decision on national policy and those policies of the CS with which I have been provided.

14. I have found that conflict exists between Policy CS6 of the CS and the Framework. However, I have found that there would be harm to the Green Belt from the appeal proposal. The presumption in favour of sustainable development does not therefore apply in this instance.

15. I recognise that the statutory consultees did not raise any objections to the development proposed on technical grounds. The absence of identified harm is a neutral consideration in my determination of the appeal.

16. The appellants have suggested that, as the site is surrounded by development, the aims of the Green Belt have been overridden in this location. However, the site still falls within the Green Belt and its removal could only be secured through the Local Plan process. Whether very special circumstances exist

17. I have found that the development proposed would result in harm to the Green Belt by reason of inappropriateness. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

18. In addition, I have found that there would be harm to the character and appearance of the surrounding area from the appeal proposal. I consider that this would amount to moderate additional harm in this instance.

19. The appellants have identified considerations which they contend amount to very special circumstances. They state that the site is located within a residential area, that CS Policy CS6 is out of date and development of this nature is supported in the Framework, that the development would not cause any significant harm to the character and appearance of the village and the design of the development reflects the character of the wider village, that the development would support local and rural services, that it would provide affordable housing in line with Council policy, that the site is undeveloped private land that serves no community purpose and that the site's designation as Green Belt inhibits a pragmatic approach to development.

20. I recognise that the site is within a residential location and that it would be a suitable location in principle for development that is not inappropriate in the Green Belt.

21. CS Policy CS6 is out-of-date, and I have afforded greater weight to the Framework in determining that the appeal proposal is inappropriate development. I have also found that it would result in harm to the character and appearance of the surrounding area.

22. The appeal proposal would result in additional housing within the village which would support rural services, and this would be a benefit, albeit a relatively modest one given the scale of the development. The development would contribute some affordable housing which would also be a benefit.

23. The site is presently undeveloped private land, but it contributes to the character of the area by keeping Green Belt land open, in accordance with national policy. Whether or not the site should be designated as Green Belt land, and whether Green Belt land designations inhibit development are not matters that fall to be considered under this appeal.

24. The development proposed would deliver some benefits in increasing the amount of private and affordable housing which would, in turn, help to support local and rural services. I consider that these would amount to moderate weight in favour of the appeal proposal, but would not clearly outweigh the harm by inappropriateness and other harm that I have identified would result.

25. Accordingly, very special circumstances do not exist in this instance.

Conclusion

For the reasons set out above, the appeal fails.

Our reference: 20/00043/FUL

PINS Reference: **APP/A1910/W/20/3250604**

Land Adjacent to Frithsden House

Frithsden Copse

Potten End Berkhamsted

Hertfordshire

HP4 2RG

Procedure: Written Representations

Main Issues

The main issues are: • whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; • the effect of the proposal on the character and appearance of the area bearing in mind it would be within the Chilterns Area of Outstanding Natural Beauty (AONB); • if the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons Inappropriate development

Paragraph 145 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It says new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in a village or infilling involving the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt than the existing development.

4. Furthermore, Policy CS5 of the Dacorum Core Strategy 2006-2031 (2013) (CS) makes clear that the Council will apply national Green Belt policy to protect the openness. Moreover, it says small scale development will be permitted i.e. the redevelopment of previously developed sites provided that it has no significant impact on the character and appearance of the countryside. Thus, in so far as is relevant to this appeal Policy CS5 of the CS is broadly consistent with the Framework albeit the Framework is somewhat more stringent.

5. The appeal proposal would be within a row of large detached dwellings set in large plots. These dwellings generally extend along the road frontage of Frithsden Copse, have spaces between them and are surrounded by open countryside and a golf course.

6. The surrounding countryside and the character and expanse of the golf course provides substantial physical separation between the built form of Frithsden Copse and other nearby groups of buildings, particularly those in Potter End some distance

away. There are no significant services or facilities in the group of dwellings which the proposal would form part of and the proposal would also be outside of a village boundary as identified on the proposals map. All that said, in my judgement, the appeal proposal would not represent limited infilling in a village.

7. Even if I accept the appeal site was residential curtilage and previously developed, although surrounded by thick hedging and mature trees, beyond the boundary, the appeal site is mainly open and free from any significant structures. In contrast, the proposed six-bedroom dwelling would be tall, wide and noticeable from Frithsden Copse through the access drive and gaps in the boundary vegetation. Any additional landscaping would take some time to become effective as a screen.

8. Consequently, I find the proposal would introduce a significant bulk of built form into a location which provides a gap in the road frontage where currently there are no significant structures. It would therefore have a greater impact on Green Belt openness than the existing development.

9. For these reasons, I find the proposal would be inappropriate development in the Green Belt which would harm Green Belt openness. It would be in conflict with paragraph 145 of the Framework and with Policy CS5 of the CS which seek to avoid inappropriate development in the Green Belt. Character and appearance (AONB)

10. The appeal site is within an area characterised by a ribbon of detached dwellings in spacious verdant plots giving it a linear, spacious and verdant character and appearance.

11. The proposed dwelling would be comparable in size and character to other properties in the area. It would be set in a large plot with space around it and positioned a similar distance from the road to properties nearby with the existing mature landscaping retained.

12. Therefore, fitting into a group of other dwellings, there is no substantive evidence before me, to suggest the proposal would harm the character and appearance of the area or the special qualities of the AONB. In this regard, I therefore find no harm and as such there would be no conflict with Policy CS24 of the CS which seeks to ensure the special qualities of the AONB are conserved.

Other considerations

The proposal would provide a new dwelling contributing to housing supply. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. It may also involve the redevelopment of previously developed land. I also note the comments about the Council's handling of the planning application and that the appellant has engaged positively with local residents including receiving some comments in support of the scheme.

Conclusion

Even though I have found no harm to the character and appearance of the area or the AONB, I have found that the proposal would amount to inappropriate

development within the Green Belt and would be harmful to Green Belt openness and therefore should not be approved except in very special circumstances.

15. I give some weight to the contribution of a new dwelling to the supply of housing, the ability of the proposal to contribute towards the local economy and the vitality of a rural community and the regeneration of the appeal site if I accepted it was previously developed. However, all of the other considerations combined are relatively modest.

16. As such the other considerations are outweighed by the substantial weight which must be given to the Green Belt harm identified and are clearly insufficient to demonstrate very special circumstances. Thus, for the reasons set out above and with regard to all other matters raised I conclude, on balance, that the appeal should be dismissed.

Our reference: 4/01828/19/MFA

PINS Reference: **APP/A1910/W/20/3250417**

Nash Mills Methodist Church

Barnacres Road

Hemel Hempstead

HP3 8JS

Procedure: Written Representations

Procedural Matter

The Council has advised that the reference to Policy 57 of the Dacorum Borough Local Plan 1991-2011 in the first reason for refusal was intended to be a reference to Policy 51 of that document. Policy 51 is referred to in the Council's delegated report and the Council have provided a copy of the policy in their submissions. The appellant has had the chance to comment on the substitution of Policy 51. I am satisfied that the interests of parties are not harmed by my considering Policy 51 as part of my determination of this appeal.

Main Issues

The main issues are: • Whether the scale of development proposed would be compatible with the surrounding area, with particular regard to the provision of car parking, • The management of surface water runoff; and, • The effect of the development proposed on highway safety.

Reasons

Scale of development

4. Policy CS4 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that in residential areas non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings.

5. The appeal site comprises a vacant church and the surrounding plot of land, which includes a house that would be retained alongside the development proposed. The site is adjacent to a shopping parade but falls within a designated residential area. As the appeal proposal would involve a replacement place of religious worship the principle of development is acceptable.

6. The proposed place of worship would host prayers several times a day, as well as providing a place for community events and classes that would take place outside of times of peak parking demand. The allocation of on-site car and cycle parking spaces would generally be sufficient to meet the likely demand throughout the typical week. However, the early afternoon prayer on Fridays, known as Jummah, would be likely to attract a significantly larger attendance, based on the evidence collected by the appellants of attendances at their current place of worship.

7. The Jummah prayer would be held across two sessions to reduce the peak attendance figure. However, based on the current attendance figures it is projected that there would be a peak attendance at the site of around 200 people. Surveys of the means of transport for current attendees showed that private car use was consistently the most common means of travel to the site, and I see no reason to expect that this would change if the appeal were to be allowed.

8. The appellants estimate that peak parking demand from the development proposed could be met by on-site parking and the use of the car park at the Snow Centre, with minibuses transporting attendees between the sites. However, these parking proposals rely on double parking on-site during times of peak demand. This would not be acceptable, as it would be likely to result in conflict between attendees even with management by parking marshals. Given that the peak demand at the site would involve two prayer sessions running one after the other there would be likely to be additional conflict arising from arrivals and departures during the period between the sessions. I am also not convinced that there would be a significant take up of the option of parking at the Snow Centre and taking a minibus, as that site is some distance from the appeal site.

9. At peak times it is therefore likely that the development proposed would result in overspill parking onto the adjacent streets. I saw during my site visit that there are parking spaces available at the adjacent shopping parade but during my visit, which took place in the early afternoon, these spaces were well-used with high turnover and few spaces remaining vacant for long. It is unlikely that these spaces could accommodate much of the overspill parking and if they did this would only displace parking associated with the shops and other commercial units onto the surrounding streets.

10. Parking in the neighbouring streets is a mixture of kerbside parking and on path parking. Available on path spaces in the near vicinity of the site, where overspill parking is most likely to occur for the convenience of attendees, were mainly in front of houses. Their use would be likely to cause conflict with local residents, notwithstanding that there is apparently no restriction on the use of these spaces.

11. Kerbside parking was available in some locations, but I saw that in Georgewood Road parking was kerb-mounted due to the narrowness of the road, restricting the

pavement width for pedestrians. The appellant's parking survey has discounted Georgewood Road as too narrow for parking, but due to its proximity to the site it would be likely to attract overspill parking from the appeal site.

12. The peak demand would typically only occur on Friday afternoons. However, I must consider the total effect of the appeal proposal. The provisions for on-site and off-site parking would not be sufficient to meet the peak parking demand. Overspill parking from the appeal site would be likely to occur in the surrounding streets and displace parking by existing local residents, causing additional traffic as drivers seek alternative parking spaces, and causing harm to the amenities of existing residents.

13. The development proposed would therefore not be compatible with its surroundings and so conflicts with CS Policy CS4, the requirements of which I have set out above. Surface water management and flood risk

14. Policy CS31 of the CS states that development will, amongst other criteria, be required to minimise water runoff and reduce the cause and impact of flooding. The lead local flood authority states that runoff at the appeal site should be restricted to no more than 2 litres per second. The appellant suggests that this rate can be achieved and that this can be controlled through imposition of a suitable planning condition.

15. However, it is not clear from the submitted evidence that the maximum acceptable surface water flow rate is achievable. It is therefore not reasonable to impose a condition to this effect, as there is no guarantee that it could be complied with. The appeal proposal therefore fails to comply with CS Policy CS31. Highway safety

16. Displaced parking from the appeal site at peak times would be likely to be concentrated in the near vicinity of the site for the convenience of attendees. The traffic generated by the use would be in addition to the existing typical traffic flow in the vicinity of the appeal site.

17. I saw during my site visit that Barnacres Road is well used. I did not observe any significant delay in the flow of traffic during my visit either on Barnacres Road, or the surrounding roads including Belswains Lane. I have no reason to think that these were unusual traffic conditions in the area on a weekday afternoon, albeit that traffic flow may be somewhat reduced due to the effects of the ongoing COVID-19 pandemic.

18. While I have found that the displaced parking would result in the appeal proposal not being compatible with its surroundings, the parking survey submitted by the appellant shows that there is capacity for parking in the local area. I do not consider that the peak parking demand would be likely to result in a severe impact on the safety of the surrounding highway network. I note as well that the local highway authority's final comments on the planning application did not raise any objection on highway safety grounds.

19. The development would not therefore have an unacceptable effect on highway safety. It would accord with Policies CS8 and CS12 of the CS and saved policies Appeal Decision APP/A1910/W/20/3250417 <https://www.gov.uk/planning-inspectorate> 4 51 and 58 of the Dacorum Borough Local Plan 1991-2011. Taken together these policies seek, amongst other things, to ensure that development proposals have no significant impact upon safety implications of the traffic generated by the development.

Planning balance

20. The development would conflict with CS Policies CS4 and CS31. The CS predates the current version of the National Planning Policy Framework (the Framework). In accordance with paragraph 213 of the Framework I must therefore consider the weight to be given to the policies of the CS.

21. Policy CS31 is consistent with the Framework and therefore the conflict attracts full weight. Policy CS4 is broadly consistent with the Framework as, while it seeks to only allow small-scale non-residential development in residential areas, it requires that development to be compatible with its surroundings, and therefore I attach significant weight to the conflict.

22. The development proposed would restore a vacant site to use and the development proposed would contribute towards meeting the cultural and religious needs of local residents. These are benefits that weigh in favour of the development proposed.

23. The appellant also suggests that the appeal proposal could deliver ecological and drainage enhancements. I accord these benefits limited additional weight, as the scale of development is relatively modest. The appellant further suggests that conditions relating to highway impact and archaeological impact could generate additional benefits, but these additional benefits are not detailed so I cannot give them weight in determining this appeal.

24. There is insufficient evidence to show that the development proposed can be delivered while meeting the maximum acceptable surface water runoff rate. In addition, the peak usage of the place of worship is projected to generate parking demand significantly greater than can be accommodated through the proposed measures without overspill parking occurring. This would be likely to cause disruption for neighbouring residents on an ongoing and regular basis.

25. I find that these adverse impacts would significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development identified at paragraph 11 of the Framework does not therefore apply in this instance.

Conclusion

26. For the reasons set out above, the appeal fails.

Our Reference: 19/03228/OUT

PINS Reference: APP/A1910/W/20/3249252

Land Between Bremhill and South Winds
The Common
Potten End
HP4 2QF

Procedure: Written Representations

Main Issues

The main issues in this case are: • whether the proposal would be inappropriate development, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; • the effect of the development on the openness of the Green Belt; • If inappropriate development, whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development in the Green Belt

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Exceptions to this include limited infilling in villages. Policy CS5 of the Dacorum Core Strategy (DCS)(2013) states that within Green Belt, development will be permitted where, amongst other things, it is for a use defined as not inappropriate in national policy. The exceptions set out in paragraph 145 are therefore relevant.

5. There is no dispute between the parties that the development would constitute residential infill between the two dwellings known as Bremhill and South Winds. However, the Council does not consider the site to be within the village of Potten End and thus does not fall within the exception.

6. The site is an open and undeveloped paddock on The Common. This road is characterised by a loose-knit linear ribbon of development, comprising large detached dwellings in generous plots. The housing is all on one side of the road, with a heavily wooded area opposite. The dwellings are all set well back from the road, mostly behind mature hedgerows and trees. This creates a highly verdant character and appearance. The site also sits within the Chilterns Area of Outstanding Natural Beauty (AONB).

7. The site sits well outside the defined 'small village' boundary for Potten End as defined on the Council's Proposals Map. The courts have held that while this may be a relevant consideration, it is not a determinative factor. Rather, whether or not a site lies within a village is a matter of planning judgement based on the situation on the ground.

8. The focus of the village is clearly concentrated around the main road which runs through the centre of the settlement. This partly comprises Water End Road and partly The Common (this is a long road, and the sharing of a name does not mean the site is in the village on this basis). When arriving from the east, there is a clear point at which the density of development and number of side roads increases, the grain becomes tighter and the hallmarks of a village become prominent, including the

school, church, village hall and village green. Side streets punctuate the main road at several points along its length, leading to culs-de-sac or other residential streets. Secondary streets such as The Front, Vicarage Road and Hempstead Lane lead out of the village in different directions, but follow a similar pattern, with linear streets interrupted by culs-de-sac of different lengths.

9. What constitutes the 'village proper' is therefore reasonably clear in terms of the prevailing density, grain and pattern of the built form. The existence and location of complementary non-residential uses which support the village, including its open spaces, also help define the village 'core'.

10. There is a clear and distinct change in character once you travel beyond the entrance to Bullbeggars Lane to the west. The overall density of development reduces significantly, the grain of the dwellings becomes more loose-knit and housing is reduced to one side of the road only. Where the majority of streets in the village contain side roads or culs-de-sac which add depth to the settlement pattern, this part of The Common is entirely linear. Furthermore, the housing is not continuous, with some breaks in the frontage, including the site itself.

11. There is also a striking increase in tree cover, both in terms of the woodland opposite the site, but also the heavily landscaped gardens and frontages of the dwellings. This creates a more enclosed feel, as opposed to the more open character of the village. The woodland in particular creates a significant visual barrier to housing to the north and creates an overt sense that you have entered the open countryside beyond the village. There is also a change from 30 mph to 50 mph speed limit shortly beyond Bullbeggars Lane, which also suggests a change in character. Finally, although distance alone is not decisive, the site is also some way from what can clearly be considered the core of the village.

12. At this point along The Common, there is a distinct sense that you have left the village behind and are somewhere 'in-between' settlements. The housing here appears as a sporadic row of dwellings in the open countryside which is disconnected and separate to Potten End. This is particularly the case by the time you have reached the site itself.

13. The appellant has drawn my attention to different parts of the defined village which he considers share the characteristics of the site. Parts of Hempstead Lane and Little Heath Lane are also some distance from The Green. These lanes also consist of large detached houses in reasonably generous plots, with a relatively verdant character. Generally, there is also only pavement on one side of the street or none at all. Nevertheless, there are key differences. The grain of housing is much tighter along these lanes, with generally smaller gaps between dwellings. There are also continuous and largely contiguous lines of housing on both sides of the streets from the centre of the village. This creates a sense of a higher overall density and a connection with the core of the settlement. Hempstead Lane also contains accesses to culs-de-sac and Little Heath Lane. This pattern of development is clearly different to that near the site. While this part of the village has a more rural and verdant feel, it does not feel detached from the village.

14. Similarly, the far end of Water End Lane is a similar distance from the village's facilities as the site. There is also a part of this where there is housing only on one side of the road. However, this is only for a relatively short stretch and is in close proximity to the clear start of the village. The housing here is mostly semi-detached, culs-de-sac add depth from the roadside and there are sporadic examples of non-residential development, including a bus park. Although dwellings are often set back and there is a deal of planting, the overall character of this area remains markedly different to that of the site. At this point, the nature and use of the buildings and the overall pattern of development suggests you have transitioned from open countryside to the village. The same cannot be said for this part of The Common when arriving from the west.

15. The Green itself is clearly an open area with low density housing around it. However, this very pattern of development – with housing facing the main village green – is what marks this area as distinct to The Common. It is clearly the centre and focal point of the village. Similarly, examples of pockets of low density housing such as The Hamlet are not persuasive indicators of the site being within Potten End. Although the dwellings on The Hamlet have generous plot sizes, this is a cul-de-sac that is well related to Vicarage Lane which, in turn, is clearly part of the main built form of the settlement. Again, this is very different to the distant and disconnected feel of the site.

16. While the pavement opposite the site would provide future occupants with a safe and direct route into Potten End, it is not a strong indicator of the site being within the village. There are built-up areas that are clearly within villages without pavements and areas which are clearly open countryside that have them. Indeed, the appellant considers the edge of the village to be immediately west of Bremhill. However, the pavement extends beyond this and provides a link to Berkhamsted. This demonstrates that such features can exist in the open countryside. This factor therefore makes a negligible contribution to either party's arguments.

17. Similarly, the speed limit does not determine where the village starts and ends. Nevertheless, the increase to 50 mph is indicative of the site being in a less built-up area. Although speed limits vary from place to place, the change between 30mph to 50mph in this case is indicative of the change in character that has taken place. Thus, this weighs against the development being considered within the village proper.

18. Whether or not a site is in a village or not is unlikely to be decided on one factor alone. Having considered the combination and cumulative effect of the distance between the site and the core of the settlement, the clear differences that exist in overall pattern, grain and density and the overt change and difference in character and appearance, I do not consider the site lies within the village of Potten End. I have had regard to the selective examples provided by the appellant. However, for the reasons given above, these do not persuade me that the site is within the village. Furthermore, the examples often relate to very small parts of the settlement and/or ignore other relevant factors.

19. In my view, the edge of the village more closely corresponds to the entrance to Bullbeggars Lane. I recognise that this is also the edge of the defined village in the

development plan and the boundary of the AONB. However, in coming to my conclusion I have not seen these boundaries as definitive but have considered the overall situation on the ground. I therefore find that the site should not be considered as part of the village for the purposes of Green Belt policy. As a result, the development would not meet any of the exceptions listed in paragraph 145 of the Framework. It would constitute inappropriate development in the Green Belt for the purposes of DCS Policy CS5 and the Framework. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this below. Effect on openness

20. Paragraph 133 of the Framework states that “the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.” Openness has both spatial and visual dimensions.

21. The erection of a dwelling would result in built development on an open paddock that is currently free from development. It would therefore erode the open aspect currently experienced. The proposed dwelling would be a material addition to the amount of built development on the site, which would have a harmful effect upon the openness of the Green Belt in this location. This would not only be in relation to the dwelling itself, but also in relation to any associated domestic paraphernalia that would be necessary.

22. The visual impact of this would be mitigated to an extent by the trees fronting the site. Nevertheless, the change in character of the site would still be discernible. The development would therefore have a moderately harmful impact on the openness of the Green Belt. This would add to the harm caused as a result of being inappropriate development.

Other considerations

23. The development would provide one additional dwelling to the housing land supply. The Council acknowledges that it cannot currently demonstrate a five year supply of housing land. Nevertheless, the benefits associated with one dwelling would be modest.

24. The appellant has particularly highlighted the economic benefits that would be derived for their company in relation to the impacts resulting from the Covid-19 pandemic. It would also provide jobs during construction. The economic recovery following the pandemic is clearly a factor of particular importance. However, while noting the appellant’s particular circumstances, the benefits of one dwelling to the economy as a whole would not be substantial. While I sympathise with the individual circumstances of the appellant’s company, I have given this only moderate weight.

25. The appellant has indicated both that they are willing to undertake the construction of the dwelling as a self-build and/or that first preference would be given to people with a connection to the village. However, there is no mechanism before me to ensure this would be the case. As such, I am unable to give these assertions any weight.

26. The Council has not objected to the development in relation to the impact on character and appearance, including the likely impact on the AONB. I have seen nothing that would lead me to a different conclusion. While not harmful, the suggested design of the dwelling is not of such exceptional design quality that it would constitute a benefit of development. The site is also an open and undeveloped paddock which complements the countryside character of the area. It currently does no harm in itself and the dwelling would not constitute a particular improvement to local character. With or without the development, the trees to the front of the site would be retained. Accordingly, this cannot be considered a benefit of the development. The lack of harm caused by the development in these respects would therefore be neutral. As such, I have given them no weight in terms of the Green Belt or overall planning balance.

Other Matters

27. The appellant has drawn my attention to a number of appeal decisions¹ which he considers supports his argument. In those cases, the gap and distances between the site and village was considered acceptable. However, as noted above, whether or not a site is in a village is by necessity a judgement based on the individual characteristics of a site and its surroundings. The distance between the site and the core of the village, and any gaps that exist in the row of housing, are not the only factors I have considered. From what it is before me, I cannot conclude with any certainty that the individual characteristics of the site's in question or the nature of the villages to which they are connected are comparable to that before me. These decisions do not therefore lead me to alter my conclusion.

28. The appellant has alluded to discussions with neighbours which suggests the level of local objection is not as high as other correspondence would indicate. This also indicates local people accept the site is 'infill'. However, to meet the relevant exception, the site must also be in the village. Even if this were the case, it would not alter my overall conclusion.

Planning Balance & Conclusion

29. The Government attaches great importance to Green Belts. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness and openness.

30. In my view, the other considerations set out above do not clearly outweigh the substantial weight that I have given to the harm to the Green Belt, by reason of inappropriateness and effect on openness. Consequently, the very special circumstances necessary to justify the development do not exist. The development would therefore conflict with Policy CS5 of the DCS and the requirements of the Framework.

31. As the Council cannot demonstrate a 5-year supply of deliverable housing land, paragraph 11d) of the Framework is engaged. However, there are no very special circumstances and thus the application of policies in the Framework provide a clear reason for refusing the development proposed². As such, the development does not benefit from the so-called 'tilted balance'.

32. Material considerations do not therefore indicate that a decision should be taken other than in accordance with the development plan in this case. For the reasons given above, I conclude that the appeal should be dismissed.

Our Reference: 4/02335/19/FUL

PINS Reference: **APP/A1910/W/20/3247825**

Land Adj 1 Laurel Bank

Laurel Bank

Felden

Hemel Hempstead

HP3 0NX

Procedure: Written Representations

Main Issue

The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is within a residential area characterised by large modern detached dwellings, finished in similar materials, set a similar distance back from the road with relatively open frontages. Overall, the area has a spacious, residential and relatively open character and appearance.

4. An appeal was dismissed in 20181 for a similar scheme. The scheme before me differs in that, among other things, it has a smaller footprint, is not as tall, has alternative detailing, alternative positioning, additional landscaping and proposed boundary treatments.

5. The proposed dwelling would be positioned in a long and narrow plot opposite Nos 15 to 17 Laurel Bank (Nos 15 to 17). However, even though the proposed main front elevation would face the road and would be a similar width and appearance to Nos 15 to 17, it would be much shallower, much closer to the road with limited space around it with its main private amenity space noticeably to its side.

6. Thus, consistent with the Inspector in 2018, I find the scheme before me would appear cramped and at odds with the prevailing pattern of development. It would have the effect of eroding the open spacious quality of the area and appearing as an incongruous feature of the street scene. The proposed low boundary treatments and any proposed landscaping would not overcome this harm.

7. In reaching these conclusions, I have noted the comparison with No 1 Laurel Bank (No 1). However, No 1 is a much larger corner plot than the appeal site. It has frontages to both Laurel Bank and Felden Lane. No 1 is not therefore comparable to the appeal scheme nor would the appeal proposal repeat its layout. I also note the comments about what may or may not be done with the appeal site should the appeal fail. However, I have determined the appeal on merit, informed by the evidence and my site observations and none of those comments alter my earlier findings.

8. Therefore, for the reasons given, I find the proposal would harm the character and appearance of the area. It would therefore conflict with the good design aims of the National Planning Policy Framework (the Framework) and Policy CS12 of the Dacorum Core Strategy 2006-2031 (2013) which seeks to ensure, among other things, that new development integrates with streetscape character. Conclusion (Planning Balance)

9. It is contested whether the Council can currently demonstrate a five year supply of deliverable housing land in accordance with paragraph 73 of the Framework. Even if I did find the five year supply could not be demonstrated and the shortfall was as suggested by the appellant, the proposal would need to be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole and the tilted balance engaged.

10. The dwelling would be in a location where services and employment can be easily accessed by a range of transport choices. Furthermore, I note the associated new homes bonus and Council tax revenues and that the proposal would also provide new customers and potential employees for local businesses and services and there would be economic benefits associated with construction. However, even with the tilted balance engaged the combined social, economic and environmental benefits of the proposed development are significantly and demonstrably outweighed by the significant environmental harm I have identified with regard to the character and appearance of the area.

11. Overall, I therefore conclude that even if the tilted balance was engaged and the housing shortfall was as suggested by the appellant, the proposed development would not amount to sustainable development when considered against the Framework taken as a whole.

12. For the reasons set out above, having had regard to all other matters raised, on balance the proposal would not accord with the development plan or the Framework. The appeal should therefore be dismissed.

Our Reference: 19/03276/FHA

PINS Reference: **APP/A1910/W/20/3247367**

Greymantle, Hempstead Road
Bovingdon
HEMEL HEMPSTEAD
HP3 0HF

Main Issue

3. While I note the two reasons for refusal, from the evidence before me the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The area surrounding the site on Hempstead Road is characterised by semidetached and detached dwellings on large plots with long back gardens that borders an undeveloped field. As such, this side of Hempstead Road has a

distinctive pattern of development that provides a spacious soft edge to the settlement.

5. The proposal consists of the erection of two detached dwellings sited to the rear of an existing detached house, Greymantle, and a semi-detached house, Rose Cottage. The position of the two dwellings within the undeveloped garden land would appear incongruous and would depart from the prevailing pattern of development, thereby diminishing the soft edge to the settlement and detracting from the sense of spaciousness of the area.

6. I acknowledge the comments of the Inspectors for the previous proposals on the site¹. The proposed scheme differs from those proposals in a number of ways including the scale and height, siting, and design of the dwellings. While the proposed dwellings would not be prominent from the street as they would have been in previous proposals, they would be clearly visible from the neighbouring properties. I note the evidence regarding green screening, however, there has not been a demonstration that it would mitigate against the adverse effects on the spaciousness of the area.

7. I acknowledge that the hardstanding would not be prominent from public views and would have a limited impact in private views. I also note the evidence regarding the trees along the boundary with the Green Belt and views from the rear of the site. However, the introduction of two dwellings and domestic paraphernalia would urbanise the site and significantly alter the green and spacious character and appearance of this side of Hempstead Road. As such, while I recognise that this scheme has sought to address the concerns of previous Inspectors as well as the advice provided by the Council during the application process and pre-application advice, for the reasons given above, the proposal would harm the spacious character and appearance of the area.

8. I acknowledge that planning permission for an extension to Greymantle has been granted by the Council and the appellant's intention to carry out that scheme. However, given the harm identified, this has not altered my finding on this main issue.

9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies CS10, CS11 and CS12 of the Core Strategy 2006-2031 Adopted 25 September 2013 which seeks, among other things, developments that reinforce the existing soft edges of towns and villages, enhance general character and respect adjoining properties in terms of layout. It would also conflict with the National Planning Policy Framework in this respect. Planning Balance

10. It is common ground between the main parties that the Council cannot demonstrate a five-year housing land supply. The proposal would contribute two dwellings to the local housing supply and there would be limited social benefit through the contribution of future occupiers to the local community and temporary economic benefit during the construction process. Given that the proposal is for two dwellings, I attribute limited weight to these benefits.

11. I acknowledge the evidence regarding the environmental sustainability of the proposal. However, the lack of harm in this respect carries neutral weight.

12. Given the significant harm to the spacious green character and appearance of the area and conflict with the development plan, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Other Matters

13. I note concerns regarding the service provided by the Council. However, I have assessed the appeal based on its planning merits and this point has not altered my overall decision.

14. I note local concerns including regarding the trees near the site, the design of the proposed dwellings and the outlook and privacy of neighbouring occupiers. However, the Council has not objected in these respects and from the evidence before me I see no reason to disagree.

15. While issues regarding highway safety has not formed a reason for refusal, I note that the Highway Authority has expressed concerns with the proposal. Given the considerable length and narrow width of the access road, as well as the likelihood of the turning bay being used for parking, I am not persuaded that the proposal would not give rise to an unacceptable impact on highway safety. Nevertheless, given the harm identified above, this has not been a determinative matter for the outcome of this appeal.

Conclusion

16. For the reasons given above the appeal is dismissed.

COSTS DECISION

Decision

1. The application for an award of costs is refused.

Reasons

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

3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the adopted policies that the proposal would be in conflict with, in the view of the Council.

5. While I note the applicant's concerns that the previous appeal decisions were not sufficiently considered by the Council, the planning officer's report sets out the differences between the previous schemes and the proposed development. Accordingly, I do not consider that the Council failed to reasonably evaluate the

application. I consider the Council had reasonable concerns about the impact of the proposed development which justified its decision.

6. I also acknowledge the evidence regarding the pre-application service provided by the Council. While the National Planning Policy Framework (Framework) places an emphasis on the benefits of early engagement, the evidence indicates that a different proposal was discussed at pre-application stage than that subject of this appeal, and given the evidence before me, I do not consider that the Council failed to reasonably engage with the applicant.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

8. The application for an award of costs is refused.

Our Reference: 19/03276/FHA

PINS Reference: **APP/A1910/D/20/3244165**

86 Alexandra Road
HEMEL HEMPSTEAD
HP2 4AQ

Procedure: Written Representations

Main Issue

The main issue is the effect of the proposed rear extensions on the living conditions of the neighbours at 88 Alexandra Road, with particular reference to overbearing and intrusive effects and loss of light. Reasons

3. The appeal proposal would include further extension to the property at rear ground floor level. A first floor rear extension is also proposed that would be set back, projecting from the rear wall of the host building to a similar depth as the existing ground floor addition. Both extensions would span the full width of the rear of the building and sit very close to the boundary of the neighbouring No 88, with which the appeal property forms a semi-detached pair.

4. The Council raise concerns about the impact of the rear extensions on the rear facing windows of No 88. To the rear this property has a small conservatory at ground floor level and a first floor window, that the Council indicates serves a bedroom, that could be affected by the proposal due to their positions close to the boundary with the appeal property.

5. In relation to loss of light, the Appellant makes reference to drawings that were submitted to demonstrate that the proposal would not unreasonably impact on the occupiers of No 88. The Council refer to aspects of these drawings that are inaccurate in their view. However, they do not explain in any detail in what respects they consider them to be inaccurate. As such, and in the absence of any obvious discrepancies, I have considered the drawings at face value.

6. The height and depth of the proposed ground floor extension would result in a built form at the boundary with No 88 that would rise significantly above the existing fence

that separates the 2 properties. The extension would be an imposing feature as viewed from the conservatory of No 88 due to its proximity to the boundary. The result would create an overbearing and intrusive effect and a significant level of enclosure that would negatively affect the living conditions of the occupiers of No 88 to an unreasonable degree.

7. Further, the Appellants drawings indicate that the relationship between the conservatory at No 88 and the proposed ground floor extension would breach the 45 degree angle of light standard set out in Appendix 3 of the Dacorum Local Plan (2004). Whilst Appendix 3 is of some age, it is a reasonable starting point for assessing the effects of the proposed development.

8. From my own observations on site I judge that, accounting for the boundary fence and planting at the boundary, the proposed development would reduce light levels to the ground floor conservatory to an unreasonable degree. I see nothing further in the evidence to suggest that this would not be the case. This, in combination with the overbearing effects discussed above, would further negatively affect the living conditions of the occupiers of No 88.

9. The proposed first floor extension would have an effect on a first floor window at No 88. However, there is already a level of enclosure to this window due to the existing first floor extension of No 88. Given these existing conditions and that the proposed extension has been set back at first floor level, the degree of enclosure resulting from this addition would not be significant.

10. Further, the Appellant has submitted drawings to demonstrate that there would not be a significant level of light loss to the first floor window resulting from the extension. From my own observations on site, this appears to be a reasonable conclusion.

11. For the reasons set out above, I conclude that the proposed ground floor rear extension would have a harmful effect on the living conditions of the neighbours at 88 Alexandra Road, particularly in terms of overbearing and intrusive effects and loss of light.

12. Consequently, I find conflict with policies in the Local Plan, in particular Policy CS12 of the Dacorum Core Strategy and saved Appendix 3 of the Dacorum Local Plan which, taken together seeks to ensure that development is of a good standard of design, including in terms of its relationship with and respect for adjoining properties, avoiding intrusion, and loss of light.

Other Matters

13. The Appellant's statement of case makes reference to a lack of communication from the Council and general issues relating to the handling of the planning application. These are matters best addressed by the Council and are not factors that weigh significantly in the appeal process, which instead focuses on the merits of the proposal.

Conclusion

14. For the above reasons the appeal is dismissed.

Our reference: 4/02140/19/MFA

PINS Reference: **APP/A1910/W/20/3247645**

Caddington Hall Luton Road

Markyate

ST. ALBANS

AL3 8QB

Procedure: Hearing

Procedural Matters

2. The description of the development in the heading above has been taken from the planning application form. However, a revised description of the development was agreed between the Council and the Appellant during the processing of the application. The application was determined on the basis of the revised description of the proposed development which is set out at Section E of the appeal form and is as follows: "Demolition of former residential care home and 2 detached dwellings. Construction of 3 storey building forming 44 new dwellings, with basement, associated hard and soft landscaping, parking, bin store and main entrance gateway." As the revised description of the proposed development has been agreed between the main parties, I have therefore considered the appeal on this basis.

3. The application was supported by a number of plans, reports and technical information. A full list of the plans and supporting documents that informed the Council's decision is set out at paragraph 4.1 of the Statement of Common Ground (SoCG) which was agreed by the main parties. Amongst other documents the proposal was supported by a Transport Statement, a Landscape Specification, Landscape Proposals, a Planning Support Statement, an Arboricultural and Planning Integration Report, a Tree Protection Plan, an Updated Ecological and Bat Survey Report and a Design and Access Statement (DAS).

4. In addition, subsequent to the decision by the Council, the Appellant submitted further plans and documents not previously seen or consulted on by the Council. These include: a Landscape and Visual Impact Assessment (LVIA), a Design Review Panel Assessment, a Historic context file and a Rights of Way map. A revised Site Location Plan Ref No: 2052 PL101B which includes the proposed visibility splays at the site entrance was also submitted and agreed by the main parties. I have taken these additional documents and plans into account in coming to my decision.

5. At the Hearing a s106 Planning Obligation was submitted. The Planning Obligation is made by an Agreement between the Appellant, the Dacorum Borough Council, Hertfordshire County Council and AIB (UK) PLC (the Mortgagee). The Planning Obligation is signed and dated 23 October 2020. It is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.

Main Issues

6. In light of the above I consider that the main issues in this case are: • Whether or not the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies? • The effect of the proposal on the openness of the Green Belt. • The effect, in terms of design, of the proposed development on the landscape character of the surrounding area. • The effect of the proposal on the setting/significance of the nearby Listed Building. • Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by any other considerations. If so, would this amount to very special circumstances necessary to justify the proposal?

Reasons

The Appeal Site

7. The appeal site is located on the south west side of Luton Road near Markyate. The 4.65ha site comprises the land and buildings of the former Caddington Hall residential care home, constructed in the 1980's on the grounds of the earlier Caddington Hall Manor. The Manor comprised a Palladian mansion built in 1804 with a walled garden, extensive grounds beyond the site including some 34.80ha of arable land, stable block to the south east, now known as Home Farm and the 'gatehouse' to the west both no longer part of the site. The Manor was demolished in 1975.

8. The main care home building is centred around a small courtyard with projecting elements extending out in all directions. The building is single storey with a dual pitched roof, with hipped element, finished in brown facing brickwork and brown roof tiles. There are two smaller detached buildings on site, situated towards the south east of the main building and the walled garden to the north east. The appeal site comprises a number of trees, concentrated along the site boundary and there is an area Tree Preservation Order covering the whole site. Situated just outside of the appeal site, within the curtilage of Home Farm, is a pond.

9. The site is located within the Green Belt and the surrounding area is rural in character. There is a ribbon of development along the north west side of Luton Road adjacent to the entrance to the appeal site comprising low level detached and semi-detached bungalows. Open countryside bounds the site on three sides and the centre of Markyate is situated 1km to the south west.

The Proposal

10. The proposed development seeks full planning permission for the demolition of the former residential care home and 2 detached dwellings and the construction of a 3 storey building forming 44 new dwellings, with basement, associated hard and soft landscaping, parking, bin store and main entrance gateway. The appeal proposal is an amended scheme following the refusal of planning permission for the previous scheme on 26 February 2019 (ref. 4/02205/18/MFA). The proposal follows extensive discussions with the Council following the refusal of the previous scheme.

Planning History

11. The planning history of the appeal site is set out at Section 5 of the SoCG and there is no need for me to repeat that here. Suffice it to say that I note that planning permission was refused for the demolition of all buildings and construction of a main building and two outbuildings comprising of 46 dwellings with associated soft and

hard landscaping, bin store, entrance gates and highway improvements on 26 February 2019. A subsequent appeal was withdrawn. Planning Policy

12. The statutory development plan for the area includes the Dacorum Borough Local Plan (DBLP) (2004), the Core Strategy (CS) (2013) and Site Allocations Development Plan Document (DPD - 2017). The parties are agreed that the planning policies which are most relevant to this appeal are set out at Section 6 of the SoCG and listed below. Core Strategy CS1 - Distribution of Development CS23 - Social Infrastructure CS5 - Green Belt CS25 - Landscape Character CS8 - Sustainable Transport CS26 - Green Infrastructure CS9 - Management of Roads CS27 - Quality of the Historic Environment CS10 - Quality of Settlement Design CS28 - Carbon Emission Reductions CS11 - Quality of Neighbourhood Design CS29 - Sustainable Design and Construction CS12 - Quality of Site Design CS30 - Sustainability Offsetting CS17 - New Housing CS31 - Water Management CS18 - Mix of Housing CS32 - Air, Soil and Water Quality CS19 - Affordable Housing CS35 - Infrastructure and Developer Contributions Local Plan: as saved and extended. 10 – Optimising use of land 51 – Transport Impacts 12 - Infrastructure Provision and Phasing 58 – Private Parking 13 - Planning Conditions and Planning Obligations 99 – Tree Preservation 14 - Housing Strategy 100-101 – Tree Management 18 - The Size of New Dwellings 111 – Building Heights 21 - Density of Residential Development 118 – Archaeological remains 23 - Replacement Dwellings in Green Belt and Rural Area 119 - Development affecting Listed Buildings

13. The Council is in the process of preparing a new Local Plan for the Borough. It is working towards the publication of a Pre-Submission Draft Consultation Version commencing in late 2020. In my view, the weight to be attributed to the Emerging Local Plan is currently limited by the provisions of paragraph 48 of the NPPF, recognising the stage of preparation. I have taken into account the SPDs on Affordable Housing, Energy Efficiency and Water Conservation, Parking Standards and the Landscape Character Assessment for Dacorum SPG (2004). First Issue - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies?

14. The appeal site lies within the Green Belt, whereby Policy CS5 of the Core Strategy (2013) states that development will be permitted such as the redevelopment of previously developed sites, provided that it has no significant impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside. Policy CS5 aims to apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Both parties agree that Policy CS5 defers to national Green Belt policy and therefore can be attributed full weight. The policy provides no quantum for what is appropriate beyond the NPPF.

15. Section 13 of the NPPF 2019 is a material consideration in this case. It indicates at paragraph 133 that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 134 indicates the five purposes of Green Belt. Paragraph 143 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 indicates that LPAs should ensure that substantial weight is given to any harm to the Green Belt.

16. The NPPF advises LPAs to regard the construction of new dwellings as inappropriate in the Green Belt. However, there are some exceptions contained within paragraph 145 (a-g) of the NPPF. With regard to paragraph 145 (d) of the NPPF, it was conceded by the Appellant that the proposal did not comply with this exception as the new building did not fall within Class C2 of the Use Classes Order 1987, as amended, and therefore was not in the same use as the one it replaces.

17. There is also an exception contained within paragraph 145 (g) – this states that “... the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: • not have a greater impact on the openness of the Green Belt than the existing development; or • not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

18. The proposed area of development would largely sit over the footprint of the existing building and structures. It can therefore be classed as ‘previously developed land’ and accords with the definition set out in Annex 2 of the NPPF, i.e. that the land is occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed), and any associated infrastructure.

19. Policy CS19 of the Core Strategy seeks to ensure that affordable homes are provided on sites of a minimum size of 0.16ha or 5 dwellings (and larger) outside of Hemel Hempstead. It states that 35% of the new dwellings should be affordable homes. The proposal would make a contribution towards meeting the Borough’s affordable housing need. Out of the proposed 44 units, 16 would be affordable provided as affordable rent and shared equity housing. This equates to an affordable housing provision of 36%, which meets the 35% required by Policy CS19.

20. The appeal site would comprise inappropriate development under paragraph 145 (d) of the NPPF. However, it has been established that the appeal site constitutes previously developed land and that the proposed development would contribute to meeting an identified affordable housing need. Paragraph 145(g) requires that I must first assess the effects of the proposal on the openness of the Green Belt before coming to a view as to whether the proposal would meet either of the two exceptions listed under paragraph 145 (g) of the NPPF. 1 Paragraph 145 Second Issue - The effect of the proposal on the openness of the Green Belt.

21. The concept of openness in paragraph 133 of the NPPF is a broad policy concept. The fundamental aim of Green Belt policy, as already stated above, is ‘to prevent urban sprawl and safeguard the countryside from encroachment by keeping land permanently open’. Openness is the counterpart of urban sprawl and is also linked to the purposes served by the Green Belt. The concept of openness is often taken to mean the state of being free from built development or the absence of buildings – as distinct from the absence of visual impact. However, in my view, the

openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that openness of the Green Belt has no visual dimension.

22. Moreover, the Supreme Court in *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3 confirmed that the word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. However, how to take account of the visual effects is a matter of planning judgement rather than one of legal principle (paragraph 25). In this case it was concluded that there was no error of law in the officer report as there is no express or implied requirement to refer to visual impact. Furthermore, the visual qualities of the land may be an aspect of the planning judgement in applying this broad policy concept (paragraph 22). The Supreme Court confirmed that “the matters relevant to openness in any particular case are a matter of planning judgement, not law” (paragraph 39).

Spatial impact.

23. The first point to consider is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. The parties set out the physical dimensions of the existing and proposed development in terms of footprint, floor area and volume in a series of spreadsheets. Existing and proposed building heights figures were also submitted based on drawings 2052-PL05A and 2052-PL109B.

24. From the agreed Summary Table, it is clear to me that the Existing Built form has a footprint of 1,824m², a gross external floor area (GEA) of 1,891m² and a volume of 8,209.98m³. From the same Summary Table, the Proposed Development with Basement and Sheds would have a footprint of 3,608.44m², a GEA of 5,606m² and a volume of 17,629m³. This represents a 97.83% increase in the footprint, a 196.49% increase in GEA and a 114.73% increase in volume above the existing built form.

25. The amended application as refused shows in the Total Proposed Tab (see below), the totality of the proposed development in terms of proposed footprint, proposed GEA and proposed volume with constituent elements in relation to the existing built form. These figures are agreed by the main parties. It is also common ground that the proposed basement (1,544.20m²) would be entirely underground and would not be perceived externally, other than the access ramp. On the proposed main building there would be an increase in eaves height of about 7.34m and there would be an increase in the ridge height of about 3.2m.

26. I note that the area of previously developed land comprises the main care home building, two smaller cottages and an area of hardstanding that was used as a parking area. In addition to the apartment building, the proposed development comprises formal gardens to the front and rear of the main building, an entrance courtyard/turning head, surface car parking, bin store, delivery areas and barbeque areas with pergolas. The footprint of the proposed building would be brought more centrally into the plot in comparison with the existing building. However, this

consolidation of footprint would be offset by the increase in the overall developed areas described above.

27. The Appellant claims that the proposal would regenerate a derelict site within its historical context. Reference is made to the existing single storey building with its extensive roof and its architecture which results in several recesses, semi-open and fully enclosed courtyards. It is claimed that these courtyards and recesses 'read' as part of the overall built form of the existing building and as such form part of the existing built fabric. The courtyards would add 744m² to the existing footprint/floor area and 4,758.79m³ to the existing volume, if included.

28. The Appellant also claims that the existing area and volume should include a permitted development allowance for the two detached cottages on the site. The extensions would be relatively small scale and would add 131m² to the footprint/floor area and 618 m³ to the volume. The Council does not accept that the recesses, semi-open and fully enclosed courtyards can be included as part of the existing built form and therefore cannot be included in the spatial assessment. Nor does it accept that a permitted development allowance should be included. I agree.

29. In my view the extent of physical development is essentially a question of fact and does not engage the need for the exercise of any planning judgement. The figures for recesses, semi-open and fully enclosed courtyards should not be included in a baseline spatial assessment. The Appellant argues that in the event that an application to adapt the existing building were to be submitted that these 'infilled' elements would be granted planning permission by the Council. However, the Council confirmed that no such applications have been submitted. Similarly, it has not been demonstrated that the two detached cottages on the site benefit from permitted development rights. No evidence has been provided that these two properties were constructed as separate residential dwellings i.e. not associated with the care home.

30. Drawing all of these threads together the Council's position is preferred. Notwithstanding the consolidation of built form and a fall-back position, I consider that, by virtue of the increase in bulk, mass, scale, height and residential sprawl the proposed development would spatially have a greater impact upon and indeed would cause substantial harm to, the openness of the Green Belt than the existing development. The overall quantum of built development would significantly increase, and the proposal therefore fails the tests provided by paragraph 145 (g) of the NPPF in terms of spatial impact.

Visual Impact

31. At my site visit I saw that the appeal site is relatively well-screened from the highway and from other public vantage points by the trees surrounding the site. However, I consider that there would be less visual permeability through the centre of the site as a result of the proposed development. The recent removal of a significant amount of vegetation has resulted in the site being more visible from surrounding areas. There are public rights of way that surround the site that have uninterrupted open views of the site across open fields particularly to the south and south west. I deal with those in more detail below.

32. When viewed from the north along Luton Road and the entrance point, the three-storey central element and the two storey north west wing would be visually dominant and have a significantly higher profile than the existing structures on site. The proposed access would be widened, and vegetation removed to accommodate the proposed visibility splays. Furthermore, the proposed increase in height would result in a building that would be more visible from the surrounding countryside, including public footpaths situated to the south and south west.

33. The Appellant refers to the design and layout of the proposed development stating that it is similarly positioned to the existing built form and that it consolidates it. The hierarchical approach to built elements is stressed and it is claimed that this allows permeability within the site. The north south axis is highlighted which it is argued would ensure consistency with both the existing built form and that of the historical mansion.

34. Further, the Appellant has provided the dimensions for the recesses, semiopen and closed courtyards, contending that these should be included in the existing area and volume figures, due to the fact that they are not seen other than as a backdrop to the building. I accept that they have limited visual impact on Green Belt openness. However, the same could be said for the 3-sided courtyard areas to the south west of the proposed building where the formal gardens are proposed and, to a lesser extent, the smaller courtyard areas created to the north east of the main building. This is particularly relevant when viewed from the north, which is the most publicly-visible vantage point. From here the long axis of the building as well as the north west flank elevation of the side wing would be perceived as one mass of built form, noting that these elevations would comprise two and three-storey flat-roofed elements, in comparison to the single storey existing building with pitched roofs.

35. I viewed the appeal site from Public Rights of Way (PROW) to the south and south west at viewpoints agreed by the Council and the Appellant. From the public footpath close to The Ridings (Location 3 on the Itinerary Map), near Markyate Village, I saw that the upper storeys of the proposed development would be visible particularly if existing planting is removed to open up vistas. At the field gate on the right angle bend (where Hicks Road and Windmill Road meet), the existing single storey development was visible, and I consider there would be a considerable visual impact on openness brought about by the increased scale of the new development. I also viewed the site from public footpaths on higher ground near to Roe End Lane and Dammersey Close where distant views of the appeal site were available through existing vegetation.

36. Taking all of the above into account, I consider that the proposed development, by virtue of the increase in height, bulk and mass would be visible from surrounding areas and would have a significant visual impact on Green Belt openness compared to the relatively low lying and significantly lower volume of the buildings that currently reside on site. The significance of the recesses, semi-open and closed courtyards has been taken into account. However, the proposed development would have a greater visual impact and would cause substantial visual harm to the openness of the Green Belt.

37. Overall, I consider that the proposal represents inappropriate development in the Green Belt which is by definition harmful and should not be approved except in very special circumstances.² The proposal would cause substantial harm to the openness of the Green Belt, both spatially and visually, by the proposed increase in built development. As such, the proposal does not meet any of the exceptions to inappropriate development defined in paragraph 145 of the NPPF. Third Issue - the effect, in terms of design, of the proposed development on the landscape character of the surrounding area.

38. Core Strategy Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. Furthermore, paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

39. The surrounding area is rural in character with development concentrated along Luton Road and Caddington Common, comprising predominantly low level bungalows with some larger two storey detached properties. The site is fairly well screened from Luton Road by vegetation, although the site can be viewed from public footpaths to the south and south west.

40. The Landscape Character Assessment of Dacorum SPG (2004) reveals that the appeal site lies within Landscape Character Area 126 which is known as 'Markyate Ridges and Valleys'. The landscape character in this area is described as predominantly mixed arable and pasture farmland with some common land, woodland and parkland, converging upon the M1 corridor to the east. The key characteristics are set out on page 132 of the document and include: narrow upland ridges and valleys, gently undulating open arable land, medium sized irregular shaped fields, isolated settlements and farms and open views across surrounding valleys. The distinctive features refer to historic parklands at Markyate Cell and Caddington.

41. The guidelines for managing change within the area, are to improve and conserve – to promote awareness and consideration of the setting of the Chilterns Area of Outstanding Natural Beauty (AONB), and views to and from it, when considering development and land use change proposals on sites adjacent to the AONB.

42. The Appellant refers to a Landscape and Visual Impact Assessment (LVIA) which was submitted after the application was determined. The LVIA argues that the site is contained and enclosed within its landscape and although the proposed building would have three storeys, it is unlikely to have any adverse impact on the surrounding landscape given its historic context. However, it is clear to me that the appeal site forms part of the setting for historic landscape features which are intrinsic to the Chilterns 2 Paragraph 143 of the NPPF AONB special qualities. In my view this parcel of land is therefore sensitive to change.

43. It is also noteworthy that Dacorum's Green Belt Review and Landscape Character Appraisal (2016) emphasised the importance of the open, rolling character and instances of intervisibility, as well as the parcel's role in forming the setting to

Markyate Cell Park. Whilst the existing care home building is of no particular architectural or historical merit, the appeal site is indeed sensitive and significantly constrained. It makes a strong contribution to the purposes of the Green Belt.

44. Turning to the design of the proposal, I appreciate that Policy CS10 of the Core Strategy (2013) seeks to ensure that new development respects the surrounding landscape character, which, as outlined above, is considered to be a sensitive area within the Green Belt and adjacent to the Chilterns AONB. I am aware that following the previously refused scheme, the Appellant sought further advice from the Council and that several options were discussed.

45. The Council's preferred option was the Georgian neo-classical form of the original manor house to create a high quality architectural response to the site and its historical setting. The Appellant contends that the design reflects the original character of the site as a Georgian country mansion set within its landscape. The accompanying DAS sets out further architectural details including how the golden ratio was used as tool to develop the proportions of the building, the relationship between the individual building elements and the architectural detailing.

46. The building would be arranged along the central axis, similar to the original mansion and the existing building just forward of the walled garden. This was chosen because of the historical nature of the site and also allowed for the built form to be set forward so that the landscape could be used to its full potential. The proposal comprises two single-storey projecting arms to two independent wings attached to a main 3 storey central structure. The main building would have an eaves height of about 9.94m and a ridge height of about 10.77m. The building would be constructed of brick in Flemish bond with stone architectural features to include decorative portico supported by columns, pediments, stone window surrounds and quoining at the corners of the building. In the final design, the pitched roofs were replaced with flat roofs and the scale of the single storey linked segments were also reduced.

47. An extensive planting scheme is proposed to create formal garden areas both front and rear toward the western and eastern sides of the building. Extensive native wild-flower and shrub meadows would be created throughout to give greater opportunity to increase the potential for wildlife habitat. The existing walled garden would be reinstated as a garden with storage units around the edges. The existing site access would be widened, and pedestrian walkways added from Luton Road. Vehicle parking on site would be either located at the basement level or surface level. Access control would be implemented on-site to segregate private and public spaces with access to the residential apartments and formal gardens only being granted to the residents on-site.

48. I have a number of concerns in relation to the final design which was put to the Council for determination. It seems to me that the final design fails to follow the rules of proportions seen within Georgian architecture and therefore the composition appears somewhat discordant with the chosen design style. The overall result is plainly a poor pastiche of a Georgian country house.

49. To avoid misunderstandings, I shall use the same terminology as the Council used in its statement - the term 'house' relates to the principle central section of the

design, 'arcades' relates to the single storey linking elements and 'pavilions' to the two storey returns. I have used the following drawings: Site Layout 2052 PL102E, the Front and Rear Elevations 2052 PL109B, the 3D Visualisation 2052 PL117A together with the DAS 2052 B and the LVIA. I have also referred to other drawings listed in the SoCG.

50. Plainly the design of the appeal proposal is heavily based on the previous design which I note the Council considered to be a well-balanced and appropriate solution. However, unlike the previous design which was based on scale and proportion I consider that removing the roofs of the house and pavilions and alterations to the arcades has resulted in a proposal which is no longer in balance and as such appears a rather confused assemblage of elements. This is most detrimental to the overall concept.

51. The first specific concern relates to the loss of the roofs. The chimney features now appear overly substantial and out of scale not having been reduced from the original proposal in height. The period of architecture referenced does not generally have this as a feature as it was moving away from the Elizabethans' dwellings, which used substantial ornate stacks. The feedback from the Design Review Panel states that these are "overly dominant and proportionally inappropriate." In my view these are most out of keeping.

52. The second concern is the retention of the pediment despite the loss of the roofs. As the Council points out 'Pediments come from classical architecture and the concept in the form was due to the use of timber framing in the roof, thus it hid the ridge beam. The proposed design has no obvious support and appears at odds with the main body of the design appearing out of scale due to the lack of roof or indeed any support.' The pediment appears as a disjointed afterthought rather than part of an overall composition.

53. The third concern is the retention of the balustrade from the previous design appears somewhat lacking concerning the detail. This would appear to be due to not reconsidering this feature without the roof. The solid supports between the runs of balustrades are not broad enough and give the structure an overly weak feel. This weakness is extenuated by the lack of depth to the top rail. However, when the balustrades were combined with the roof structure this was not a concern. Now that it is to be appreciated against the sky it lacks the necessary visual strength and appears as a fragile injudicious detail.

54. In addition, the balustrade also appears not to have been fully considered where it connects to the pediment. Instead, it runs up behind it at the lowest point. As it has not been redesigned as a thicker stop it results in a surprising juxtaposition where it appears that the balustrade is disregarding the end of the pediment. Again, this would be highlighted by its appearance against the sky; it also appears most strange that there are balustrades in position to the link elements but not the pavilions.

55. I note that the feedback from the Design Review Panel addresses this point. As the elevation drawing shows no roof the north east elevation fails to have the necessary balance and quoins, or perhaps a step in the brickwork is needed to pronounce the central two bays. Thus, as stated in the Design Review Panel

Assessment “The horizontal emphasis of this elevation is too pronounced.” The Panel also states that the elevation could be improved by “introducing stronger elements” to the elevation. It seems to me that a previous balanced composition now seems more a collection of individual elements and has lost the overall composition, which brought each part together in harmony. Importantly, the historical photographs of the original Caddington Hall in the DAS confirm a well-proportioned building without pronounced arcades and pavilions. 3

56. The DAS does not seem to have considered these issues or considered how, with flat roofs, the proportions and design details needed to change. Instead, the roofs have been removed without considering the other elements. The recent amendments mean that the proposed development is not in proportion. The pavilions appear too squat and the link element excessively elongated. Thus, they clash with the main house appearing as poorly considered later additions rather than a cohesive well considered overall structure.

57. A fourth specific concern relates to the depth of the arcades. The balustrade of each arcade runs up to first floor windows and in effect bisects two windows of the main house (see South East Internal Building Elevations drawing 2052 PL111B). This would be detrimental to the appearance of the link and the main house and not what would be expected from a mansion designed as a set piece. This harm is added to with the lack of relief to the brickwork at ground floor level of the main house. It would appear that instead of adding detail in the form of fenestration, or perhaps blind windows, there is instead only brickwork.

58. I accept that there is no objection to the principle of reinstating a substantial country house style building into parkland on this site. I also accept that extensive landscaping is proposed. I have taken into account Page 5 4 MSC1059-11revC Sheet 1 of 2 (Landscape Proposals) and MSC1059-11revC Sheet 2 of 2 (Landscape Proposals) the LVIA which contends that the proposed development would not result in any impact on the surrounding landscape. However, the LVIA states that the house would not be visible. I cannot agree with this assessment particularly when the landscaping proposals are taken into account. The landscape proposals envisage removing both the conifer hedge and other trees and scrub to the frontage so that residents of the new house could look over the inner and former outer design parkland (now fields) across the valley to the Cherverells. In my view this would make the building much more visible in the landscape.

59. The Council’s Green Belt Review and Landscape Character Appraisal (2016) identifies that the parcel of land within which the appeal site lies makes a strong contribution to the purposes of the Green Belt. This is contrary to the LVIA statement that “The site level assessment that has been undertaken as part of the report identifies the site as being a low functioning part of the Green Belt that does not strongly contribute to the fundamental aim of Green Belt.” I disagree with the LVIA on this point and consider the site does make a significant contribution to the purposes of Green Belt as set out in the NPPF at paragraph 134. Moreover, the removal of many boundary trees together with undergrowth, which led to the serving of a TPO in 2017, has resulted in the site boundaries containing far fewer mature trees and far less undergrowth.

60. Notwithstanding the contextualist statements in the design philosophy, I consider that the proposed design does not follow the norms and rules of classical architectural form and therefore it would be materially out of keeping with its surroundings. The building lacks a sense of unity and it would not fit in with the character and functions of its context. Although the Design Review Panel supports the principle of the scheme, it seems to me that the detailed points which it made highlight concerns about the design of the scheme. 5

61. In summary, the design of the proposal is not sympathetic to the sensitive nature of the site and would not suitably integrate with the landscape character of the surrounding area by virtue of its scale and proportions. The design is not high quality and fails to comply with Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF. On the third issue I conclude that the appeal must fail. Fourth Issue - the effect of the proposal on the setting/significance of the nearby Listed Building.

62. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities with respect to development which affects a Listed Building or its setting. In particular, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

63. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 5 Page 4 of the Design Review Panel Assessment great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

64. The application site resides within close proximity to the Grade II* Listed Markyate Cell. It was agreed at the Hearing by both parties that the impact of the proposed development on the significance of the heritage asset would be less than substantial at a low-nominal level. This harm should be weighed against the public benefits of the scheme in accordance with paragraph 196 of the NPPF, noting that the building is of the highest category of protection being Grade II* Listed. I accept that there would be a comprehensive restoration of the walled garden and a carefully designed parkland landscape which would enhance the general area.

65. In accordance with the test set out in paragraph 196 of the NPPF, I find that the public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset. On the fourth issue I conclude that the proposal should not be refused because of the effects on the setting/significance of the nearby Listed Building. Fifth Issue - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by any other considerations. If so, would this amount to very special circumstances necessary to justify the proposal?

66. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 144 of the NPPF when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

67. The Appellant put forward a number of 'other considerations' in paragraph 6.22 of the Planning Support Statement which it is claimed would outweigh the harm to the Green Belt. I deal with each of these below explaining the weight that I attach to these 'other considerations'. The weight which I attribute to each is shown in the brackets:

- The brownfield status of the site ensures that it must be given greater weight than that of any proposed sites within the Green Belt. (Limited weight)
- The site is currently derelict whereby there is no prospect of the existing building being reused for the existing lawful care home use. (Limited weight)
- Replacement of a building which is not significantly larger than the existing and is more presentative of the former manor house and associated outbuildings. The relative impact in pure volume should reflect the infill elements. Overall, the design is relatively less than significant in the overall Green Belt assessment. (No weight)
- The proposed development would contribute 44 units to the Council housing strategy. I accept that the Council does not have a five year housing land supply (2.8 years). I note that the Council is in the process of preparing a new Local Plan for the Borough. It is working towards the publication of a Pre-Submission Draft Consultation Version commencing in late 2020 which includes a site for 150 dwellings in Markyate (Moderate weight)
- The proposed development would contribute 16 Affordable Housing units onsite, should be given substantial weight. I accept that there is a local shortfall in affordable housing provision. The proposal equates to an affordable housing provision of 36%, which meets the 35% required by Policy CS19 so the proposal is merely policy compliant. (Moderate weight)
- Renovation of underused historical wall garden and creation of additional gardens. I have taken into account the historical context of the site. (Moderate weight)
- The high level of discussions with the Council has produced a result which we believe is a mutually acceptable position. (No weight)
- The building represents an excellent design that is historically sensitive to the former Caddington Hall mansion that gives the site its name. In this context, a smaller proposal would not, in our opinion, be historically sensitive to the character of the site and wider location. I found that the design of the proposal would not be sympathetic to the sensitive nature of the site and would not suitably integrate with the landscape character of the surrounding area by virtue of its scale and proportions. I note that the removal of the pitched roofs would provide opportunities for biodiversity, flood reduction and sustainability. (Limited weight)
- A smaller proposal would not be financially viable. Proposals for fewer numbered units would compromise the high quality of design given the inherent advanced level of discussions with the Council. I note that no viability assessment was submitted by the Appellant. (Limited weight)
- The creation of additional wildlife habitat for bats, bees and other species through landscaping proposals. I have taken into account the Windrush Ecology Report including the mitigation measures at paragraph 5.2 of that Report and the NPPF. 6 I have also considered the Landscape/Tree Planning Strategy including the proposed ornamental planting which would enhance wildlife, albeit ecological mitigation and enhancement would be expected for a significant development such as is proposed here. (Limited/moderate weight)
- Contribution to the support of the relatively rural economy through the use of local facilities and short-medium term construction jobs. I accept that there would be some short term benefits in the construction sector arising from the appeal proposal, but no quantified evidence was submitted to

support this point or that the proposal would contribute significantly to the vitality of local village facilities. I also accept that a dedicated 2m footway would be provided adjacent to the site access and along the road through the development. A 6 Paragraphs 11, 72 and 170 17 segregated pedestrian connection would also be provided to the existing west bound bus stop whereby improvements would also be provided. (Limited/moderate weight).

- S106 Planning Obligation

68. The Appellant submitted a final signed version of a s106 Planning Obligation dated 23 October 2020. Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Council has an adopted CIL Charging Schedule against which contributions towards infrastructure will be secured. The appeal site is located within CIL Charging Zone 2 where a base charge of £100 per square metre of residential would be levied. Exemptions may be applicable with respect to the affordable housing element. There is no dispute over the need for financial contributions.

69. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Regulation 122 of the CIL Regulations, as amended, and paragraph 56 of the NPPF make clear that Planning Obligations should only be sought where they meet all of the following three tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development

70. The Council has requested, and the Appellant has agreed to enter into the Planning Obligation to secure the delivery of affordable housing (Schedule 2) in accordance with Policy CS19. Furthermore, a request was made to make a contribution towards off site highway works in the vicinity of the site at a cost of £16,000 (Schedule 3). This latter contribution would ensure that two bus stops are made accessible to all through the provision of easy access kerbing and improved hard standing area, which would encourage bus use as a travel option for visitors to the site through making the facilities more accessible and attractive.

71. The provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy. The provision is directly related to the development and the provision of 16 affordable dwellings is fairly and reasonably related in scale and kind to the development. The off-site highways works are necessary to allow residents to access alternative means of travel between the key towns of Luton and Hemel Hempstead and to comply with Policy CS8 and Policy CS12 of the Core Strategy. In my view, both of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they meet the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision. I consider that these obligations would provide positive benefits of moderate weight to be weighed against the harm that I have identified. Appeal Decision APP/A1910/W/20/3247645 <https://www.gov.uk/planning-inspectorate> 18

Other Matters

72. A schedule of suggested conditions was discussed at the Hearing. A revised schedule was subsequently agreed by the main parties. The Appellant expressly agreed in writing to the inclusion of the suggested precommencement conditions discussed at the Hearing. In my view, planning conditions in the agreed schedule would overcome concerns raised by interested persons about residential amenity, impact on trees and landscaping, highway safety, flood risk and drainage, parking provision, ecology, archaeology and contaminated land. The appeal proposal would comply with aforementioned development plan policies with regard to these matters.

Planning Balance and Conclusions

73. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy CS5 aims to apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Both parties agreed that Policy CS5 defers to national Green Belt policy and therefore can be attributed full weight

74. Overall I consider that the proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.⁷ The proposed development, by virtue of the increase in bulk, mass, scale, height and residential sprawl, would spatially have a greater impact upon, and would cause substantial harm to, the openness of the Green Belt than the existing development. In addition, as a result of the increase in height, bulk and mass the proposed development would have a significant visual impact on Green Belt openness compared to the relatively low lying and significantly lower volume of the buildings that currently reside on site. The openness of the Green Belt, both spatially and visually, would be substantially harmed by the proposed increase in built development. As such, the proposal is contrary to Core Strategy (2013) Policy CS5 and the NPPF including, in particular, the exceptions listed in paragraph 145.

75. In addition, in terms of design, I consider that the proposed development is not sensitive to, and would not suitably integrate with, the landscape character of the surrounding area by virtue of its scale and proportions. As such the proposal fails to comply with Core Strategy (2013) Policies CS10, CS11 and CS12 and the NPPF.

76. Paragraph 54 of the NPPF indicates that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions and/or the Planning Obligation would not overcome the harm which I have described in this case.

77. As stated already, paragraph 144 of the NPPF indicates that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by 7 Paragraph 143 of the NPPF Appeal Decision APP/A1910/W/20/3247645 <https://www.gov.uk/planning-inspectorate> 19 reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. In this case I have considered all of the matters put forward by the Appellant as 'other considerations' and the weight that can be attached to each. I have concluded that limited or

moderate weight can be attributed to such matters including brownfield status, derelict site, the provision of 44 dwellings in the absence of a five year housing land supply (2.8 years), 16 affordable dwellings, the historical context and design of the proposal, viability, the opportunities for landscape and ecological enhancement, support for the rural economy and off site highway works. All of these matters weigh in favour of the proposal.

78. Nevertheless, I do not consider that these matters, either separately or cumulatively, would be of sufficient weight to clearly outweigh the totality of the substantial harm arising by reason of inappropriateness and the other harm identified. As such, the development cannot be justified on the basis of very special circumstances. The proposed development is in overall conflict with the development plan and the NPPF and there are no material considerations which indicate otherwise. I conclude that the appeal should be dismissed.

Our Reference: 19/02620/FHA

PINS Reference: **APP/A1910/D/20/3248290**

Hawkridge Lady Meadow

KINGS LANGLEY

WD4 9NF

Procedure: Written Representations

Main Issues

The main issues are: (i) whether the proposal is inappropriate development in the Green Belt; (ii) the effect on the openness of the Green Belt; (iii) the effect of the development on the character and appearance of the area; and (iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. Reasons Whether the proposal is inappropriate development in the Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

4. Paragraph 145c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.

5. It is common ground between the main parties that the bungalow has been extended over the years, including an enlarged patio.

6. The Appellant has not advanced a case that the carport is an extension to the main house, but an extension to the garage and has cited Policy CS5 of the Dacorum Borough Core Strategy 2006-2031 (2013) (CS) which states that within the Green Belt, small scale development will be permitted. However, this is also quantified that it should be limited extensions to existing buildings. Furthermore,

Policy CS5 starts by saying that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt.

7. In this context, I note that the proposed carport would have a similar footprint size to that of the existing garage, and as such would represent a significant addition rather than a limited extension. Whilst the footprint of the extension to the garage is not the only factor to consider, in this case, it is the most important one.

8. In addition to the above, the proposal also includes an extended patio to the roof of the carport. However, it is also significant that the existing patio is much extended. In that sense, the cumulative amount of patio extension cannot be considered to be a limited extension either.

9. Taking these factors into consideration, I therefore conclude that the carport would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. It would also be contrary to Policy CS5 of the CS which amongst other matters seeks to resist inappropriate development.

Effect on the openness of the Green Belt

10. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

11. The proposal would introduce a further element of built form to the site albeit that it would not be an entirely enclosed structure as it would be open to the front and partially to its eastern side.

12. Notwithstanding that, it would nevertheless introduce an additional amount of built form to the site. Whilst this would be set in the context of the differing land levels and the dwelling itself, the increase in built form would result in a loss of Green Belt openness. Whilst such a loss of openness is not significant, it nevertheless has a negative perceptible impact.

13. I therefore conclude that the development would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policy CS5 of the CS which amongst other matters seek to protect the openness of the Green Belt.

Character and appearance

14. The appeal site is located on the corner of Rucklers Lane and Lady Meadow. The appeal bungalow is elevated from Rucklers Lane, as is the existing garage to the property frontage. However, as I saw at my site visit, there are clear views of the garage from the road.

15. The carport would be largely located to the side of the garage which has a hipped roof. However, it would also come forward of the front wall of the garage. This, together with the railings on top of its roof to form the roof terrace, would result in a proposal which would appear overly prominent when viewed from the road. This prominence is exacerbated by the elevated nature of the site.

16. In coming to that view, I acknowledge that the existing raised patio provides a similar appearance to the appeal proposals roof terrace. However, it is the bringing forward of this terrace and the resultant increase in its prominence which results in the harm to the setting of the host dwelling and the character and appearance of the area.

17. The Council have set out that they considered that the dwelling is a nondesignated heritage asset. From the evidence before me, the bungalow was built post World War II with the Appellant identifying extension plans from around 1960. However, just because the property was built in such an era does not prevent it from being a non-designated heritage asset.

18. That said, the property has clearly been altered and extended since it was built and the proposal could be seen as part of the evolution of the property. Whilst I have found some harm in respect of the effect of the development on the host property, I consider that the fact that the property is a non-designated heritage asset is not a determinative factor in this case. Nevertheless, it does add some limited weight to my findings.

19. I have also had regard to the fact that planning permission was previously granted for a similar development in 2002. However, as noted by the Council, this was for a smaller carport which did not come forward of the front wall of the adjacent garage.

20. For the above reasons, the carport would harm the character and appearance of the host property and the wider area and would conflict with Policies CS5, CS11, CS12 and CS27 of the CS which amongst other matters seek to ensure that development preserves attractive streetscapes and integrates with the streetscape character, together with the protection of the integrity and setting of undesignated heritage assets. It would also be in conflict with the overarching design aims of the Framework.

Other matters

21. The Appellant has set out two possible fallback positions, the first one being the implementation of the carport which was granted permission in 20021 by the Council prior to the enlargement of the patio area.

22. However, whilst it is common ground that this permission has been implemented, since that time the raised patio at the property frontage has also been extended following the grant of planning permission. This permission includes a condition (condition 4) which states that the patio permission is an alternative to planning permission 4/02129/02/FHA and that the car port and roof terrace shall not be constructed. The reason given for this condition is to safeguard and maintain the openness of the Green Belt. With that in mind, I 1 Reference 4/02129/02/FHA dated 17 December 2002 which also included a porch and single storey front and rear extensions 2 Reference 4/01142/08/RET dated 21 July 2008 am not convinced that the carport from permission 4/02129/02/FHA represents a fall-back position.

23. Notwithstanding that, from my site visit, it appears that the enlarged patio has a greater depth than that shown on the approved plans. This is particularly evident when one compares the position and shape of the carport between the plans associated with the patio permission (which also shows the carport from the earlier permission) and those of the appeal proposal.

24. Therefore, if I am correct on that matter, it would appear that permission 4/01142/08/RET has not been implemented (and what has been built on site is a different development). The net result of this would be that condition 4 of that permission is not relevant. That said, the principles behind that condition are still very relevant today.

25. In addition to the above, given the construction of the raised patio it would appear that it would not be possible to construct the car-port from permission 4/02129/02/FHA as there has been a material change in the circumstances of the land and structures in the actual position of the carport itself.

26. Taking all of the above into account, and on the basis of the information before me, I consider that fallback position one does not exist. Even if such a fallback position did exist, as the Council have pointed out, this would involve a smaller development to the one before me and this also limits the amount of weight I can give to it.

27. In respect of fallback option two, this would be a permitted development building from a new access from Lady Meadow. However, it would also involve the loss of one of the existing outbuildings and as such the effect of such a proposal on the openness of the Green Belt would be significantly reduced.

28. Therefore, whilst this is clearly a material planning consideration, I consider that this fallback option can only be given very limited weight in favour of the appeal proposal.

29. I have also taken into account other properties in the area and their respective garages including that at Belleview to the west of the appeal site. I have also considered that the carport would partially shield parked vehicles from views from the roadside and that the existing garage could be considered to be on the small side to accommodate larger modern day cars. Whilst all of these factors weigh in favour of the proposal, they provide only very minor benefits.

30. The Appellant has also advanced other circumstances which could be considered to be very special circumstances. These include that in the event of planning permission being granted permitted development rights from Class E of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) could be removed. However, I consider that this would only provide limited benefits given the areas where such future development might be accommodated.

31. Additionally, it is advanced that the siting and form of the proposal, including that it is in the middle of an existing development, together with the topography of the land with the raised patio and house reduces the impact of the proposal on

openness. It is also suggested that the landscaping on the site further helps reduce its impact. I acknowledge that each of these could contribute towards being very special circumstances.

Green Belt balance

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that there would be an adverse impact on the openness of the Green Belt and to the character and appearance of the area. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

33. Taking into account all of the other matters raised, it is clear that the carport would have some very small-scale benefits in that it would partially shield parked vehicles. The siting and form of the development also contribute to the fact that the level of harm to openness cannot be considered to be significant. I am also mindful of the fallback options, albeit that these only provide very limited weight in favour of the proposal in the overall balance.

34. In considering the substantial weight given to the Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy CS5 of the CS.

Conclusion

35. Taking all matters into consideration, I conclude that the appeal should be dismissed.

ENFORCEMENT NOTICE APPEALS

Our Reference: 20/00803/FUL

PINS Reference: **APP/A1910/C/3226323,**

APP/A1910/C/3226324,

APP/A1910/C/19/3226325

Land at Smallgrove Farm

Windmill Road

Pepperstock

Hertfordshire

LU1 4LQ

Procedure: Written Reps

Appeals dismissed and the enforcement notices upheld

Background

1. Planning permission was granted for the reconstruction of the original farmhouse, courtyard, barns and outbuildings on 29 November 2013. Attached to the permission

were a number of conditions, amongst other things, relating to an approved scheme of remediation and an approved archaeology scheme.

The ground (c) appeals

2. The appeal on this ground is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The onus of proof is on the appellants.

3. The appeal site comprises the ongoing reconstruction of the farmhouse, courtyard, barns and outbuildings, which are set within extensive grounds. These grounds lie adjacent to a paddock with which there is currently no physically boundary separating it from the buildings and associated residential land.

4. The construction of the development has involved extensive ground works, the material from which has been stored on the site by way of levelling it across a large portion of the site. Soil has also been deposited on the western boundary of the site. The appellants argue that there has always been a steep bank on this boundary. The topographical survey submitted with the planning application for the adjacent property indicates a steep incline between the level ground on which the buildings are situated and the boundary with the appeal site. However, it does not provide any evidence to indicate the land levels on the appeal side of the boundary fence.

5. The photographic evidence submitted by the appellants suggest that there was a significant increase in land levels between the western boundary fence and Smallgrove Farm. However, they do not indicate where or how the change in levels took place. The Ordnance Survey extract indicates a change in levels between 140m and 145m between Doone Brae Farm and the paddock area. However, the contour lines on the map indicate that this change in levels is across an area wider than what is present on site, with the 145m contour line cutting across the paddock area some distance further back from the boundary than the current bund is. This suggests that either the pre-existing bank was set further back from the boundary, or the gradient was not as steep, or a combination of both.

6. The historical photographic evidence submitted by the Council taken from views looking east across Doone Brea Farm towards Smallgrove Farm are not particularly clear. However, in my mind, they are clear enough to suggest that the land levels immediately behind Doone Brae Farm were not as high as what is currently on site, suggesting that the slope was previously much gentler.

7. In any event, the appellants admit that the bund on the western boundary has been “amplified” by 0.5m to 1.5m. Although there may well have always been a substantial step in the land levels on the western boundary, given the extent of the works undertaken, and even though it utilises material from within the site, I consider that it amounts to an engineering operation for which planning permission is required.

8. The appellants contend that the works involving the movement of soil within the site fall within the remit of the approved scheme of remediation. However, there is no reference within the remediation strategy to the creation of a bund on the western boundary of the site or the raising of the height of the land. Whilst I acknowledge that DEFRA guidelines promote the storage and management of soil directly to its

extraction point, this is separate legislation and does not negate the need for planning permission for the works that have taken place.

9. I have had regard to the reference to the height of the proposed 2 storey dwellings that formed part of the planning application on the adjacent site³ in that they would not rise above the current bank and hedge line. However, there is no evidence before me, for example elevational drawings, to substantiate this claim.

10. The appellants also suggest that the works to the bund are not a permanent change as works are ongoing and the boundary has already been reduced. However, it seems to me that, as the land has clearly been levelled and the bund almost uniformly angled, it is unlikely that any works to reduce them further are intended. In any event, this has had no bearing on my consideration of whether the alleged breach of planning control took place at the time the Notice was issued.

11. I have had regard to the remediation works undertaken regarding the small amount of contaminated land found on the site. However, this has had little bearing on my consideration as to whether the alleged breach of planning control referred to in the Notice has taken place.

12. I find therefore that, on the balance of probabilities, the scale of works undertaken in altering the bund on the western boundary and the raising of the land levels amounts to an engineering operation for the purposes of section 55 of the Town and Country Planning Act 1990. As such, planning permission would be required for these works. In the absence of any planning permission for such works, it is clear that a breach has occurred and the appeals on ground (c) fail.

Other Matters

13. The appellants indicate that they can resubmit revised landscaping design plans including details of the pre-existing bank. However, this has no bearing on my consideration of the ground (c) appeals.

Conclusion

14. For the reasons given above, and having regard to all the other matters raised, I conclude that the appeals should be dismissed.

Enforcement Listed Building and Conservation Area Appeal

Our Reference: 4/02252/19/ENA

PINS Reference: **APP/A1910/F/19/3237636**

Lock Cottage

Ravens Lane

BERKHAMSTED

HP4 2DZ

Procedure: Written Representations

Main Issue

I consider the main issue in this case is whether listed building consent has already been granted for the demolition of the wall. Site and surroundings

3. The appeal site contains the single storey grade II listed Lock Cottage and is a narrow plot of land adjacent to one of the locks serving the Grand Union Canal as it passes through the Berkhamsted Conservation Area. Photographs show that there was a brick wall forming a boundary to the plot adjacent to the pavement of the road that passes over the canal via a bridge. The cottage faces the canal and is set down, and some way away, from the road.

4. The wall originally ran between the next property at No.23 Ravens Lane, which also stands adjacent to the pavement, and the brick pier adjacent to the railings of the bridge, with a picket style gate in its length. The south eastern section of wall and the gate have now been taken down and paving setts laid to form a hardstanding on the area behind where the wall once stood, across the front of the plot.

5. This ground of appeal is made on the basis that the works enforced against do not constitute a contravention of listed building control. The appellant submits that she did not know that the wall was considered to be part of the listing as it is not mentioned in the listing description. S.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBA) makes clear that buildings or structures within the curtilage of a listed building and built before 1 July 1948 are to be considered as part of the building.

6. The appellant contends that there is no evidence submitted by the Council to demonstrate that the wall pre-dates 1 July 1948. Nevertheless, the Council considers that to be the case and it is for the appellant to demonstrate otherwise and that her case is correct, on the balance of probabilities. She has provided no evidence to this effect and, from the photographs of the wall, it appears to me almost certain that it was built before 1948.

7. The brickwork of the remaining northern section is different from that of the bridge pier, but this does not necessarily mean that it dates from after 1948. In fact, I would think that it is the bridge brickwork that is the later construction. Consequently, as the demolished wall formed part of the curtilage of Lock Cottage, listed building consent is needed to authorise its demolition.

8. The appellant submits that the removal of the wall and gate was in fact authorised through the approval of a landscaping drawing submitted as part of an application to discharge condition 4 of listed building consent reference 16/4392/LBC She submits that this drawing is evidence that the demolition was authorised, because it does not show the boundary wall and gate that are the subject of this appeal.

9. The listed building consent referred to above was primarily for internal alterations but also included some external works which included 'the removal of the existing concrete path to the front of the dwelling'. These works were not included in the description of the proposals but are referenced in the attached conditions, No. 4 of which required the approval of details of the 'replacement materials to be used on the surfaces'.

10. A drawing was submitted to address this condition and it shows the hardstanding that has been laid behind where the wall used to stand and labels this as being for a car/caravan. The wall and gate are not shown on this unnumbered plan, which does

not appear to be drawn to scale. In approving the details for condition 4 of 16/4392/LBC, reference is made to the details submitted in an email to a Council Officer received on 4 August 2015.

11. In this email the appellant gives the following information: 'Replacement of Asphalt Path. The asphalt is to be taken up and a permeable membrane laid, then topped with medium sized pebble aggregate. This will be edged with old stock bricks. The form of the old path will be followed entirely.' This area is noted as 'gravel path' on the plan. There is no mention of the materials that are used on the area of hardstanding next to the pavement.

12. Nowhere in the application description, the submitted plan or the email of 4 August is the demolition of the wall referred to in explicit terms. Although the appellant considers the omission of the wall and gate from the plan is sufficient to indicate that listed building consent has been granted for the works, I am afraid I must disagree.

13. Plans may often show discrepancies from the existing situation but what is actually proposed and authorised by a consent must be able to be readily construed from the documentation. This is particularly applicable to listed building cases where the effect of demolition of all or part of a structure on the special architectural or historic interest of the building has to be specifically considered before consent is granted.

14. For example, in this case if someone examining the plan and email did not know that there had been a boundary wall to the property, there is no way of knowing that it had existed but had been removed. I therefore find that the discharge of condition 4 did not serve to grant listed building consent for the removal of the wall.

15. The appellant states that the landscaping drawing was submitted with the application and therefore formed part of it. However, as explained above, there is no reference to it in the approval notice or the attached conditions and I therefore conclude that there has been no consent granted for the demolition of the wall that forms part of the listed building at Lock Cottage and the appeal on ground (c) consequently fails. Ground (e)

16. The appellant has not appealed on ground (e), that listed building consent should be granted for the demolition works, but has nevertheless raised arguments that go to this matter in her representations. In addition, the Council has addressed the issue in its Statement. I have the authority, which is granted under s.41(6) of the PLBA, to consider such an appeal whether or not it has been specifically pleaded on the appeal form and will therefore take her submissions into account. She considers that the works have not materially affected the listed building or the surrounding area and notes that most of the boundary to Lock Cottage is white picket fencing, with a mature tall hedge to the road.

17. She suggests that picket fencing that would open to allow vehicular access to the hardstanding area could be installed to improve the view of the new hardstanding and that this would be sympathetic to existing boundary treatments. It is apparently a condition within her title deeds, required by the Canal Trust, that the existing white

picket fence to the lock side is maintained, but she claims that the wall is not mentioned.

18. In contrast, the Council considers that the demolished wall was of some age and made a positive contribution to the setting of the listed building and the conservation area. It considers that off-street parking at this position would be unlikely to be granted permission because of concerns on highway safety grounds. The Council has also submitted that some of the examples cited by the appellant may not be authorised. This may be so, but that is not an issue that relates to the merits of an application for listed building consent.

19. Nevertheless, from what I saw at my site visit, low brick boundary walls, whether old or more modern, are a typical feature of the conservation area and, in the immediate vicinity of the appeal site, there was only one example of a parking area adjacent to a pavement similar to that found at the appeal site, and that example is not in the curtilage of a listed building. The other examples submitted are not, in my view, directly comparable to this case, which I have therefore judged on its own merits

20. It seems to me that the significance of the wall lay in its positive contribution to the setting of the cottage and the wider conservation area around the bridge and canal. Its traditional construction and use of materials helped to provide a sense of continuity to the street scene which has now been interrupted. The area of hardstanding has not been included in the listed building enforcement notice, but the removal of the wall allows a clear public view of the modern paving setts on it. These look out of place in this location and the demolition works have exacerbated this effect. I therefore consider that the works have diminished the historic and architectural interest of the area. For listed building consent to be granted in such a situation, the development would need to provide public benefits sufficient to overcome the harm caused, as required by paragraphs 193 – 196 of the National Planning Policy Statement.

21. The appellant has cited her personal reasons for needing a parking space and hardstanding close to her property, but I do not consider these to be sufficient to justify the grant of listed building consent. I have every sympathy for the appellant and the situation she finds herself in and consider that she could have received clearer advice from the Council, but these are not reasons enough to justify the harm caused by the demolition of the wall.

22. I have also considered whether her suggestion of an openable picket fence to replace the wall would be an acceptable alternative. I have not been provided with a scheme to consider so cannot comment how this might operate but, in my view, whilst a fence of this style might be an appropriate boundary treatment in the conservation area, it would not necessarily compensate for the loss of the wall in this location or the harmful alteration to the setting of the listed building, the importance of which is particularly noted in the listing description. Neither would it effectively screen views of the paving.

23. The appellant also records that the wall in question was in a poor condition, with 'loose foundations and brickwork, unsupported at one end and anchored by the gate

at the other'. She claims it was a danger to passers-by and has submitted photographs of its condition prior to demolition. However, the poor condition of the wall does not provide justification for its total demolition without replacement; in such cases repair, or rebuilding to the original detail, should be the first option considered. 24. Consequently, I conclude that the demolition of the wall has harmed the setting of the listed building, it requires consent which it does not have and there are no public benefits that indicate that consent should be granted. It therefore fails to comply with the aims of the PLBA to protect the special architectural and historic interest of listed buildings and policy CS27 of Dacorum Borough Council's Adopted Core Strategy 2013. This policy seeks to conserve Dacorum's heritage assets, including conservation areas.

APPEALS ALLOWED

Our Reference: 19/02556/FUL

PINS Reference: **APP/A1910/W/20/3249405**

6 Highcroft Road

Felden

HEMEL HEMPSTEAD

HP3 0BU

Procedure: Written Representations

The appeal has arisen as a result of the Council not determining the above application. As part of their appeal submissions the Council stated that they would have refused permission for the application as they considered that the appeal proposal would be inappropriate development in the Green Belt, that it would be harmful to the living conditions of the occupiers of No 4 Highcroft Road, and because the appeal site is located within a risk zone associated with a landfill and insufficient information had been submitted to show that there would not be an unacceptable impact on public health.

3. With regard to the contaminated land issue, the Council have recommended conditions to address this point. In the absence of conflicting evidence I am satisfied that the matter can be controlled by condition.

4. While I note the Council's comments on the validity of the application, during my site visit I saw that foundations had been laid for extensions previously approved to the appeal property. I am therefore satisfied that work has commenced. It is not necessary for these works to have been completed for planning permission to be granted to vary the works.

5. The garage and garden maintenance building was granted a certificate of lawfulness under application ref: 4/01750/17/LDP. During my site visit I did not see any indication that construction had commenced on this element of the development. However, the building was shown on the submitted drawings approved under planning application ref: 4/00640/18/FHA, although not mentioned in the description of development on the decision notice. The garage and garden maintenance building therefore also has planning permission.

6. I have amended the description of development within my decision to only include those parts for which planning permission is required.

Main Issues

7. The main issues are: • Whether the development proposed would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, • The effect of the development proposed on the living conditions of neighbouring occupiers, with particular regard to the effect on the daylight and sunlight to no 4 Highcroft Road; and, • If the appeal proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. Reasons Whether inappropriate development

8. The appeal property is a bungalow located within the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, save for certain exceptions.

9. Paragraph 145 c) of the Framework states that the extension or alteration of a building is one of these exceptions provided that it does not result in disproportionate additions over and above the size of the original building. Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (the CS) states that small-scale development will be permitted in the Green Belt, including limited extensions to existing buildings. The Framework does not contain a definition of 'disproportionate additions', nor does the CS define 'limited extensions'. It is therefore a matter of planning judgment in each case whether a proposed development would be acceptable.

10. The appeal proposal would not alter the footprint of either the house or garage from that approved in 2018. The size and location of windows would be changed, rooflights would be added and first floor accommodation provided in both buildings, but these would be alterations that would not result in a larger building, and would therefore not harm the Green Belt.

11. The garage roof would be raised by 0.5 metres above its approved height. While the planning history has established that planning permission exists for Appeal Decision APP/A1910/W/20/3249405 <https://www.gov.uk/planning-inspectorate> 3 substantial additions to the property and this is a material consideration, the overall scale of development significantly increases the size of the original dwelling, and can no longer be considered limited extensions.

12. The addition of first-floor accommodation may result in a more intensive use of the site and could result in the parking of an increased number of vehicles or the proliferation of domestic paraphernalia. However, the nature of the use of the site would not change and a more intensive use of the site by a larger single dwelling would not result in harm to the Green Belt.

13. I therefore find that the development proposed would be inappropriate development in the Green Belt. It would conflict with policy CS5 of the CS and the requirements of the Framework. Living conditions

14. The garage would be sited close to the boundary with 4 Highcroft Road, which itself comes close to the shared boundary. The garage would extend beyond the rear wall of No 4, with a part gable wall facing the shared boundary.

15. The garage would be 0.5 metres higher than previously approved as a result of the appeal proposal, which would be a modest change in the overall height of the development. I note that no objection has been received from the neighbour at No 4 to this development, and no objections were recorded relating to the extant permission.

16. Given these considerations, I am satisfied that the development proposed would not result in an unacceptable effect on the living conditions of neighbouring occupiers as a result of loss of sunlight and daylight. It would therefore accord with the requirements of CS Policy CS12, which amongst other things requires that new development avoid visual intrusion and loss of sunlight and daylight to the surrounding properties.

Other considerations

17. I have found that the appeal proposal would result in harm to the Green Belt as it would amount to a disproportionate addition over and above the size of the original building, and therefore would be inappropriate development.

18. My attention has been drawn to the planning history associated with the development. The most recent approval, application ref: 4/00640/18/FHA, essentially consolidated different approvals for extensions and a detached garage in a single application for which the Council granted planning permission in 2018, and as noted above this permission has been implemented.

19. The proposed raising of the height of the garage/maintenance building roof would be a very limited increase in the overall scale of development previously approved. The appeal proposal is not significantly different in terms of size and would not result in materially greater harm to the purposes of including land within the Green Belt. The fallback position of completing the approved extensions is a material consideration to which I attach substantial weight. Given the similarities, I find that this consideration clearly outweighs any harm to the Green Belt by inappropriateness in this instance.

20. I therefore find that very special circumstances do exist in this instance.

Conditions

21. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.

22. I have imposed the standard condition relating to the commencement of development as the appeal proposal differs from previous approvals. I have also added a condition confirming the approved plans, for the sake of certainty.

23. I consider it necessary to include a condition requiring approval of external materials to ensure that the appearance of the development is acceptable.

24. As the site is in the Green Belt I consider it is reasonable to remove certain Permitted Development Rights.

25. The appeal site is located within a risk zone associated with a landfill site. I have therefore imposed a condition relating to the detection of contaminated land.

Conclusion 26. For the reasons set out above, the appeal succeeds.

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1 [K5] Site Plan REV E, KP-1003-103-P01, KP-1003-102-P01, KP-1003-101-P01, KP-1003-100-P01, P2.1 [K5] Proposed Ground Floor Plan – Rev B, P3.1 [K5] Proposed Side Elevations [Rev A], P4.1 [K5] Proposed Front and rear Elevations – REV B, 2646/1 and P5 [K5] Roof Plan REV D

3) No further development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or re-enacting that Order with or without modification, no development falling within Schedule 2, Classes A, B or E of that Order shall be carried out without the prior written approval of the local planning authority.

5) No further development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by

the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

Our Reference: 4/02096/19/FHA

PINS Reference: **APP/A1910/D/19/3243015**

Cedar Barn, Half Moon Lane

Pepperstock

LUTON

LU1 4LL

Procedure: Written Representations

Decision

1. The appeal is allowed and planning permission is granted for a garage extension at Cedar Barn, Half Moon Lane, Pepperstock LU1 4LL in accordance with the terms of the application, Ref 4/02096/19/FHA, dated 30 August 2019, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: LANE/21908/GAR9 and LANE/21908/EXIST.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

3. The appeal property comprises a detached dwelling set back from the road within a mature spacious landscaped plot. The appeal site forms part of a small cluster of dwellings located off a shared access and driveway on the edge of the village of Pepperstock situated in an open Green Belt location. The proposal entails the construction of a double garage extension that would project out about 7m from the front south-western corner of the property and would be stepped down below the ridge of the main house with a dual pitched roof.

4. Paragraph 145 of the National Planning Policy Framework (the Framework) establishes that, within Green Belts, the construction of new buildings is inappropriate, subject to a number of exceptions. These exceptions include the

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This national guidance is to be read in conjunction with Saved Policy 22 of the Dacorum Borough Local Plan 2004 (LP) and Policy CS5 of the Dacorum Core Strategy 2013 (CS) that allow for the limited extensions to existing dwellings within the Green Belt in line with the aims of the Framework.

5. Neither the Framework, the relevant Policies from the CS nor the LP provide further detail on the term 'disproportionate additions'. As a guide, LP Saved Policy 22 indicates that the extended building should not result in an increase of more than 130% of the floor area of the original dwelling. The appellants indicate that the proposed extension would represent around a 28% increase of the floor area of the original dwelling which falls within the locally defined parameter of what is proportionate according to the Council.

6. The appeal property is on a relatively spacious plot and as such the extension would not appear overlarge, relative to the overall plot size. Given the site's location and mature landscaping along the front boundary, the proposal would only be visible over short distances when passing the site. Against this backdrop, the scale, form and siting of the proposed extension, set back and stepped down, would not appear significantly out of place or excessive in relation to the built form of the host property and would have a limited impact on the openness of the Green Belt. The use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the built form of the main property and would limit any significant adverse impacts on the character and appearance of the area.

7. I have considered the Council's argument regarding the original permission for the appeal property (Ref 4/03038/16/FUL) and the removal of the Permitted Development Rights for extensions. Whilst this may be so, this does not justify withholding permission on these grounds. In any event, each application and appeal must be determined on its individual merits, which I have in this case.

8. Given the above factors, and in light of its overall size, I consider that the proposed garage extension would not be a disproportionate addition and so would fall within one of the exceptions listed in the Framework. Consequently, I conclude that the proposal would not constitute inappropriate development in the Green Belt and would be consistent with CS Policy CS5 and LP Saved Policy 22 and the aims of the Framework.

Conditions

9. Having regard to the Framework, in particular paragraph 55, in addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have imposed a condition requiring matching external materials.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

Our Reference: 4/01287/19/FUL

PINS Reference: APP/A1910/W/19/3239104

Smallgrove Farm
Windmill Road
Pepperstock
Hertfordshire
LU1 4LQ

Procedure: Hearing

Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing dwelling into three new dwellings, and internal layout changes at the Site Of Smallgrove Farm, Windmill Road, Pepperstock LU1 4LQ in accordance with the terms of application Ref: 4/01287/FUL dated 24 May 2019, subject to the conditions set out in the attached schedule.

Background

2. The appeal site once accommodated a complex of Grade II listed farm buildings in a courtyard arrangement. Following a fire in 1996 and partial demolition in around 1998 they were de-listed. Planning permission was granted (Ref 4/00995/12/FUL) to replicate a substantial part of the original courtyard layout, with a reduced footprint of buildings across the site (herein the 2012 permission). The operational development for the 2012 permission is mostly complete. It includes a main farmhouse and other ancillary or annexe residential accommodation, together with offices, stables and agricultural machinery storage. A section 106 agreement dated 24 October 2013 (herein the legal agreement) requires the main dwelling shall only be occupied by a person or persons employed or last employed in agriculture.

3. The development subject of the appeal proposes (amongst other things) a conversion of the approved farmhouse and annex accommodation to three independent dwellings and external alterations such as the removal of two chimneys, provision of a basement fire escape, and internal alterations to increase the amount of office accommodation.

Procedural Matters

4. The appeal has been submitted due to the failure of the Council to give notice of its decision within the prescribed time period. There has been no clarification from the Council on the decision it would have made, if this appeal had not been submitted. However, the Council has provided an appeal statement setting out its main concerns. These concerns have been taken into account in considering the main issues.

5. The description of the development in the banner heading above is taken from the original planning application form. In the Statement of Common Ground (SoCG) the parties agreed a revised description of 'Conversion of existing dwelling into three new dwellings. Internal layout changes'. Subject to a grammatical amendment, I have considered the appeal on the basis of this description.

6. The development subject of this planning application has already commenced, which was apparent from my site visit. I have considered the appeal on this basis. The parties agreed that due to the limited nature of the differences in operational

development between the 2012 permission and the appeal proposal, the 2012 permission remains available as a fallback position. Based upon the information and evidence before me, I see no reason to disagree.

7. There are three other current planning appeals relating to part of the appeal site (Refs APP/A1910/C/19/3226323, APP/A1910/C/19/3226324 and APP/A1910/C/19/3226325). They all relate to the same Enforcement Notice (EN) issued on 11 March 2019. They remain undetermined at the present time. The ENs allege unauthorised engineering works, that are understood to include excavation arisings from the works to construct the appeal site buildings, which may include contaminated material. That material is also understood to be the subject of outstanding requirements of a remediation scheme attached to the 2012 permission. I shall return to this matter later.

8. At the hearing the Council made me aware of a new draft local plan, however, they were unable to provide its relevant policies. The Council advised me that the approach to the Green Belt was likely to remain the same as in the present policies.

9. The Council's initial publicity for the hearing did not set out the information required of it by the Secretary of State, under Rule 7(5) of the Town & County Planning (Hearings Procedure) (England) Rules 2000 (2000 No. 1626). It omitted the correct time and how to engage in the hearing as a virtual event. The Council sent out a subsequent letter which provided the necessary information but did not give the specified notice period in advance of the event. Following discussion with the parties I am satisfied that, having regard to the nature and content of representations, proceeding with the hearing did not result in a significant risk that an interested party would be prejudiced because they did not know about the event.

Main Issues

10. The main issues are: • whether or not the development is inappropriate development in the Green Belt; • whether the development would be in a suitable location, having regard to the accessibility of services and facilities; • whether the development can provide suitable living conditions for future occupiers with particular reference to noise and disturbance; • whether the development would result in the loss of a rural worker's dwelling; and, • if the development is inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. Reasons Inappropriate development

11. The appeal site is located within the Metropolitan Green Belt. Paragraph 143 of the National Planning Policy Framework (February 2019) (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The parties agree the development comprises the re-use of buildings of permanent and substantial construction. This is not inappropriate development under paragraph 146 (d), provided that the development preserves openness and does not conflict with the purposes of including land within it.

12. Paragraph 134 of the Framework sets out five purposes of the Green Belt. The Council is of the view the development conflicts with paragraph 134(c) which states that one purpose is to assist in safeguarding the countryside from encroachment. The Council's view is due to the increase in dwellings and office space which would not be for agricultural use. The parties set out differing views of the number of dwellings and uses permitted at the appeal site, based upon different plans and documents associated with the 2012 permission.

13. The appellant is of the view the main dwelling is 'Farmhouse 3' on Plan 2 of the legal agreement and the buildings labelled 'Farmhouse' and 'Farmhouse Use' are two separate annex areas, capable of occupation by the appellant's family. Notwithstanding the appellant's concerns in respect of differences between the draft and engrossed version of the legal agreement, it is signed and engrossed and covenant 3.1.2 only refers to an 'annex'. Additionally, Farmhouse 3 and Farmhouse do not appear separated by an internal wall on Plan 2.

14. Approved plan/drawing 2555/08 Rev D provides a detailed floor plan that shows Farmhouse and Farmhouse 3 as one large dwelling with 5 bedrooms and one kitchen. Approved plan/drawing 2555/12 Rev B shows the area listed as Farmhouse Use as two separate en-suite bedrooms. These plans are the approved plans listed in condition 18 of the 2012 planning permission. I agree with the Council, that these show the approved accommodation. Therefore, the development increases the number of residences from 2 to 3, and overall bedrooms from 7 to 10.

15. The appeal proposal increases office space within an existing building. It is accommodated by reducing the size of related kitchen, toilet and storage facilities. Covenant 3.1.4 of the legal agreement states the use is set out in the planning application and on plan 1 and plan 2 of the agreement. The plans show them each as 'office'. I do not have all the application documents before me. The business plan (April 2011) accompanying the 2012 application refers to one space to be used as a farm office but that is smaller than the approved office areas. The plan in the business plan, however, does not show the correct layout.

16. Condition 3 of the 2012 permission requires the buildings in the Proposed Layout Plan shall only be for their approved purposes. However, none of the plans before me appear to be titled as such. The description to development of the 2012 permission is not conclusive. Therefore, based upon the evidence before me, the two 'office' areas are not restricted for a use ancillary to the agricultural business. The appeal development would increase the amount of B1 office space, and it would conflict with the purposes of including land within the Green Belt.

17. Policy CS5 of the Dacorum Borough Core Strategy (September 2013) (the Core Strategy) is consistent with the Framework in so far as it requires the application of national Green Belt policy. This part of the policy attracts full weight. However, in requiring small-scale development to have no significant impact on the character and appearance of the countryside and support the rural economy and maintenance of the wider countryside, criteria d) of CS5 sets a higher bar than the Framework. This reduces the weight I give that part of the policy.

18. Paragraph 145 of the Framework states the construction of new buildings should be regarded as inappropriate unless they are a type of building identified under a list

of exceptions. Given the term 'building' can include any structure or erection, the walling and fencing (enclosures) can be considered buildings. As they would enclose some non-agricultural buildings, they would not fall under the list of exceptions in the Framework. Most would also be located on previously developed land. My findings on the effect on Green Belt openness, will therefore determine whether or not the fencing is inappropriate.

19. The parties agreed to the imposition of a condition to ensure that the proposed enclosures would be no greater in linear meters to those approved in the 2012 development. Given their function and the proposal layout, it is likely that they would be similar in height and location to those previously approved. Overall, I am satisfied that they would be likely have a neutral effect upon openness. In addition, of the physical difference to the main buildings, the basement steps and void are the largest physical element, although most of it is below ground level. The two chimneys to be removed appear collectively smaller but are visually prominent. On balance, taking into account the visual and spatial effects of the changes to the main buildings, they have an overall neutral effect on the Green Belt.

20. However, in considering paragraph 146(d) of the Framework and whether the scheme would preserve openness in its entirety, the increased number of private residences and bedrooms would be likely to increase the number of households, occupiers and groups of occupiers at the site. This is likely to result in reduced dependence on shared travel. It would be likely to result in an increase in the number vehicle movements and associated vehicular parking. It could include comings and goings by private cars, the delivery of purchases and social visitors. Such movements would also be likely to be increased further by the increased office space. It is understood that each dwelling would benefit from an outdoor amenity space. Three households would be likely to result in increased residential paraphernalia such as garden sheds/refuse storage areas and associated domestic activity. Having regard to the scale and nature of increases, the impact from such activities would be small, but still result in a negative impact upon openness.

21. Therefore, the development would result in suburbanisation of the appeal site and a greater impact on openness, both in spatial and visual terms. The development is therefore inappropriate development in the Green Belt. In this regard, it would conflict with Policy CS5 of the Core Strategy and the Framework in so far as it states that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt. Services and facilities

22. The appeal site is located approximately 1.2km to the south of the nearest villages of Pepperstock and Slip End and 1.4km to the east of Markyate. The nearest schools are at Slip End and Markyate. There is understood to be a farm shop type business and a bus stop around 750m away, although by the appellant's admission many goods can and are delivered to the appeal site. Approximately 750m would be walkable or cyclable by those of an adequate level of fitness and competence. However, the roads outside the appeal site (e.g. Windmill Road and Pepsal End Lane) appeared single track national speed limit unlit roads with limited verges for refuge to pedestrians or cyclists.

23. Markyate is a large village with only a limited number of facilities necessary for day to day living (e.g. a hairdresser, takeaways, a small store, pubs and a primary school). For many professional services, clothes shopping, medical facilities and wider employment and educational opportunities, prospective residents would be dependent upon Harpenden and Luton. These are in excess of 3km away. Given the nature of the highways and distances, journeys to these centres would not be likely to be particularly attractive for pedestrians or cyclists, even for those confident and fit enough to manage the journey.

24. Although the appellant suggested there are some local bus services, I have not been provided with the nearest stopping points, duration and frequency of journeys. It is likely that occupiers would tend to rely upon a motor vehicle for journeys to the majority of services and facilities. This would add up to a significant number of vehicular miles per year. While this is not necessarily unusual in rural locations, it would nevertheless be in conflict with paragraphs 102 and 108 of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made. Living conditions

25. Paragraph 182 of the Framework requires decisions ensure development can be integrated effectively with existing businesses and facilities. Such facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. Whilst the original farm pre-existed the shooting club, there was a significant break in occupancy of the site, and the approved development does not pre-exist the club.

26. The shooting ground premises lies approximately 350m to the north west of the appeal site. Although the residential dwellings would not occupy a greater amount of overall floorspace, the development would increase the number of dwellings and therefore receptors in close proximity to the appeal site. Although the appellant explained the main shooting area is around 700m from the appeal site, there were no plans before me that defined areas or zones within the ground, where shooting either can or cannot take place.

27. The appellant's assessment suggests that shots from the ground raise noise levels by between 0.8 dB – 1.9 dB above the ambient noise levels, resulting in external noise levels of between 46 – 49 dB. However, these were not taken from noise monitoring equipment of a sufficient specification and accuracy. Furthermore, the Council suggested that for such noise assessments background noise levels are the correct parameter and not the ambient levels.

28. Over the duration of my visit, several loud shots were being fired at short intervals. At that time the wind appeared to be coming from the direction of the shooting ground. Notwithstanding the appeal site being above the valley in which the shooting ground is located, the intervening tree cover, the background noise environment (including proximity to the M1), and the insulative properties of the building, the noise levels at my visit were loud and frequent and likely to result in some harmful living conditions for future occupiers. The number of annual events of

the intensity I witnessed (or of a greater intensity) is not clear, neither are the restrictions for such events.

29. The Council advised that a noise assessment submitted with an application for residential development at an albeit closer property (known as Doon Brae) had found noise levels of 62 dB. By the Council's estimation similar conditions would result in noise levels of around 58 dB at the appeal site. This did not appear unrealistic. Based upon the findings and mitigation measures in that scheme, this development could be made acceptable.

30. Therefore, subject to the imposition of a suitable planning condition to provide the necessary noise assessment and mitigation measures, the development could be made compliant with paragraph 182 of the Framework. I am satisfied that such a condition as put forward and discussed at the hearing meets the six tests set out in paragraph 003 Reference ID: 21a-003-20190723 of the National Planning Practice Guidance. Loss of an agricultural dwelling

31. The July 2011 business plan (accompanying the 2012 application) provided the Council with sufficient justification to conclude the development met Local Plan policies in respect of replacement dwellings in the Green Belt and demonstrated very special circumstances. This was subject to a restricting the dwelling to that of an agricultural worker. The Council advised that there are different policies relevant to the current proposal.

32. There is no planning condition restricting the occupation of the dwelling to a rural worker. The restriction is set out in clause 3.1.3 of the legal agreement. It requires the approved single dwelling shall be only occupied by a person or persons employed in agriculture. However, it does not require the person has to be solely or mainly employed in agriculture. Therefore, to meet the requirements of the obligation a minimal level of employment in agriculture would be necessary. Furthermore, there does not appear to be a geographical restriction. Therefore, the development would not result in the loss of a rural worker's dwelling.

33. I note the Council's desire for, and perceived benefits of, an agricultural occupancy restriction, including compliance with Policy CS5(ii) of the Core Strategy and the three tenets of sustainable development set out in the Framework. There is no firm evidence before me that such properties are in short supply in the local area, although it would have contributed to the overall stock. However, the wording of the suggested condition would impose a considerably greater restriction than set out in the extant planning obligation. The requirements of CS5(ii) also appear to set a higher bar than the Framework and so conflicts with Green Belt policy in the Framework. The Council suggested that without the agricultural tie the development would not be fully compliant with paragraph 79 of the Framework. However, 79 (d) does in principle permit the subdivision of existing dwellings. Other considerations

34. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development would result in inappropriate development within the Green Belt resulting in a loss of openness. While the loss would be limited in the context of the

Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

35. There is planning permission for an existing approved development that is substantially complete and has already provided a benefit to the openness of the Green Belt, through reducing overall built development by approximately 270 sqm.

36. Special circumstances highlighted by the appellant relate to the viability of the development. The appellant considers the approved development is not viable in its current form and the development may not be delivered. This is principally because the occupancy restriction constrains the ability to raise finance to complete the development. It is contended the appellant is subject to considerable interest payments and restricted in the loan to value ratio because of the presence of the occupancy restriction. The appellant's valuation report suggests an initial interest rate of 10.5% and a reduced rate of 6.5%. It also suggests a value in excess of £3,200,000. However, the projected profit from the farm business would only be around £25,000 per year. These all raise significant doubts as to the viability of the approved development. There is no evidence before me to suggest the appellant's concerns are not well founded.

37. Without allowing this appeal development the future delivery of the original aims may not be delivered. This would prejudice the re-building of a historic farm complex that was home to the appellant's great grandmother before the fire, in traditional materials and vernacular that has had a significant standing in the local community, the heritage of the area. The Council agreed this is a benefit to the current development.

38. The requirement for a biodiversity management plan on the 2012 planning permission was considered to be a positive element of that proposed development. The nature of any approved scheme and its implementation is not before me. However, imposing the condition before me for this new development would ensure that the benefit would be carried forward.

39. The Council made it clear that it cannot deliver a 5 year housing land supply. However, the Council has been unable to confirm the level of the shortfall. The development would make a contribution to supply through the provision of an additional two dwellings. This attracts weight in favour of the development. The appellant considers this triggers the presumption in favour of sustainable development under paragraph 11d) of the Framework. However, the Green Belt is a protected area under footnote 6, so the tilted balance does not apply.

Other Matters

40. The parties agreed the development would not have an adverse impact on the character and appearance of the area. I see no reason to disagree. Therefore, the development does not conflict with Policy CS12 of the Core Strategy.

41. The Council's contaminated land adviser proposed detailed planning conditions to ensure that any contamination on the site is investigated and is dealt with in accordance with an approved remediation scheme. The 2012 permission was subject of similar conditions which have now been partly implemented as the site has

mostly been developed. The material removed from the site is understood to be located on the land subject of the Enforcement Notices within the appeal site. Both the parties agreed it was necessary to impose a planning condition to secure the uncompleted part of the 2012 remediation scheme requirements. I have been provided with a planning condition to this effect. I am satisfied that the nature of the condition also would not prejudice the outcome of the EN appeals.

42. The Grade II* listed Bonners Farmhouse and Grade II listed Barn at Bonners are located opposite and east of the site access, approximately 85m north of the recently constructed farm buildings. The buildings derive their significance from their well-preserved historic architectural features such as their timber frames, steep red tiled roofs, doors, large chimney and casement windows. They also have value as a small group of buildings. Their wider landscape setting is considered to make a small contribution to their significance.

43. There is mature vegetation along Windmill Lane and surrounding the site access that provides a thick physical boundary and highly limits any intervisibility between the designated heritage assets and the appeal site. The parties agreed that the proposed development would not adversely affect the setting of the heritage assets. I am satisfied that the topography of the land and vegetation and the minimal physical changes as a result of the development, means the development does not affect the setting or significance of the heritage assets.

Planning Balance

44. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies of the Framework are material considerations.

45. The appeal proposal amounts to inappropriate development and would result in harm to the openness of the Green Belt. This would conflict with Policy CS5 of the Core Strategy and the Framework. This attracts substantial weight. The development would not be well located in terms of access to services and facilities and would conflict with the Framework in this regard. This attracts weight against the proposal. The development would have a neutral effect upon the character and appearance of the area, which attracts neutral weight.

46. There is an existing 2012 planning permission, to which I attribute significant weight. The development would result in the provision of two additional dwellings. The precise shortage of 5 year deliverable housing land supply is unclear, but even if it were very acute, it would be a moderate benefit which attracts moderate weight in favour of the scheme. The development would also result in the project having a greater viability. This would ensure the benefits to the historic environment and aims of the 2012 permission are fulfilled. These benefits attract significant weight in favour of the scheme.

47. In this case, I consider that the harm by reason of inappropriateness and the harm to the openness, are clearly outweighed by the other considerations I have identified. These amount to the very special circumstances necessary to justify the proposal.

Conditions 48. As the development is retrospective, it is not necessary to impose a condition in respect of commencement. It is necessary to specify a condition for compliance with the approved plans for the avoidance of doubt and because there are still significant construction works to be undertaken. A condition to assess noise and secure noise mitigation is necessary to ensure the development results in acceptable living conditions for the occupiers of the development hereby permitted. This should be secured within 3 months of the date of this decision to limit the duration over which any current occupiers may have to endure unsatisfactory living conditions.

49. A condition for the provision of a surface water drainage scheme is necessary to ensure that the site is subject to an adequate drainage system serving the development in accordance with Policy CS31 of the Core Strategy. The appellant has suggested this has not changed from the previously approved scheme. However, this is not before me. The Council proposed that surface water and noise mitigation shall be submitted prior to the commencement of the development, however, this is not possible as the development has already commenced.

50. Notwithstanding rights being limited within the appeal site, a condition is necessary to withdraw agricultural permitted development rights under Part 6 of the General Permitted Development Order (2015) in the interests of preserving the openness of the Green Belt.

51. Conditions to secure the completion remediation works for contaminated land are necessary to ensure the risks from contamination are addressed to prevent harm from pollution in accordance with Policy CS32 of the Core Strategy. The full findings in relation to the existing approved scheme are not before me. Therefore, in the interests human health this matter should be dealt with prior to the occupation of the proposed dwellings. The appellant considers suggested condition 6 is not necessary because it is a matter dealt with under the Environmental permitting regime. However, I have not been provided with the details of that permit, and furthermore, the condition as proposed relates to verifying the scheme approved under condition 5. Therefore, the condition meets the test of necessity.

52. The submission, approval and implementation of hard and soft landscaping schemes are necessary in the interests of the character and appearance of the area and the openness of the Green Belt. The appellant suggests that a previous planning condition in respect of a Biodiversity Management Plan was approved and discharged. However, any outstanding requirements would not be carried forward as part of this permission. Therefore, such a condition is necessary to ensure the development results in an overall benefit to biodiversity in accordance with Policy CS29 of the Core Strategy, paragraph 170 of the Framework, and as proposed in the 2012 development. I have omitted the reference to the site plan suggested by the Council, as the condition to which that plan related is no longer proposed.

53. Conditions 5 – 9 below may relate to land subject of extant enforcement notices. However, the conditions roll forward pre-existing outstanding requirements set out in the 2012 planning permission and are not considered to have a materially differing effect on the outcome of the EN appeals. The Highway Authority has suggested informatives in respect of the deposit of materials and obstruction of the highway.

However, these matters are the subject of the 1980 Highways Act. Therefore, they are not necessary.

54. The parties agreed a condition to secure the submission of a business management plan for approval and implementation thereafter, in the SoCG and the Hearing. However, the previous development only required a minimal level of agricultural employment that would not have needed to have been at the premises, such that I have found the development would not result in the loss of an agricultural workers dwelling. Such a business plan condition would be unduly restrictive and could prevent the future diversification and evolution of the agricultural business. It would conflict with paragraph 83 of the Framework, which requires planning decisions should enable the development and diversification of agricultural businesses. Therefore, it would not be reasonable or necessary.

55. In the SoCG the parties also agreed the submission of a plan to define the specified uses of all of the buildings. However, the uses are already set out in the approved plans set out in condition 1. Therefore, this condition is not necessary. For the reasons I have set out in the decision letter above, I have not included the agricultural occupancy condition.

Conclusion 56. For the reasons set out above, and having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission is granted.

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following plans: 2035 L01; 2035 L04; 2035 L05; 2035 L06; 2035 L07; 2035 L11; 2035 L30; 2035 L31; 2035 L32; 2035 L33; 2035 L34; and, 2035 L35.

2) Within 3 months of the date of this permission, a noise report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include an assessment of the likely impact on the residential occupation of the dwellings due to noise arising from the activities associated with the nearby commercial business, currently known as Atkin, Grant & Lang. Where an adverse impact is identified, the assessment shall identify the severity of the adverse impact and specify a suitable scheme of mitigation which secures an acceptable level of amenity in respect of the residential use in perpetuity. The report and scheme of mitigation shall be compiled by appropriately experienced and competent persons. The approved scheme of mitigation shall be implemented in full within 6 months of the date of approval.

3) Within 3 months of the date of this permission, details of surface water drainage works and a timescale for their implementation shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include an assessment of the potential for disposal of surface water by means of a sustainable drainage system. Where a sustainable drainage system is to be provided, the submitted details shall include: (a) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; (b) A timetable for its implementation; and, (c) A

management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out fully in accordance with the approved details.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) there shall be no development under Part 6 (Agriculture and Forestry) Class A on the site of the farm without the prior written approval of the Local Planning Authority. The extent of the farm will be based upon a site plan that shall have been submitted to and approved in writing by the Local Planning Authority within 6 months following the first occupation of any dwellinghouses.

5) No dwellings hereby permitted shall be occupied, until work required by Remediation Report reference 10995 and dated February 2016 which was required as part of planning permission 4/00995/12/FUL (and subsequently Appeal Decision APP/A1910/W/19/3239104 <https://www.gov.uk/planning-inspectorate> 12 approved under application 4/02295/15/DRC) shall have been completed in accordance with the approved scheme. For the avoidance of doubt, the outstanding required work is; (c) Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the residential occupation of the development hereby approved, 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 that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing by 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 part (a) of condition 10 of permission Ref 4/00995/12/FUL and the approved scheme under that condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b) of condition 10 of permission Ref 4/00995/12/FUL and the approved scheme under that condition, 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) above.

6) No dwellings hereby permitted shall be occupied until: (i) All works which form part of the Remediation Method Statement report pursuant to the above condition have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to and approved in writing by the Local Planning Authority.

7) Within 6 months of the date of this decision, a scheme for full details of both hard and soft landscaping, including a scheme for enclosures, shall have been submitted

to and approved in writing by the Local Planning Authority. The enclosures (including fencing and walls) shall not amount to an increase in linear metrage than those which were approved under permission 4/00995/12/FUL and shown in the plan approved under that permission - 2555/9 Rev A. The development hereby permitted shall be carried out in full accordance with the approved hard landscaping scheme within 12 months of the date of approval. Thereafter all the approved hard landscaping shall be retained.

8) The approved soft landscaping scheme subject to Condition 7 of this permission shall be carried out by the end of the first full planting season following its approval. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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 the same species, size and maturity.

9) Within 6 months of the date of this decision a Biodiversity Management Plan including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be carried out fully in accordance with the approved details with reference to the above timetable.

Our reference: 20/00043/FUL

PINS Reference: APP/A1910/W/20/3245645

Land adjacent to 26 Station Road

BERKHAMSTED

HP4 2EY

Procedure: Written Representations

Decision

1. The appeal is allowed and planning permission is granted for the construction of two 3-bed semi-detached dwellings at land adjacent to 26 Station Road, Berkhamsted, Hertfordshire HP4 2EY in accordance with the terms of the application, Ref 4/00528/19/FUL, dated 4 March 2019, subject to the following conditions in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Rivergate Homes Ltd & Paul and Elizabeth Rooksby against Dacorum Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Councils decision notice describes the proposal as the construction of two 3-bed semi-detached dwellings. I also note that the Appellant has utilised this description on their appeal form. Given this, and that the revised description reflects the proposal before me, I have utilised this for my decision.

Main Issue

4. The main issue is whether the proposal would provide for suitable living conditions for the future occupiers of the development.

Reasons

5. The appeal site is located on the north side of Station Road and is currently an undeveloped parcel of land. The land rises away from the road with a row of trees to the rear. Beyond the row of trees is the West Coast mainline railway line which is set at a lower land level than the trees. On the south side of Station Road there are residential properties.

6. My attention has been drawn to a previous appeal decision¹ at this location, which was for a similar development, albeit on a smaller site than the current appeal proposal. In summary, this appeal was dismissed on the basis that it provided insufficient functional garden space for the future occupants of the dwellings.

7. The current appeal proposal is similar in that the development would still be for two dwellings which would be sited a similar distance back from the street and the rear boundary. However, the width of the site has been increased so that additional garden space would be provided to the side of each dwelling.

8. From the Appellants statement, the side garden for each dwelling would be around 100 square metres in area, with a further area of around 32 square metres to the rear of each dwelling. Therefore, given the size of the appeal dwellings it is clear that the amount of space would be sufficient for the future occupiers of the development.

9. In coming to that view, I acknowledge that the rear garden space is somewhat limited and constrained by land level differences. However, given the level of garden area to the side, I consider that this is not a factor which indicates that planning permission should be withheld. Additionally, it must also be acknowledged that there are rooms to the rear of the dwelling which are dual aspect with windows or doors facing the side garden area. The other rooms with rear facing windows are either non-habitable rooms or have windows to both the front and rear aspect thereby ensuring that there is a sufficient amount of light and outlook to these rooms.

10. The Council have drawn my attention to Appendix 3 of the Dacorum Borough Local Plan 1991-2011, (2004) (DLP) which states that private gardens should normally be positioned to the rear of the dwellings. However, this does not indicate that gardens to the side would be unacceptable per se and therefore each case must be considered on its individual merits. The key issue is therefore whether such a side garden would provide an appropriate space which affords a sufficient degree of privacy.

11. The plans indicated that the side garden area would be largely set at the same finished floor level of the dwellings themselves with a terraced garden/retaining structure towards the rear of the site. I am also conscious that the plans indicate some form of screening of the garden area from the streetscene which would provide the necessary level of privacy for the future occupants of the dwellings.

12. Whilst I agree that a fence of a sufficient height to provide such privacy would not necessarily be acceptable given the location of the public parking (and the fact that the site is within a Conservation Area), I am conscious that a fence is not the only method of providing such a screen. One such alternative method could be the provision of a suitably designed wall. Taking this into account, the exact details of the necessary screening could be secured by a suitably worded planning condition should I be minded to allow the appeal.

13. In terms of the visual aspects of the acoustic fence, it is an inescapable fact that this would be in an elevated position in relation to the garden and dwellings themselves. However, given the amount of garden space to the side, and the dual aspect habitable rooms, I consider that this is not so harmful to justify the withholding of planning permission on this ground.

14. In addition to the above, I have considered the proximity of the railway line to the rear of the site and the noise and vibration issues which may arise. However, as acknowledged by the Council, these matters can be addressed by suitably worded planning conditions. Furthermore, and from what I observed on site with passing trains (including freight trains which are likely to cause greater noise and vibration issues), I consider that any such concerns can be addressed in this manner.

15. The Council have suggested that as a result of the harm they considered would arise in respect of the future living conditions of the occupiers of the proposal it would constitute an overdevelopment of the site. However, given that the proposal easily provides for all the facilities one would expect for such a development this cannot be the case.

16. Finally, I have also considered the proximity of the trees to the rear of the site and whether the development would result in any undue pressure for their removal or reduction in size. In that sense, I consider that the amenity areas would be provided with sufficient sunlight and daylight given the position of the trees in relation to sunrise through to sunset. Furthermore, whilst the dwellings themselves would be close to the trees, in this case, I consider that the relationship between the dwellings and the trees themselves is not unacceptable.

17. The Council have referred to Policy CS12 of the Dacorum Core Strategy 2006-2031 (2013) in their reason for refusal. However, this policy does not concern itself with the living conditions of the future occupants of a development. As such I find that there is no conflict with it.

18. For the above reasons the proposal would provide suitable living conditions for the future occupants of the dwelling and it would accord with the National Planning Policy Framework and the aims of Appendix 3 of the DLP which seeks to ensure that new housing developments are provide with suitable amenity space. Other matters

19. As noted above, the appeal site is located within the Berkhamstead Conservation Area (BCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area. That said, the Council have not identified any harm to the character or appearance of the BCA and

from the evidence before me (and what I observed on site) I have no reason to disagree with that assessment.

20. I have also had regard to the representations made by local residents and other interested parties including matters relating to the traffic and parking characteristics in the area. At my site visit, I observed that there were a large amount of cars parked on street and across the site frontage. Whilst my visit was only a snapshot in time, I have no reason to conclude that this was not a typical occurrence.

21. That said, whilst it is clear that larger vehicles would struggle to traverse this section of the road, the appeal proposal would provide for a better more formalised parking area on that side of the road together with a pedestrian footpath. To my mind, this would improve the current situation. Furthermore, the introduction of two additional dwellings, each with their own off-street parking provision, would not introduce a significant amount of additional traffic.

22. Taking all of this into account I consider that the traffic and parking characteristics of the area, and how the development would impact on them, does not provide a compelling reason why planning permission should not be granted.

Conditions

23. The Council has suggested a number of conditions that it considers would be appropriate and I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording, including combining some of the suggested conditions to avoid duplication.

24. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

25. In the interests of the character and appearance of the area (including the BCA) conditions are necessary in relation to the external materials of the development, details of the fenestration and eaves, landscaping, tree protection measures and slab levels.

26. In the interest of highway safety, conditions are necessary in relation to the provision of parking spaces. In the interest of highway safety and in order to protect the living conditions of the occupiers of nearby residential properties during the construction process, a construction management plan (CMP) condition is necessary. In respect of the living conditions of the future occupiers of the development, a condition is necessary in respect of noise mitigation measures.

27. For environmental reasons, conditions relating to contaminated land matters are also necessary. For nature conservation reasons, a condition relating to a method statement for the translocation of any common lizards from the application site is also required.

28. With the exception of the conditions relating to the CMP, contaminated land matters, lizard translocation and tree protection measures, it is not necessary for any of these to be pre-commencement conditions. It is however necessary for these

matters to be agreed prior to any works commencing as they involve matters which relate to the period of construction works or could affect the initial site works.

29. In relation to the suggested condition restricting permitted development rights, given the Conservation Area status of the site I consider that there is no need to remove the rights from Class A which still apply. Furthermore, I consider that it is not necessary to remove rights relating to other roof alterations or means of enclosure.

Conclusion

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 26SR/5 revision B; DPL/19/06-1 and DPL/19/06-2.

3) No development above slab level 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 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.

4) No development above slab level shall take place until full details of the design of the eaves joinery and corbelling detail, and all new windows, roof lights, external doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings at a scale of 1:20) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

5) No development shall take place until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. The assessment shall include: i) a survey of the extent, scale and nature of any contamination; ii) the potential risks to: • human health; • property (existing or proposed) including buildings, pets, woodland and service lines and pipes; • adjoining land; • ground waters and surface waters; and • ecological systems.

6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the

Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out. Upon completion of the approved remediation scheme a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority prior to the first occupation of either dwelling.

7) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

8) Notwithstanding the submitted details, no development above slab level 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: i. hard surfacing materials; ii. means of enclosure (including those necessary to ensure that the side gardens are a private amenity space); iii. 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; iv. Biodiversity features such as bat boxes; v. proposed finished levels of the site; vi. proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); vii. arrangements for how surface water from the site will be intercepted and disposed of separately so that it does not discharge into the highway.

9) All hard landscaping shall be completed prior to the first occupation of the dwelling it relates to and soft landscaping, including planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling it relates to or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10) No construction works shall take place until details of the proposed slab and finished floor levels of the building in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.

11) Prior to the first occupation of each dwelling, the new access and parking spaces relevant to that dwelling shall be provided in accordance with the approved details and shall be maintained as such for the life of the development.

12) Prior to the first occupation of either of the dwellings hereby approved, details of the how the parking spaces across the site frontage will be implemented and

maintained shall be submitted to and approved in writing by the local planning authority. The parking spaces shall be implemented in accordance with the approved details prior to the first occupation of either dwelling.

13) No development shall take place (including any site clearance works) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of : i. the parking of vehicles of site operatives, contractors and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development; iv. construction access arrangements; v. wheel washing facilities; vi. measures to control dust and dirt during construction; The construction works shall only be carried out in accordance with the requirements of the CMP.

14) Prior to the first occupation of the either of the dwellings, a 2 metre high acoustic fence shall be erected along the northern, eastern and western boundaries of the site. This barrier will be imperforate, have a minimum surface density of 10kg/m² and shall be retained as such for the life of the development.

15) No development above slab level shall take place until an alternative ventilation scheme to protect each habitable room from railway noise has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented to each dwelling prior to its first occupation and shall be maintained as such for the life of the development.

16) No development shall take place (including any site clearance works) until a detailed method statement for the translocation of any common lizards from the application site has been submitted to and approved in writing by the local planning authority. The statement should include details of the proposed receptor site; its current condition and the management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site, and a timescale of when the translocation would take place in relation to the development.

The development shall only be carried out in accordance with the approved method statement.

17) No development shall take place (including any site clearance works) until a scheme for the protection of the retained trees shown on drawing no. DPL/19/06-1, including a tree protection plan (TPP) and an arboricultural method statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the

- i. Details of construction/excavation within any root protection area that may impact on the retained trees;
- ii. location and installation of services/ utilities/ drainage; and

iii. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing.

The development shall only be carried out in accordance with the approved scheme for the protection of the retained trees.

COSTS DECISION

Decision

1. The application for an award of costs is refused.

Reasons

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

3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The Applicant acknowledges that the Councils Planning Committee are not compelled to follow the advice and recommendations of their Officers - but if they do not do so they have a duty to set out explicitly why they have chosen to disregard that advice in clearly stated reasons for refusal. However, it is submitted that the Council has not substantiated its reason for refusal and offers nothing more than uncorroborated assertions about the impact of the appeal proposal. The Council has not responded to the application for costs.

5. It is clear to me that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs as the Committee were entitled to come to their own conclusions on the merits of the proposal. However, as noted by the Applicant, the key issue is whether the Council have provided sufficient evidence to substantiate their reason for refusal at appeal.

6. In considering development proposals, whether a particular scheme would provide suitable living conditions for its future occupants is clearly a matter of planning judgement.

7. In this case, the Council ultimately considered that the proposal would not provide a suitable living environment and this was further explained within their appeal statement, including reference to Appendix 3 of the Dacorum Borough Local Plan

1991-2011, (2004) which includes guidance that private gardens should normally be positioned to the rear of the dwellings.

8. Whilst I have found in favour of the Applicant in my decision, given the subjective nature of the matter in dispute, I find that the Council have provided sufficient evidence to support their judgement to the extent that they did not act unreasonably in refusing planning permission.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

APPEALS WITHDRAWN

None