



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 30 APRIL 2020

Due to COVID-19 any items on the agenda for 30th April 2020 DMC will be delegated for a final decision by the Assistant Director (Planning, Development and Regeneration) and Group Manager (Development Management and Planning).

Although officers will have the final decision, an opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation will still be in place, all be it in writing.

The agenda pack will be published by 5pm on 22 April 2020.

Any new comments from the community, Parish and Town Councils or DMC members wish to submit should be sent to member.support@dacorum.gov.uk in the five day consultation window which will be made available on our website

The five day consultation closes at 5pm on 29 April 2020.

This five day consultation window replaces the opportunity to speak at DMC. Therefore please make any comments in writing highlighting what you would have included in a 3 minute deputation.

The Planning Officer will add new comments to their report and address them as necessary. The Assistant Director (Planning, Development and Regeneration) and Group Manager (Development Management and Planning) will consider the proposals further in light of any new comments received.

A final consultation meeting will take place with the chair or vice chair of DMC to consider all comments received before the final determination is made.

Please note this is not a usual committee procedure as the final decision is delegated to the Assistant Director (Planning, Development and Regeneration) or Group Manager (Development Management and Planning) and not the DMC or Chair of the DMC.

Going forward the Council is working to set up a virtual DMC for future meetings.

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

AGENDA

1. MINUTES

The minutes of the previous meeting will be confirmed when the Development Management Committee (DMC) next meet.

2. APOLOGIES FOR ABSENCE

Not applicable.

3. DECLARATIONS OF INTEREST

Not applicable.

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 will still be in place, all be it in writing.

Any new comments from the community, Parish and Town Councils or DMC members wish to submit should be sent to member.support@dacorum.gov.uk in the five day consultation window.

The five day consultation opens at 5pm on 22 April 2020 and closes at 5pm on 29 April 2020.

This five day consultation window replaces the opportunity to speak at DMC. Therefore please make any comments in writing highlighting what you would have included in a 3 minute deputation.

The Planning Officer will add new comments to their report and address them as necessary. The Assistant Director (Planning, Development and Regeneration) and Group Manager (Development Management and Planning) will consider the proposals further in light of any new comments received.

5. INDEX TO PLANNING APPLICATIONS

- (a) 19/03272/FUL - Construction of new chalet bungalow to the side/rear of 5 Tring Road. - **Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF** (Pages 3 - 31)
- (b) 20/00076/OUT - Replacement Dwelling (To replace the existing single-storey bungalow with a 2-storey dwelling) - **Green Hedges, Chesham Road, Wigginton, Tring, Hertfordshire, HP23 6HH** (Pages 32 - 43)
- (c) 4/01642/19/FUL - Addition of two-storey extension to existing office building. - **Oxford House, Northbridge Road, Berkhamsted, HP4 1EH** (Pages 44 - 51)
- (d) 4/02276/19/FUL - Install six parking bays on amenity green - **Amenity Green Opp. 132 Gadebridge Road, Hemel Hempstead, HP1 3EP** (Pages 52 - 61)
- (e) 20/00317/ADV - Installation of two totem advertisement signs. - **Car Park, Lower Kings Road, Berkhamsted, Hertfordshire, HP4 2AJ** (Pages 62 - 74)
- (f) 20/00304/FHA - Two storey front extension, front facing dormer window, off street parking and enlarged vehicle crossing (Dropped curb) - **16 Egerton Road, Berkhamsted, Hertfordshire, HP4 1DT** (Pages 75 - 85)
- (g) 20/00571/FHA - Single Storey Rear Extension - **22 Deaconsfield Road, Hemel Hempstead, Hertfordshire, HP3 9HY** (Pages 86 - 92)
- (h) 20/00005/FUL - Proposed development includes: Construction of new two storey attached dwelling. Alterations to existing dwelling, single storey rear extension. Creation of new cross over to access new parking area for existing dwelling. - **12 Bourne Road, Berkhamsted, Hertfordshire, HP4 3JU** (Pages 93 - 109)

6. APPEALS (Pages 110 - 142)

7. QUARTERLY ENFORCEMENT REPORT (Pages 143 - 158)

Item 5a 19/03272/FUL

Construction of new chalet bungalow to the side/rear of 5 Tring Road.

Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF



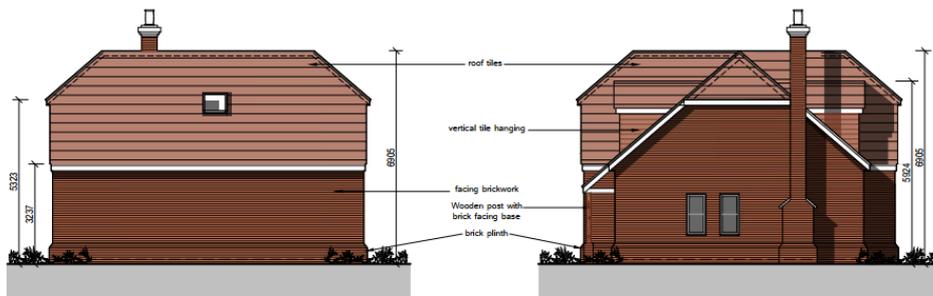
Proposed Front Elevation

1:100



Proposed Rear Elevation

1:100



Proposed Side Elevation (Left)

1:100

Proposed Side Elevation (Right)

1:100

ITEM NUMBER: 5a

19/03272/FUL	Construction of new chalet bungalow to the side/rear of 5 Tring Road.	
Site Address:	Land To The Side/Rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF	
Applicant/Agent:	Mr Tucker	
Case Officer:	Heather Edey	
Parish/Ward:	Northchurch Parish Council	Northchurch
Referral to Committee:	Called in by Cllr Pringle	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area.

2.2 Furthermore, it is not considered that the proposal would adversely affect the residential amenity or neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with relevant policies.

2.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site comprises land to the side and rear of No. 5 Tring Road, in Dudswell, Berkhamsted. The topography of the site sees the ground rising from north east to south west by approximately 7m, and from south east to north west by approximately 500mm. The site is located in an urban area, within the residential area of Northchurch, within close proximity of the junction of Tring Road and Dudswell Lane.

3.2 The pattern of development in the area is characterised by a mix of detached and semi-detached dwellings of varying architectural styles and designs, with large two storey detached properties fronting Tring Road, and more modest two storey detached dwellings and bungalows positioned to the south east. In addition to this, semi-detached properties front Lyme Avenue to the north west, whilst properties to the south west consist of a bungalow and chalet bungalow. Though varying in size and style, neighbouring properties are typically finished in a combination of red roof tiles, white render and brown and red brick.

4. PROPOSAL

4.1 Planning permission is sought to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Comprising two front and two rear dormers to facilitate four bedrooms within the roof

slope, the new chalet bungalow would be constructed in facing brickwork, clay tiles and uPVC window finishes.

4.2 The new bungalow would be accessed via the existing driveway serving No.5 Tring Road. To facilitate additional cars using this driveway, the application proposes modest alterations to this existing access, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of No.5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

4.3 A new turning head would be positioned to the front of the new bungalow, enabling future occupants of the site sufficient access to the three designated off-street car parking spaces.

4.4 The scheme also provides details regarding the proposed cycle and storage arrangements for the new dwelling, (with a new timber framed bin store being positioned to the front of the dwelling, and a new cycle store being positioned to the side of the dwelling), as well as detailing the proposed arrangements for private amenity space and associated soft/hard landscaping.

4.5 The current application reflects an amended scheme to that proposed under previous planning application 4/03324/17/FUL – with the original application seeking permission for the construction of two pairs of semi-detached dwellings (4 new units). The previous application was refused at Development Management Committee.

4.6 Though the applicant appealed the decision made by the Development Management Committee, the Planning Inspector dismissed the appeal on the grounds that the development would fail to provide safe and suitable access for current and future occupiers of the site, and noted that the rear garden amenity spaces for all four units would be out of character with the large rear gardens of neighbouring properties by virtue of their scale.

5. PLANNING HISTORY

Planning Applications (If Any):

4/03324/17/FUL - Construction of two pairs of semi-detached dwellings (4 units in total) with shared driveway
REF - 31st May 2018

4/00394/02/FHA - Detached garage
GRA - 18th April 2002

4/01885/01/FHA - Detached garage
REF - 17th December 2001

4/00398/99/FHA - Two storey rear and side extensions and alterations to roof
GRA - 21st June 1999

Appeals (If Any):

4/03324/17/FUL - Development Appeal
APPEAL DISMISSED – 26th March 2019

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL1

Former Land Use (Risk Zone): Former Landfill, Tring Road, Northchurch

Former Land Use (Risk Zone): Infilled Ponds, Dudswell Lane, Northchurch
Parish: Northchurch CP
RAF Halton and Chenies Zone: Yellow (45.7m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Town: Berkhamsted

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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

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)

9. CONSIDERATIONS

Main Issues

9.0 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.1 The site is situated within the residential area of Northchurch, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.2 In light of the above policies, the proposal for a new chalet bungalow within the residential area of Northchurch is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.4 The proposed development would constitute tandem development, in that it would see a new dwelling sited behind an existing house and sharing access arrangements. The SPD 'Area Based Policies' states that this is a generally unsatisfactory form of accommodating new housing. The reason for this is two-fold – inefficient use of scarce urban land, and impact on the character of the area.

9.5 In respect of the first point, it is noted that the urban grain of the surrounding area is such that only the current application site and neighbouring property could accommodate new development within the rear garden. As such, it is not considered that the proposed development would prevent a more efficient use of urban land, given that there is a possibility that any neighbouring development could utilise the same access used to facilitate the current proposal.

9.6 In respect of the second point, it is important to note that the development is compatible with the density of the local area. The site falls within the BCA19: Northchurch Character Area Appraisal wherein new development is expected to be compatible with the character within the existing density range, (i.e. not normally exceeding 15 dwellings/ha). The overall site (existing dwelling and proposed dwelling) would have a density of 14.4 dwellings/ha. Surrounding plots when viewed in isolation have plot densities ranging from 6 to 31 dwellings/ha. As such, the proposed scheme is of a compatible density to the local area and complies with this policy requirement.

9.7 Furthermore, properties within the surrounding area consist of a range of styles and sizes, including semi-detached dwellings, bungalows and larger detached properties with no single prevailing architectural style. BCA19: Northchurch states that bungalows are common within the local area and are an acceptable form of housing type for new development.

9.8 Under the previous appeal case, the Planning Inspector noted the low density of neighbouring properties, noting that they are usually situated within '*generous leafy gardens, giving a spacious character to the area.*' It is considered that by amending the proposals to a single new dwelling this has created the sense of spaciousness required in the determination of the previous submission and its appeal.

9.9 Though it is noted that the new dwelling would have a shorter rear garden than those of neighbouring properties 1-15 Lyme Avenue, it is not considered that this element of the proposal would detract from the spacious character of the area, given the variance in densities among neighbouring properties, and noting that the proposed rear garden would be in keeping with the rear gardens of neighbouring properties 27 Lyme Avenue and 5 Tring Road. It should also be noted that

the proposed rear garden is wider than that found typically nearby and, therefore, when considering the overall area of the rear garden, it is broadly compatible with those in surrounding properties.

9.10 Though there are several common design features within the locality, (including front bay windows and external brick, tile and render wall finishes), there is no strong theme in the characteristics of neighbouring buildings. It is however considered that the proposed new chalet bungalow has been sympathetically designed to respect adjoining properties, given that it would be constructed in materials to integrate with neighbouring properties, including similar facing red brickwork, clay tiles and uPVC window finishes. It is also noted that the new dwelling has been designed to reduce its visual bulk so as not to appear overtly prominent, noting that the new chalet bungalow would comprise two front and two rear dormers to facilitate four bedrooms within the roof slope.

9.11 The current application seeks permission to construct a new chalet bungalow measuring 10m deep and 13.5m wide. Though situated approximately 80m set back from the highway, the proposal would be visible within the streetscene, given its positioning in relation to existing dwelling No.5 Tring Road. Nevertheless, given everything considered above, the proposed development is considered to represent an improvement to the previous scheme, in keeping with the character of built form within the surrounding area, and overall, would not dominate or look out of place within the locality.

9.12 In conclusion, the proposed new dwelling is considered to reflect an attractive addition to the area; bringing its own sense of character through utilising materials in keeping with the wider area.

9.13 The application also proposes modest alterations to the existing access serving no. 5 Tring Road, with works involving a slight reshaping of the existing bank, increasing the width of the crossover to 4.8 wide and improving the existing turning area in front of no. 5 Tring Road to allow sufficient manoeuvring space for large emergency vehicles.

9.14 Given the scale and nature of these works, it is not considered that these alterations would have any adverse impacts on the character and appearance of the surrounding area.

9.15 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the BCA19: Northchurch Character Appraisal Area and the relevant sections of the NPPF (2019).

Impact on Residential Amenity

9.16 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.17 The application site would share boundaries with neighbouring properties 1, 3, 5 and 7 Lyme Avenue, a rear boundary with no. 27 Lyme Avenue and side boundary with no. 1a Birch Road.

Visual Intrusion

9.18 As evident on drawing PL-07 Rev A3, the proposed new chalet bungalow would sit below the two storey properties and bungalows on Lyme Avenue, but marginally above the properties on Birch Road, given the topography of the site.

9.19 It is however noted that the application site and new chalet bungalow have been positioned and laid out to ensure that adequate spacing and separation distances are maintained between the new development and surrounding properties. For example, the proposed separation distances between

the new dwelling and nearest neighbouring properties 3 and 27 Lyme Avenue range between 27m and 35m, complying with the separation distances set out under relevant policy (i.e. Saved Appendix 3).

9.20 Furthermore, the new chalet bungalow has been sympathetically designed to reduce its visual bulk, noting that it would comprise a maximum height of 6.9m and would comprise first floor bedrooms facilitated within the proposed roof slope.

9.21 Taking all of the above into account, it is not considered that the proposed new dwelling would appear visually overbearing or intrusive to neighbouring properties.

Loss of Light

9.22 The proposed development has been designed to avoid obstructing daylight to existing windows/rooms of neighbouring properties, with the '25 degree test' being demonstrated on drawing PL-07 Rev A3, in line with the guidance set out under the Building Research Establishment's (BRE) - Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011). Given that the new chalet bungalow falls well below the 25 degrees lines evidenced on this plan, it is not considered that the proposal would have a significantly detrimental impact to daylight levels of existing properties.

Loss of Privacy

9.23 The site and new dwelling has been laid out to minimise harmful overlooking of neighbouring properties. Firstly, no first floor windows have been proposed to the side elevations of the new chalet bungalow facing neighbouring properties, with all first floor windows being positioned on the front and rear elevations. Noting the scale of the proposed chalet bungalow and the separation distances that would be retained between these windows and the neighbouring properties 5 Tring Road and 27 Lyme Road, (i.e. ranging between 26m and 36m), it is not considered that these windows would facilitate any harmful overlooking of neighbouring properties.

9.24 It is also noted that ground floor windows would be largely concealed from view of neighbouring properties, given the topography of the site and the positioning of the existing mature boundary hedge.

9.25 When considering the previous planning application at appeal, (i.e. 4/03324/17/FUL), the Planning Inspector raised no concerns in relation to the proposals impact on residential amenity.

9.26 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

Impact on Highway Safety and Parking

9.27 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

Accessibility, Safety and Capacity

9.28 During the previous application and subsequent appeal, concerns were raised with regards to highway safety, with the Planning Inspector arguing that the previous development failed to provide safe and satisfactory access onto the highway. In particular, they raised the following concerns:

1. Concerns relating to the width of the existing access, noting that it was too narrow to prevent two cars passing each other, thereby resulting in a build-up of cars on the highway
2. Concerns relating to whether the site would allow sufficient manoeuvrability space for emergency vehicles to safely access the site
3. Concerns relating to pedestrian safety – i.e. the lack of provision for pedestrians accessing the site

9.29 In light of the above concerns, the applicant entered into pre-application discussions with Hertfordshire County Council as the Highways Authority prior to the submission of the current application. Following these discussions, the scale of development has been reduced, (from four new units to one chalet bungalow), with a number of alterations also being proposed to the existing access in order to address these concerns.

9.30 The current application proposes to increase the width of the bellmouth of the junction from 3.97m to 4.8m to allow two cars to pass each other, thereby preventing the build-up of traffic on the highway. In addition to this, alterations have been proposed to the turning head opposite no. 5 Tring Road, with a new turning head being introduced in front of the new chalet bungalow, with the intention of providing sufficient space for emergency vehicles to access the site. Finally, a new safe zone, (measuring 0.7m wide), has been introduced to allow pedestrians safe access to and from the site.

9.31 The Highways Authority considered all of the above alterations and have raised no objections on highway and pedestrian safety grounds, noting that they would not consider the proposal to have an adverse impact on the safety and operation of the adjoining highway, subject to certain conditions and informatives. They have also noted that the proposal falls under the threshold for a transport statement/assessment and traffic impact study, and noted that the widening of access on highway land is satisfactory subject to the implementation of a Section 278 Agreement.

9.32 Given everything considered above, the proposal is considered to be acceptable in terms of its impact on highway and pedestrian safety.

Parking

9.33 The submitted plans indicate that three off-street car parking spaces would be provided for the new chalet bungalow. Given that the proposal would involve the construction of a four bed dwelling, the proposed parking provision would accord with the Council's maximum parking standards. It is also noted that the site is situated within a sustainable location, with public transport links, (i.e. bus links), within close proximity of the site.

Other Material Planning Considerations

Amenity Space

9.34 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.35 As part of the previous appeal, the Planning Inspector raised concerns that the proposed rear gardens would be significantly less spacious and more cramped than rear gardens of properties in the surrounding area, and as such, out of character with neighbouring properties.

9.36 Under the current proposal, a rear private amenity space of approximately 14m would be provided, providing a rear garden area of 195m². In light of this, it is considered that sufficient private amenity space would be provided for future occupiers of the site.

Waste Management

9.37 The application provides details for refuse storage, noting that a bin store would be positioned to the side of the site. The submitted plans also indicate a proposed collection point for the bins, within 25m of the highway in accordance with the Dacorum Refuse and Storage Guidance Note (2015).

9.38 Though the occupants would have to take the bins approximately 30m to reach the collection point, it is not considered that this would be unreasonable, given the nature of the site, and noting the frequency within which this trip would need to be made.

Ecology

9.39 Though formal comments were sought from the County Ecologist, no comments were received. Under the previous application, it was however noted that the site is of limited ecological interest, and as such, no ecology survey was required. In line with the recommendations made by the County Ecologist under the previous scheme, the proposal would involve the adoption of a 'hedgehog highway.'

Drainage

9.40 Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water. Though the Council sought comments from Hertfordshire Country Council, as the Lead Local Flood Authority (LLFA), no comments were received. Under the previous application however, they noted that they have no records of flooding in this location, acknowledging that there are no watercourses or surface water sewers within the vicinity of the site.

Response to Neighbour Comments

9.41 A number of neighbours have raised objections to the scheme. The points raised have been considered and discussed in more detail during earlier sections of the report.

Community Infrastructure Levy (CIL)

9.42 Policy CS35 of the Core Strategy (2013) 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 1st July 2015. The application is CIL liable.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed new chalet bungalow and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or surrounding area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a

significant loss of light or privacy. Given the amendments made to the scheme following pre-application discussions with the Highways Authority, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

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. **Contaminated Land Condition 1:**

(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.

(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:

- (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:

(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.

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

3. Contaminated Land Condition 2:

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.

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

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

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

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

Reason: In the interest of highway safety, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Saved Appendix 5 of the Dacorum Local Plan (2004).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority: Schedule 2, Part 1, Classes A, B, and E; Part 2, Classes A, B and C.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

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

- PL-05 Rev A3
- PL-06 Rev A3
- Policy CS29 Checklist
- PL-02 Rev A
- PL-08 Rev A3
- PL-04 Rev A3
- PL-07 Rev A3
- 19090-DA01
- PL-01 Rev A3
- PL-09 Rev A3
- PL-07 Rev A3
- 2223-001

2223-002

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. ENVIRONMENTAL HEALTH INFORMATIVES:

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

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

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

3. CONTAMINATED LAND INFORMATIVES:

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

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.

4. HIGHWAY INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of

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

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

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

4. Section 278 Agreement: The proposal includes works to the Highway verge to widen the existing driveway. The applicant is required to enter into a Section 278 agreement for this work. This will ensure that all work undertaken on the highway is constructed to the Highway Authority's current specification to an appropriate standard and by a contractor who is authorised to work on the public highway. In accordance with Hertfordshire County Council publication, 'Roads in Hertfordshire – A Guide for New Developments', a Section 278 agreement will be required before any such works are undertaken.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>ENVIRONMENTAL HEALTH:</p> <p>No objections on noise or air quality grounds.</p> <p>I would advise including our construction informative noting the site has a large of existing residential in close proximity.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</p>

Construction Dust Informative

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

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

CONTAMINATED LAND:

Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, although it is acknowledged that there is no formal land use on or immediately adjacent to the application site that would be expected to result in ground contamination, the proposed end use is for a new residential dwelling. This is a sensitive land use that would be vulnerable to the presence of any contamination and so it is considered appropriate for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present will be remediated.

Given the small scale of the development and site specific circumstances it is considered that completion of the land contamination assessment questionnaire for small development sites with proposed sensitive end uses would be proportionate. This questionnaire has been attached to the email and should be completed by the applicant and returned to the LPA. If the information provided within the questionnaire is satisfactorily completed before the planning decision is made and it does not highlight any issues then there is no need for contaminated land conditions.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted. The completed questionnaire may then be sufficient to discharge the conditions.

Contaminated Land Conditions:

Condition 1:

(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.

(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:

(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:

(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.

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.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1

	<p>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>
Hertfordshire Highways (HCC)	<p>Decision</p> <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 subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.</p> <p>2. Highway Proposals</p>

The proposal includes works in the Highway verge to widen the existing driveway, although there are no plans to widen the existing vehicular access. The applicant is required to enter into an S278 agreement for this work.

Reason: To ensure all work undertaken on the highway is constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", an S278 agreement will be required before any such works are undertaken.

Further information is available by telephoning Highways on 0300 1234047 or using this link:-

http://www.hertfordshire.gov.uk/services/transtreets/highways/highway_sinfo/hiservicesforbus/devmanagment/dmhwaysec278/

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

INFORMATIVES:

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

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

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

COMMENTS

The proposal is for Construction of new chalet bungalow to the side/rear of 5 Tring Road.

The site is on land behind the existing property at 5 Tring Road Northchurch, from which it is accessed. The existing access is 3.7m wide, with good visibility to both sides.

Tring Road is shown on Definitive Maps as a Main Distributor classified road, the A4251 with a 30mph speed limit. Vehicles are required to enter and leave the highway in forward gear.

PARKING

The proposal is to provide a total of 3 parking spaces for the new property. Recommended parking levels are set by the LPA

ACCESS

The proposal is that the existing vxo will serve the new property, however the access across the verge requires widening. An S278 agreement must be obtained for this work to be undertaken.

Document "Fire Appliance Plan (Strategy)" demonstrates that large vehicles, eg fire appliance, are able to access the site and use the turning head provided to be able to enter and leave the site in forward gear.

Arrangements have been made for the storage of waste. Although no specific arrangements have been made for the collection of waste, refuse trucks would be able to access the properties.

CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.

--	--

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
25	5	0	5	0

Neighbour Responses

Address	Comments
3 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG	<p>I write to express my concerns and objections to the proposed development to the side and rear of 5 Tring Road, Dudswell.</p> <p>Despite the applicant's claims to have addressed the very serious road traffic issues the original application posed for road users and pedestrians, I believe the new proposal stills has serious issues.</p> <p>1. Wider bellmouth The application suggests the entrance on to the driveway from Tring Road can be widened to address the issue of cars coming on to the drive and leaving the property at the same time. My objections to this are: On drawing reference PL-07, only one car is shown positioned some distance away from the junction with Tring Road. I am not sure how this supports the proposal because I believe this actually highlights serious flaws:</p> <p>a. The drawing omits to include swept paths to indicate the path of travel vehicles at this junction will require. I believe that if these were included the on-going inadequacy of the entrance to the driveway will be clear to see. To demonstrate the proposal overcomes the serious concern about waiting on Tring Road to enter the drive or having to back on to Tring Road if a vehicle is coming down the drive, the applicant should have included swept path lines for vehicles. I believe that if these are drawn on to show a vehicle entering the drive from Tring Road, approaching from either direction, with a car waiting to exit the drive there will not be sufficient space. The sweep of the vehicle entering the drive will clearly encroach on to the space of the waiting car, thereby not providing the safe waiting space claimed to have been provided. I question why this wasn't included on the drawings since it would conclusively demonstrate the applicant's claims to have solved the major concern held by the Appeal Inspector.</p> <p>b. If a car enters the drive when another is either waiting to exit, or the arriving vehicle has to wait for a car coming down the drive, then the pedestrian safe zone will be blocked. If all three were to coincide then the pedestrians would be at serious risk of harm. I think the logic claimed that the addition of one property makes such scenarios unlikely, "...probably less important now that the development is only a single property", is poor and good, safe design should not rely on a</p>

'fingers-crossed' approach, especially when people's safety is in question.

I object to the proposed widened bellmouth because I do not believe it has been sufficiently and adequately demonstrated to be true.

2. Additional traffic on to Tring Road at a dangerous junction

The additional single dwelling will introduce additional traffic at a junction on Tring Road which is already very busy and was proved to be dangerous during the appeal process. It is inappropriate to introduce further traffic at this location. It isn't simply a matter of visibility when entering on to Tring Road from the shared driveway but whether or not the safety of road users and pedestrians is further endangered by this development which I believe it will be. The Appeal Inspector noted "the proposal would not provide safe and suitable access for all" and I believe this remains the case.

I object to the additional traffic this development will introduce at this specific location on Tring Road due to the interaction with Dudswell Lane, the bus stops, the entrance to the nursery/cricket ground and the repeater station.

In addition to the road traffic issues, my further objections are:

3. Fire strategy

I read with some incredulity the proposed fire strategy. My objections to this are:

- a. The only way the applicant can make this too narrow, insufficient drive appear to overcome the Appeal Inspector's concerns that the width is not sufficient for emergency vehicles is to propose that the Appliance will undertake the most incredible manoeuvre in order to achieve a forward gear exit from the site.
- b. If there is a fire, is the time lost by the fire appliance having to turn and reverse acceptable?
- c. For this fire strategy to work, will every response vehicle know they are expecting to turn and reverse up the drive 20m? How would they know they need to do this?
- d. If not, then is it the responsibility of the caller to inform the switchboard of this? If so, then what if someone from outside of the site raises the alarm and has no idea of this ridiculous requirement?
- e. If the fire appliance arrives on site and does the required manoeuvres but then an ambulance arrives on site, how exactly are the paramedics supposed to get their vehicle passed the fire appliance to potentially save a life?
- f. Alternatively, if an ambulance is already on site and the fire appliance subsequently arrives, how does the ambulance leave to get a patient to hospital?
- g. Also, if the parked vehicles at the property need to be moved for safety reasons, how do they get out when the fire appliance is parked on the drive?

	<p>I object to the fire strategy proposal because I do not believe the design provides adequate space for emergency vehicles to access, operate and leave the site in a safe manner and the proposal has been made because the site is not suitable for development and should be found to be unacceptable.</p> <p>4. Location of the development</p> <p>The application claims the development will 'sit comfortably in its environment' and as with the original development application there are claims to other nearby developments that show the same type of development. I do not believe any of the examples given had the same impact on surrounding properties because whilst they sit behind an existing property, none of them have properties on all four sides of the boundary and therefore located in the middle of gardens. The applicant may not use his garden to its full extent but the owners of the surrounding properties certainly do - so much so that No 29 Lyme Avenue has purchased some of the land from 1A Birch Road that had previously been part of the original development application but was sold after the appeal was dismissed.</p> <p>I object to the location of the development because it is in the middle of well-used residential gardens and the construction of a large 4-bedroom property with space for 3 cars is not appropriate. Nor does the development enhance an underutilised or abandoned piece of land.</p> <p>5. Inconsistencies</p> <p>There are inconsistencies throughout the documentation submitted. The pedestrian safe zone varies from 600mm to 700mm wide; the drive is referred to in places as 3.7m and in other places 3.1m wide. This attention to detail makes me question the accuracy of the important dimensions and these should be confirmed by the Applicant with more detailed drawings. Lack of detailed dimensioned drawings to support the original application was highlighted by the Appeal Inspector.</p>
<p>5 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>Having a previous planning appeal decision dismissed and finding that a development on this site would not provide safe and suitable access, I cannot see that this current application has changed at all from the previous applications in regard to road safety, it will increase an already very fast and busy road with even more traffic coming onto the the main road. There are new houses being built at 3 Tring Road which will also increase the amount of cars joining the road which were not there before ,there are small children leaving the nursery , the junction at Dudswell, Lyme Avenue and Birch Road, all potentially making the road an accident waiting to happen</p> <p>My granddaughter walks to and from school and its a worry every day for her crossing the road at the moment without extra cars adding to the problem.</p> <p>The idea that a development should be allowed right in the middle of other neighbours areas is not right and should not be allowed.</p> <p>It was no surprise to us residents that the previous application was</p>

	<p>turned down by councillors who voted 11/0 against the proposal, I cannot see that anything has changed with this application, the previous issues remain the same and we the residents should not have to submit to this proposal.</p>
<p>29 Lyme Avenue Northchurch Berkhamsted Hertfordshire HP4 3SG</p>	<p>We are family with a property which borders the proposed plot and have serious concerns over the suitability of the scheme.</p> <p>It is not shown in the application material, but our property directly borders the plot to its left along some 20m. Not only will the close proximity to our property affect our amenities, but we believe it will have a negative effect on the road safety in the immediate area.</p> <p>Road Safety The safety of this stretch of road has been (officially) in question for some time, but the particular point at the current access for 5 Tring Road is also now under scrutiny. Just last week I attended a committee meeting for Northchurch Road Safety and there were multiple committee members who pin pointed this exact spot- at the junction of Dudswell Lane and Tring Road, as an area for review. Unfortunately any progress made by this new committee will take time - something we don't have with this current application in process. I'm sure everyone reading this will be aware of the complexities of this spot. It was a concern of the Dacorum planning committee who refused the previous application (for this site) and it was highlighted by the Planning Inspector Gemma Jenkinson in her subsequent appeal dismissal. It is the opinion of many local residents that this junction is so complex and overloaded already that the extra traffic and manoeuvres from just one more property is still to much. We recently saw use of the old telephone repeater station granted, also a new property has been added at 3 Tring road, so we will have the new traffic to and from two large semis where previously there was a bungalow which had seen no traffic for years.</p> <p>There needs to be a point at which we say enough is enough, and I believe that point has passed. I'm hoping there comes a time when the council decide it would be better to look in to ways of improving the safety of this area - for road users and pedestrians alike, rather than adding to the problem by granting extra developments.</p> <p>It is evident that the Highways department has again showed little concern over the area, and again they appear not to have made a site visit. It is extremely frustrating that the safety of our roads seems to be decided remotely.</p> <p>Suitability of the Access Road I believe the access road to the new property is still unsuitable even if it would only serve two properties. It is extremely long, and there have been no examples provided of a set up of this nature in the area. Yes there are examples of dwellings with a similar access, but this is in the extreme for a non remote area. Despite the changes made since the previous application I believe it is</p>

still an extremely impractical and problematic set up.
I second the comments made by no. 3 Lyme Avenue regarding difficulties which will arise when an emergency vehicle needs to access/exit. In a instance where easy vehicle movements are vital it could easily go very wrong.

The adjustments to the driveway at the terminal with Tring road have not solved the access problems as we are lead to believe in the documents.

The bell mouth appears to have been narrowed from some 11 m to 5.685 and just 2.4m further back it reduces to 4.8m (the width of just 2 standard parking spaces.

The absence of the swept path diagrams of the entrance that Highways have cited as a requirement are particularly telling as I'm confident they would illustrate that two way access at the bell mouth would be physically impossible with a vehicle turning in and one coming out

Garden lengths/Area (accuracy of information)

In the dismissal of the last application the Planning Inspector highlighted the fact that 'to harmonise with adjoining properties the rear garden depths would need to be considerably over 11.5m' (minimum for the area)

The scheme can only manage an depth of 14m for the new property (it does in one section go on to say in excess of 15m, but this does not tally with the plans) and subsequently would reduce the depth at no.5 to just 13.2m

The application goes on to mask the problem of the insufficient rear garden lengths by measuring garden area instead. It is clear the two are not comparable.

The semi-detached properties are of course going to have much narrower gardens, but the application uses this and other tools to paint an unrealistic picture.

In Appendix C the application sets out its apparent garden area information.

On looking at the Block Plan compared to appendix C it appears there as some discrepancies.

They have calculated the area of the garden for the proposed property using the rear garden plus land to the sides of the house.

BUT it seems they haven't done this for the the other properties with side gardens

for example 27 Lyme Avenue which has substantial garden to the side is recorded as 464m² when it should be more like 517m².

2,2a, and 1a Birch Road are also played down in this way.

29 Lyme Avenue which also borders the plot since purchasing land from 1a Birch Road is omitted completely and has a very large garden and side garden.

It is difficult to see how or why we should be seeing inaccuracies in the information in this new application. The discrepancies in the last application were brought up numerous times and are even acknowledged within this scheme's documents.

All the small inaccuracies or slight changes in representation can culminate in to a somewhat misleading picture.

Rear Garden Depths

Rear garden depth is the bigger factor when considering the character, layout and spacing of a group of houses and consequently is given more emphasis and has clear planning requirements.

I have re-written the information in Appendix C using the 'Block Plan' with rear garden depth instead - the information reads quite differently.

Property Garden Depth difference to proposed

Proposed property 14m N/A

Proposed 5 Tring rd 13.2m -7 %

3 Tring Rd 17m +21%

7 Tring Rd 17.5m +25 %

1 Lyme Ave 20m +43%

3 Lyme Ave 22.5m +61%

5 Lyme Ave 22.5m +61%

7 Lyme Ave 23m +64%

27 Lyme Ave 22m +57%

29 Lyme Ave 45m +221%

1a Birch Rd 37m +164

2a Birch Rd 15m +7%

2 Birch Rd 20m +43%

This more relevant information clearly shows that the gardens of the proposed development and the resulting garden of 5 Tring road would not be in keeping with the character of the area.

Tandem Development

The issue of Tandem Development being 'problematic', 'unsatisfactory' and 'inefficient' is one that will not go away.

The application gives examples of tandem development within the local area.

It is true that this can be found all over, but finding an example as unsuitable as this would be hard.

None of the examples in the application have an access drive with such limited space and unsuitable entrance. The three properties on Dudswell Lane have short access drives, are opening on to a quiet lane and form part of an building line existing, as does the Shooters Way Lane example.

The Wayside/Verona example is on the edge of farmland, borders fewer properties and has a comparably short and spacious access.

The example at 4a Birch road borders 5 properties, not 9 as the proposed would, but I can say first hand that it is a problematic development. It has been crammed in too close to the boundary and created a new building line, all of the rear first floor windows over look our downstairs, including the master bedroom. I have no idea why this was permitted.

In her report, the Planning Inspector quotes the SPG saying 'prevalent

	<p>buildings lines should be followed with dwellings fronting the highway'.</p> <p>The proposal would be off the building line and be right in the middle of the back gardens of nine properties.</p>
<p>3A Birch Road Northchurch Berkhamsted Hertfordshire HP4 3SQ</p>	<p>19/03272/FUL Construction of new chalet bungalow to the side/rear of 5 Tring Road. Land To The Side/rear 5 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p> <p>My objections are as follows:</p> <p>It does not have a low visual impact, it is a large house with a high ridge line. (6.9m high). Referring to the ridge heights as mentioned by nett assets, the less intrusive development would have been a bungalow on one level not a 4 bedroom large property bang in the middle of gardens and not on a building line</p> <p>The proposal does harm to neighbouring properties on grounds of visual amenity.</p> <p>What is to stop the apparent substantial boundary hedge being reduced in size after build?</p> <p>Vehicles are required to enter Tring Road in a forward gear, this will not occur at the distributor station when that build is completed.</p> <p>Backland / Tandem Development: 6 examples are mentioned, (None of them are relevant, (Limber, Dudswell Rise and Winnow Cottage, Dudswell Lane, Wayside/ Verona, Tring Road and Byways, Shootersway Lane) they are built on existing building lines not in the middle of gardens. Item 19 of the dismissed appeal states tandem development is generally inefficient, problematic and unsatisfactory. It is my opinion this current large house is no different to before.</p> <p>Windfall development (NPPF definition: "which has not been specifically identified in the local plan. They normally comprise previously developed sites that have unexpectedly become available). These are normally industrial sites, this application has not unexpectedly become available nor was it previously developed</p> <p>Bins; length of delivery The development is not acceptable or welcomed</p> <p>Regarding the "redundant garden of 5 Tring Road" being inefficient, it has not been noted that the occupants of, 29 Lyme Avenue have purchased land from 1a Birch Road to substantially extend their garden. How can a garden be inefficient, this is only due to the circumstances of 5 Tring Road having changed?</p> <p>If the build was to take place, can anybody explain how construction vehicles would access the property, find parking space and not cause traffic problems on Tring Road.</p>

	<p>Attached photos of this junction, one is of the construction vehicles associated with the build of new properties on 3 Tring Road and the others are of morning traffic on the junction as mentioned in the appeal decision</p>
<p>1 Tring Road Dudswell Berkhamsted Hertfordshire HP4 3SF</p>	<p>Having a previous Planning Inspectorate Appeal Decision dismissed and finding that a development on this site " would not provide safe and suitable access for all" and "would have an unacceptable effect on the character and appearance of the area", this current application is not able to demonstrate significant changes to either of these decisions. On the road safety issue, the figures supplied are a little disingenuous. The figures previously supplied are correct in that 75% of traffic at this point is breaking the speed limit from 30-50 mph. 170 vehicles are travelling in excess of 50mph. However, it is not averages that matter specifically, it only takes one of the 61,000 vehicles in a week, to cause an accident and this is a dangerous junction. To correct the submitted details, there was an accident at exactly this spot on 07/06/16, not a fatality fortunately, but bad enough to close the road for several hours. I note also that yet again no physical inspection has been carried out by Highways. To add to the problem at exactly this point, the new houses at number 3 Tring Road will probably provide an additional 12 vehicle movements per day where there were none before. Also uncounted at the same spot will be a vehicle from the Repeater Station, probably reversing into the road. Also the 40 odd vehicle movements from the Kindergarten seem to have been ignored and these are cars carrying very small children.</p> <p>It should also be noted that the Inspector found that the previous application "would not provide safe and suitable access for all". She also wrote that "in this case I remain of this view whether or not it would satisfy the criteria for a 'shared private drive' as set out in Highway Design Guide 3rd Edition 2011"</p> <p>With regard to the comparable tandem development examples provided, there really is no comparison between this proposal and those submitted. The spaces used were enormous and houses built along building lines, not squeezed into the middle of existing garden areas to the detriment of the surrounding householders.</p> <p>The proposal admits that any occupant of the "bungalow" would have to travel 50 metres downhill with their bins to get to within the statutory 25 metres from the road. I wouldn't want to be doing that on an icy road!</p> <p>The proposed access road is also highly suspect with regard to PSVs particularly fire engines as pointed out by Valerie Spiers at Highways who has requested further information about quite how firefighters could do their jobs.</p> <p>Finally the overall idea that a development be allowed right in the middle of other people's garden areas just cannot be right when so many people object to it. Indeed the proposal has not taken account at all of the purchase of the land that the proposer was originally going to</p>

use for his previous, refused, application. Nothing in this new application deals with the Inspector's finding that it " would have an unacceptable effect on the character and appearance of the area". And this decision was based upon the Inspector's personal visit to the site. The Inspector's comments that the previous proposal would not "respect the typical density of an area" or " respect adjoining properties" as laid out in CS11 and CS12 of the CS, is not at all changed in this new proposal.

It was no surprise to us residents that in the previous application the Councillors voted 11 / 0 against the proposal when it was called in, with many and various comments being made about the unsuitability of the proposal. As far as I am concerned, nothing much has changed from that position. It just cannot be right that so many residents enjoying peaceful gardens and wildlife should have to submit to such a proposal as this. What price Democracy?

ADDITIONAL COMMENTS:

I write in connection with the above planning application.

As I am sure you know, the Planning Inspectorate recently refused a previous application for this site, partly due to the problems with the road junction at this point. You may or not know that when the original application was called in, several Councillors were very critical of the efficiency and effectiveness of the Highways Agency, not just for that application, but several others that had been brought before them. I think " armchair Googling" was mentioned.

On that occasion the HA had no record at all of an accident at exactly this spot on 7th June 2016 which resulted in cyclist injury, closure of the road and traffic, including buses, having to reverse up my drive! The paint marks are still there.

This is a dangerous junction of 7 roads and driveways all joining or on the busy highway at the same point. The 30mph speed limit is broken by 75% of drivers, with speeds of up to 79 mph!

A few days ago there was yet another accident involving an ambulance and a Range Rover trying to join the road from Dudswell Lane. I attach photographs. The front of the Range Rover was ripped off and thankfully nobody was badly injured. You are probably able to check the incident report via the Ambulance Service records.

This site is dangerous. As well as the existing speeding traffic, we will now have more traffic emerging at this point from the development of two, four bedroom houses at number 3 Tring Road, where there was no previous vehicle activity, probably amounting to circa 20 vehicle movements per day, plus the new development of the Repeater Station where reversing into the road will presumably become the norm. And all this before the addition of more emerging traffic at number 5, again perhaps a further 12 vehicle movements per day by current statistics.

My sentiments concerning this junction are well documented in the

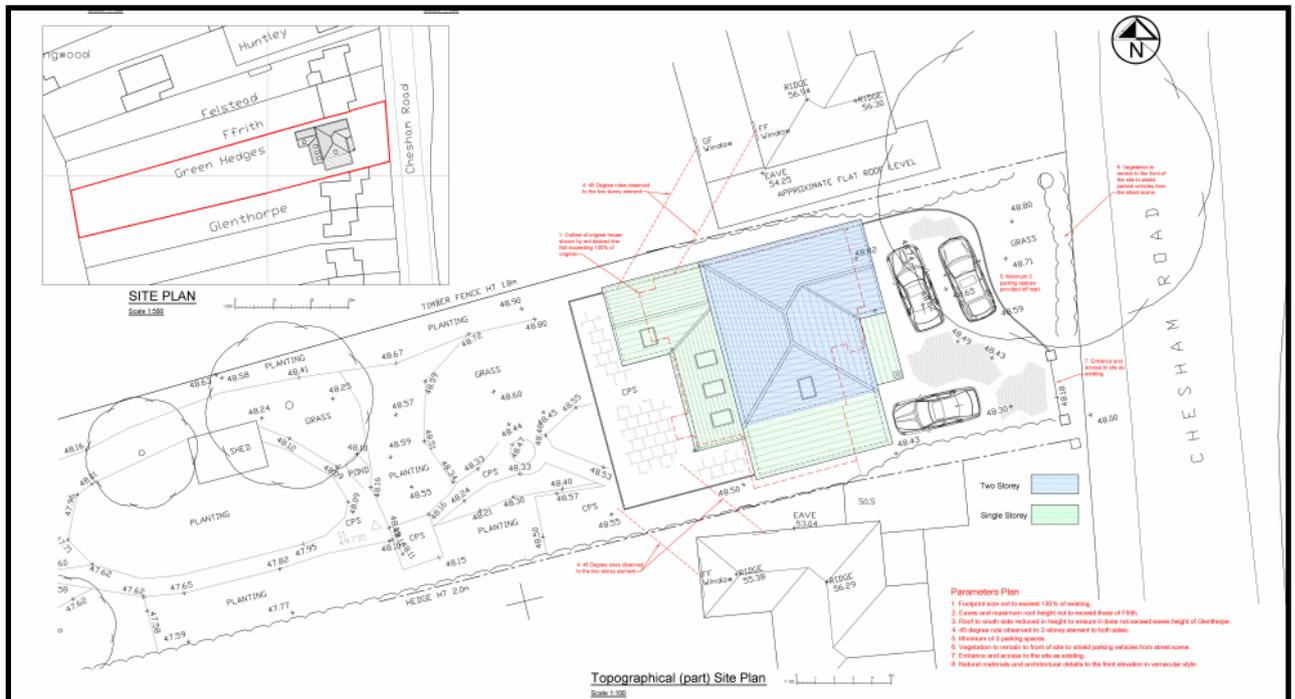
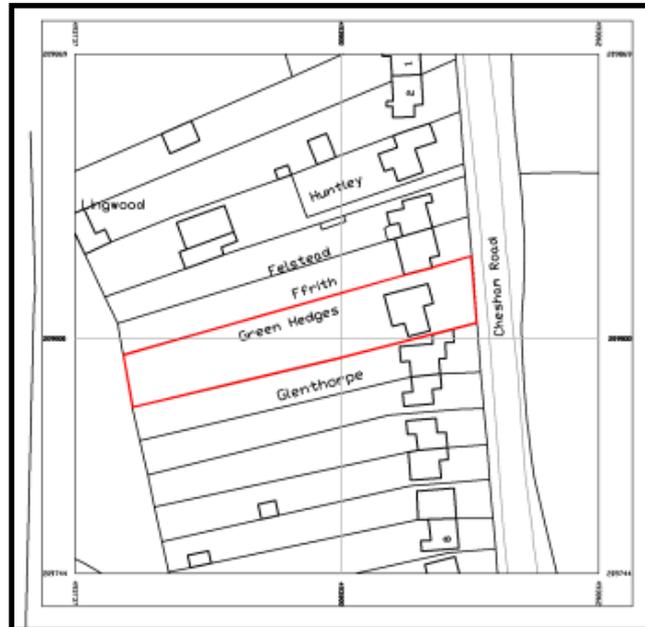
	<p>details of the previous application, 4/03324/17/FUL. Being first on the scene of an RTA is never a pleasant experience.</p>
--	--

So please take these facts into consideration when making your decision and I think it would be very useful if you were to make a quick site inspection to understand this relatively unusual junction.

Item 5b 20/00076/OUT

Replacement Dwelling (To replace the existing single-storey bungalow with a 2-storey dwelling)

Green Hedges, Chesham Road, Wigginton, Tring, Hertfordshire, HP23 6HH



Item 5b 20/00076/OUT

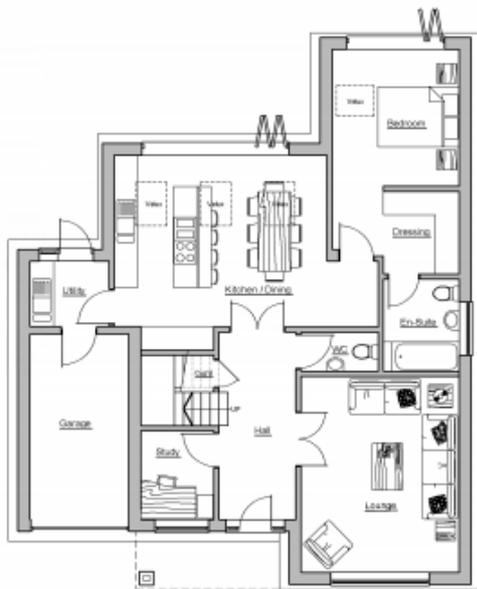
Replacement Dwelling (To replace the existing single-storey bungalow with a 2-storey dwelling)

Green Hedges, Chesham Road, Wigginton, Tring, Hertfordshire, HP23 6HH



ILLUSTRATIVE FRONT ELEVATION

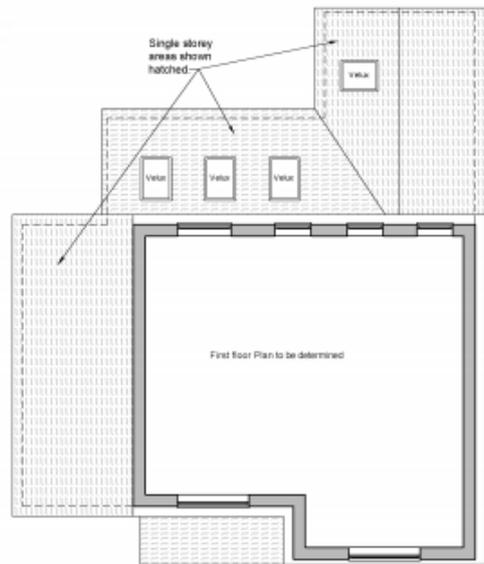
Scale 1:100



Footprint 124sq m
GF Gross Internal Ground Floor Area 109.25 sqm

ILLUSTRATIVE GROUND FLOOR PLAN

Scale 1:100



GF Gross Internal First Floor Area 58.5 sqm

FIRST FLOOR AREA

Scale 1:100

ITEM NUMBER: 5b

20/00076/OUT	Replacement Dwelling (To replace the existing single-storey bungalow with a 2-storey dwelling)	
Site Address:	Green Hedges Chesham Road Wigginton Tring Hertfordshire HP23 6HH	
Applicant/Agent:	Mr Mitchell	
Case Officer:	Robert Freeman	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:		

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The replacement of the existing dwellings in the village of Wigginton is acceptable in accordance with Policy CS6 of the Core Strategy.

2.2 The replacement dwelling would be appropriate in scale and size in accordance with Policies CS6 and CS12 of the Core Strategy.

2.3 The proposed dwelling would utilise the existing access and parking arrangements for the site and would not involve a significant intensification in its use. As such the proposals are also considered to be acceptable in accordance with Policy CS8 and CS12 of the Core Strategy and Saved Policies 51 and 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011

3. SITE DESCRIPTION

3.1 The application site is located on the western side of Chesham Road and to the south of Wigginton Community shop and playground. It is one of a number of dwellings forming a ribbon development between the core of Wigginton village and the more remote Wigginton Bottom.

3.2 The application site is located within the Green Belt and Chilterns Area of Outstanding Beauty (AONB)

3.3 The application site comprises a modest bungalow and its garden. This is at odds with the predominantly two storey semi-detached units in the immediate context of the application site.

4. PROPOSAL

4.1 The proposal seeks outline planning permission for the demolition of the existing property and the construction of a larger dwelling upon the application site.

4.2 The matters for determination are those of scale and the means of access to the property. The appearance, layout and landscaping are reserved for future consideration.

4.3 The proposal would provide a two storey dwelling and increase the floor area of the property by around 130% of its current size. A parameter plan is included within the submitted documents, ASD2019-023 Plan 002 Revision A, illustrating the nature of the proposals.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements:

Area of Outstanding Natural Beauty: CAONB outside Dacorum

CIL Zone: CIL1

Former Land Use (Risk Zone): Former Coal Yard, Valpy Close, Wigginton

Former Land Use (Risk Zone): Former Sewage Filter Bed, Osbourne Way, Wigginton

Former Land Use (Risk Zone): Infilled Pond, Wigginton Bottom, Wigginton

Green Belt: Policy: CS5

Parish: Wigginton CP

RAF Halton and Chenies Zone: Red (10.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

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

CS5 – Green Belt

CS6 – Selected Villages in the Green Belt

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 – The Chilterns Area of Outstanding Natural Beauty

CS25 – Landscape Character

CS28 – Carbon Emissions Reductions

CS29 - Sustainable Design and Construction

CS31 – Water Management

CS32 – Air, Soil and Water Quality

CS35 – Infrastructure and Developer Contributions

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Chilterns Building Design Guide
Energy Efficiency and Conservation
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)
Water Conservation

9. CONSIDERATIONS

Principle of Development

9.1 The site is located within the Green Belt where in accordance with Policies CS5 and CS6 of the Core Strategy the replacement and extension of existing dwellings would be acceptable providing that the replacement building would not be disproportionate in size to the current dwelling, nor result in significant harm to the character and appearance of the Green Belt.

Scale

9.2 There would be no objection to the replacement of the bungalow with a two storey property. This would be more in keeping with the two storey properties within the locality and would not result in any significant harm to the visual amenities of the area in accordance with Policy CS11 and CS12 of the Core Strategy.

9.3 The proposals would increase the floor area of the proposed dwelling to a maximum of 130% of the existing dwelling. This is not considered disproportionate given the site context and surroundings. The property itself is dwarfed by a number of larger properties within the street including both two storey neighbouring properties. Furthermore the dwelling would be located on a large plot of land and would have a substantial rear garden/amenity area given the size of the proposed unit.

Impact on the Chilterns Area of Outstanding Natural Beauty

9.4 The proposals are subject to reserved matters applications at which design matters will be considered in greater detail to ensure that the property is in keeping with the AONB. The proposals in respect of the outline matters are not considered to detract from the landscape quality and natural beauty of the AONB in accordance with Policies CS24 and CS25 of the Core Strategy.

Impact on Residential Amenity

9.5 The parameter plan supplied with the application indicates height zones in which two storey built form and single storey built form may be considered. This has been revised to take account of the impact of development upon neighbouring units, particularly Glenthorpe, which has a number of windows within its flank elevation. The proposed property has been moved forward upon the plot and the extent of two storey development has been limited through this process.

9.6 Glenthorpe has two windows at ground floor level (a hall and bathroom) facing the application site. A further window is located within the first floor of the flank elevation providing light to a bedroom area. The proposed dwelling has been brought forward on the plot to mitigate the impact upon all these rooms. The parameter plan provided with the proposals indicates that the two storey extension would be sited forward of these windows and well away from the boundary. As a consequence any loss of light or sunlight is likely to be insignificant, notwithstanding a change in topography between the sites.

9.7 The impact on the amenities of Firth are negligible given the juxtaposition between the proposed dwelling and its neighbour. The two storey building would not breach a 45 degree angle to the main windows to habitable rooms within this property in accordance with the advice in Saved Appendix 3 of the Local Plan 1991-2011.

Impact on Highway Safety and Parking

9.8 The proposed dwelling would utilise the existing access onto Chesham Road and would not result in any significant intensification in the use of this access. As such it is not considered to be detrimental to matters of highways safety. There is sufficient space within the curtilage of the property to park and manoeuvre in accordance with Saved Appendix 5 of the Local Plan 1991-2011.

Conditions

9.9 Further details on the appearance, layout and landscaping of the proposals will be secured by planning condition. The details requirements of each matter are set out in further conditions, including the need to provide details of any tree protection and site levels. It is acknowledged that the change in topography between the site and its surroundings makes it important that such level information is provided in advance of the commencement of development upon the application site.

10. CONCLUSION

10.1 The proposals are considered to be appropriate development in this sensitive location in the Chilterns AONB and Green Belt. A larger residential property will contribute to the vitality of the village of Wigginton and can be accommodated without harm to the appearance of the area or neighbouring property.

11. RECOMMENDATION

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

1) **The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990 (As Amended).

2) **Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3) **No development shall take place until details of the appearance of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.**

Details of appearance shall cover:

- **architecture**
- **the materials to be used in the external appearance of the development**

- colour and texture of materials
- decoration or detailing of architecture and
- lighting

Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual 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 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:

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- 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.);
- site levels, finished floor levels and ridge level in relation to both existing and proposed site levels and neighbouring land
- service routes including means of sustainable drainage and
- retained historic landscape features and proposals for restoration, where relevant.

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

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) Prior to the demolition (or any roof works) of any of the existing buildings on site, bat survey(s) shall be undertaken by a qualified professional to establish the presence or absence of bats in the internal roof space and submitted to and approved in writing by the Local Planning Authority. Should bats be found, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policies CS26 and CS29 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

6) 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 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).

7) No development shall take place until details of surface water drainage works 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) provide 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) include a timetable for its implementation; and,**
- (c) provide, 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.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 165 of the National Planning Policy Framework (2019).

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 Policy Framework (2019).

9) The development shall be carried out in accordance with the following approved plans:

ASD 2019 - 023 – 02 Revision A (Site Plan and Elevations)

Reason: For the avoidance of doubt

Informatives:

1. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
2. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 18:30 on Monday to Saturday, no works are permitted at any time on Sundays or bank holidays.
3. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Wigginton Parish Council	<p>We have considered the amended plans for the scheme and the Parish Council, taking into consideration the concerns and objections of neighbouring properties, resolved to object to this planning application. Loss of light, privacy and dominance were quoted</p>
Environmental And Community Protection (DBC)	<p>No objection on noise or air quality grounds.</p> <p>I would suggest including the informative below for construction noise / dust etc having regard to likely duration of build.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p>
Hertfordshire Highways (HCC)	<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>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</p>

excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

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

COMMENTS

This outline application is for: Replacement Dwelling (To replace the existing single-storey bungalow with a 2-storey dwelling)

ACCESS

There are existing vehicular and pedestrian accesses on Chesham Road, which will be maintained

No new or altered vehicular or pedestrian access to the highway is required and no works are proposed in the highway.

Chesham Road is an unnumbered classified C road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

PARKING

The three existing off road parking spaces will be retained for the proposed property.

	<p>CONCLUSION</p> <p>HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above</p>
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	2	0	2	0

Neighbour Responses

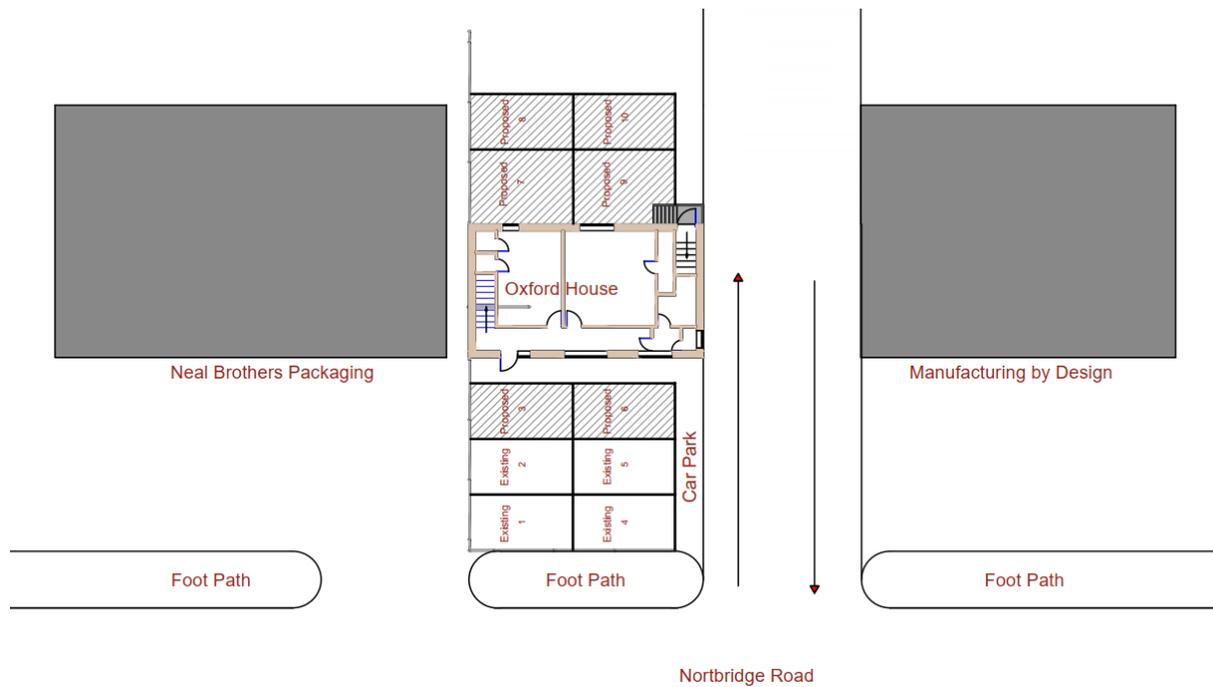
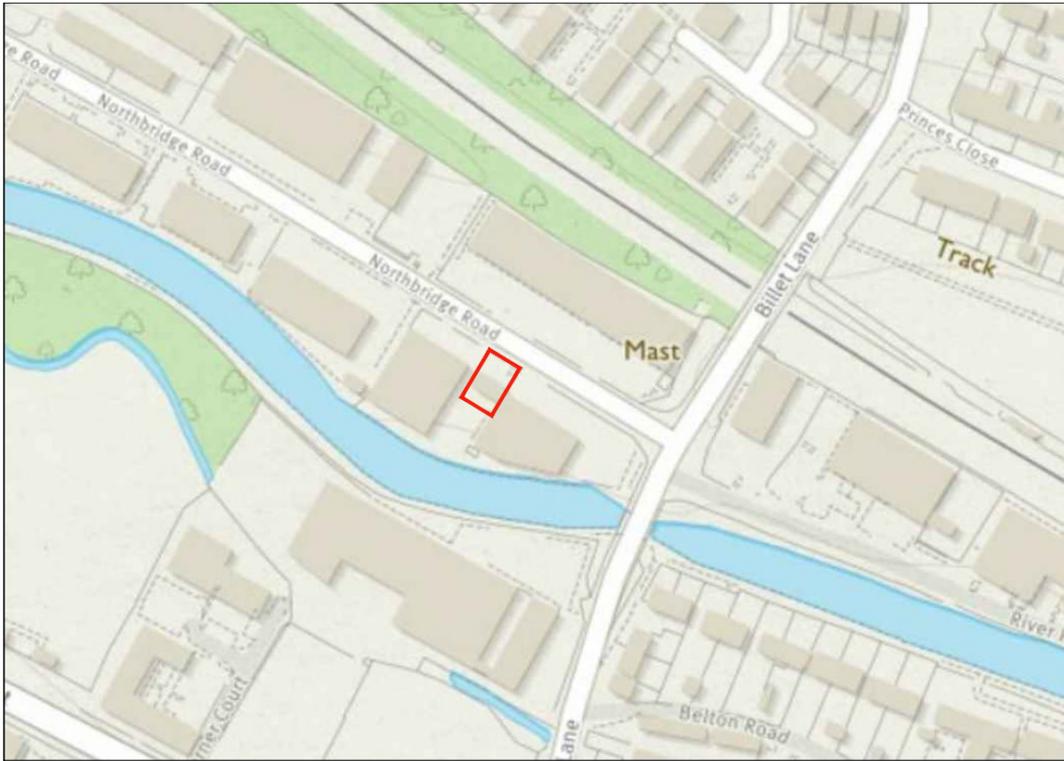
Address	Comments
Frith Chesham Road Wigginton Tring Hertfordshire HP23 6HH	At present this is a bungalow with an eave height of 2.4m it is set back for the back of Frith House by 3.8m The proposed plans would see the height raised to 5.4m which would block all sunlight from the back of Frith House until approx 14:30 hours and a good amount of daylight all day
Glenthorpe Chesham Road Wigginton Tring Hertfordshire HP23 6HH	<p>We are the owner/occupiers of the adjoining property at Glenthorpe, and we strongly object to the proposal on the following grounds:</p> <ol style="list-style-type: none"> 1. The houses on Chesham Road at this point are on a hill, and the ground level at Green Hedges is significantly higher than our property. There does not appear to be a street elevation submitted with the proposal from which to gauge a comparison of the respective levels and heights. 2. The proposed house is somewhat taller than the existing bungalow. There does not appear to be a comparison 'overlay' in the submitted documents, but the proposed property appears to be in excess of 2 metres taller than the existing. No proposed levels or heights are stated on the proposed drawings 3. We have a number of windows on the side elevation of our property which will be adversely affected by the proposal. The first floor window of our property is indicated on the 'proposed siting and access plan', but no survey has been carried out, so it is not possible to guarantee it's accuracy. 4. The Design & Access Statement states that 'amenities of neighbours will be respected by the 45deg rule. However, there is no consideration of rights to light, or application of the 25deg rule in relation to the windows on our side elevation - this appears to have been ignored. 5. Applying the 25deg rule to our side elevation in accordance with the BRE Site Layout and Planning for Daylight and Sunlight : A Guide to Good Practice (2011), we believe that the proposal exceeds the guidance.

	<p>6. From our first floor window, the existing bungalow roof is approximately 6 metres away, and around 1 metre higher. Whilst the proposed side wall of the new property is set back, the new pitched roof will be much closer, at about 3 metres from the window extending up some 4 - 5 metres higher.</p> <p>7. We feel that the LPA should refuse the application on the grounds that it is un-neighbourly, it adversely impacts on primary windows serving habitable rooms to our property, creating loss of light.</p> <p>8. We invite the case officer to view the proposal from our property, to see the negative impact that the increased height will have on our rooms to the side of the house.</p>
--	---

Item 5c 4/01642/19/FUL

Addition of two-storey extension to existing office building.

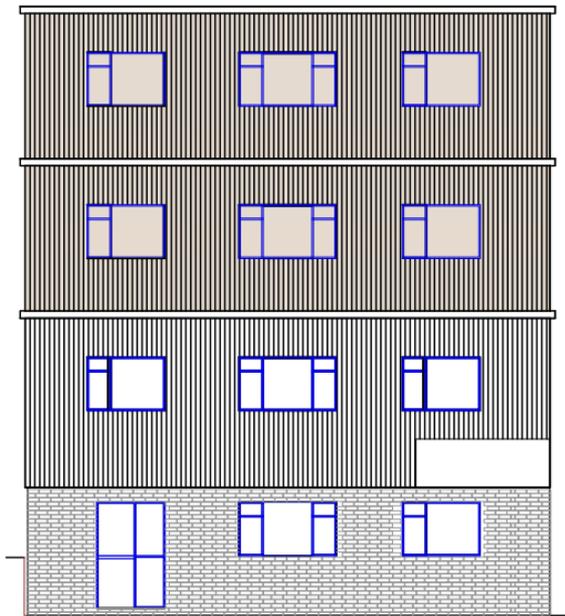
Oxford House, Northbridge Road, Berkhamsted, HP4 1EH



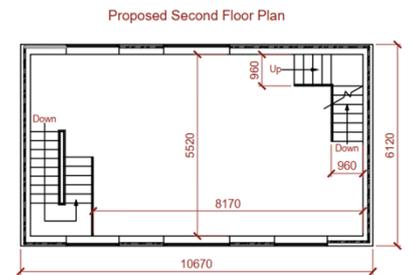
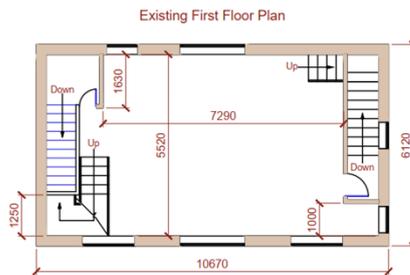
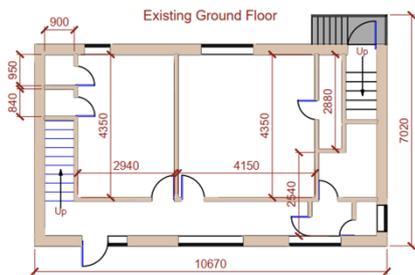
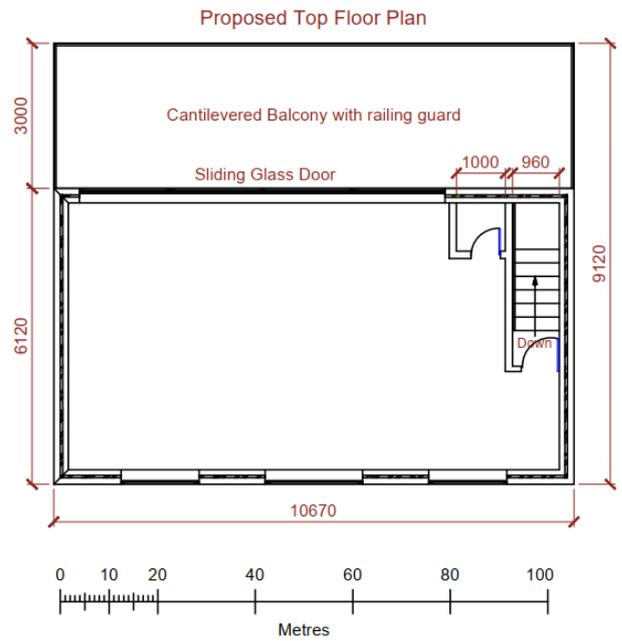
Item 5c 4/01642/19/FUL

Addition of two-storey extension to existing office building.

Oxford House, Northbridge Road, Berkhamsted, HP4 1EH



Proposed Building Front Elevation
Oxford House



ITEM NUMBER: 5c

4/01642/19/FUL	Addition of two-storey extension to existing office building.	
Site Address:	Oxford House Northbridge Road Berkhamsted HP4 1EH	
Applicant/Agent:	Mr Modha (Agent)	
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Due to the contrary view of Berkhamsted Town Council.	

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The proposed development for the upward extension to provide two additional levels of office space is acceptable in the Northbridge Road General Employment Area. The layout, design and scale of the proposed extension will not have a detrimental effect upon the visual amenity of the surrounding area, nor will it impact negatively upon parking or highway safety. The proposal complies with Core Strategy (2013) Policies CS1, CS4, CS8, CS12, CS14 and CS15, Saved Appendix 5 of the Local Plan (2004) and the NPPF (2019).

3. SITE DESCRIPTION

3.1 The application site is located on the southwest side of Northbridge Road in Berkhamsted. The site comprises a two storey office block. The surrounding area is comprised of commercial buildings.

4. PROPOSAL

4.1 The application seeks full planning permission for a two-storey upward extension to the existing office building.

5. PLANNING HISTORY

Planning Applications (If Any):

4/00825/12/FUL - Alterations to forecourt to provide additional Parking.
GRA - 25th June 2012

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Area of Archaeological Significance: 21
Article 4 Direction (to protect employment areas from change of use to residential)
British Waterways (25m Buffer): GU(N): 25m buffer
Canal Buffer Zone: Minor
CIL Zone: CIL1
Former Land Use (Risk Zone): Former Gasworks, Billet Lane, Berkhamsted
Former Land Use (Risk Zone): Former Warehouse, Belton Road, Berkhamsted
Former Land Use (Risk Zone): Former Works, Gossoms End, Berkhamsted
General Employment Area: Northbridge Road, Berkhamsted
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

RAF Halton and Chenies Zone: Yellow (45.7m)
Railway (100m Buffer): Railway: 100m buffer
EA Source Protection Zone: 2
EA Source Protection Zone: 3
Town: Berkhamsted

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
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS14 - Economic Development
CS15 - Offices, Research, Industry, Storage and Distribution
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
Quality of Design / Impact on Visual Amenity
Impact on Residential Amenity
Impact on Highway Safety and Parking.

Principle of Development

9.2 The application site is located in the market town of Berkhamsted on Northbridge Road Industrial Estate, a designated General Employment Area (GEA). In the market towns and GEAs appropriate

employment generating development is encouraged, in accordance with Core Strategy (2013) Policies CS1, CS4, CS14 and CS15.

Quality of Design / Impact on Visual Amenity

9.3 Core Strategy Policy CS12 states that development should respect the typical density in the area and integrate with the streetscape character. Chapter 12 of the National Planning Policy Framework (NPPF) (2019) seeks to achieve well-designed places and emphasises the importance of good design in context. In particular, Paragraph 130 states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.

9.4 The proposal comprises upward extension to provide two additional levels of office accommodation. The extension would be finished in materials to match the existing building, including facing brickwork and cladding. Concerns were raised regarding the impact of the increase in height and the addition of the balcony on the visual amenity of the canal scene. The applicant subsequently omitted the balcony from the plans. In terms of the increase in height, whilst the development would be visible, it would be set back from the edge of the canal by approximately 28m. The adjoining commercial buildings, and many of the other buildings along Northbrdige Road, are situated closer to (within 5m of) the edge of the canal. Therefore, on balance it is not considered that the proposed upward extension would have a significant effect on the visual amenity of the canal scene.

9.5 The resulting building would be higher than both adjoining buildings, however bearing in mind the above mentioned NPPF guidance that encourages making effective use of land, including upward extension, there is no fundamental objection to the increase in height. The surrounding area comprises a variety of building heights, architectural styles and material finish. There are no prevailing architectural features, however the surrounding area is commercial in character. The majority of buildings are two storeys high, however there are examples of three storey buildings.

9.6 Taking the above into account it is considered that the proposed development will not have a detrimental impact upon the character and appearance of the surrounding area. The proposal complies with Core Strategy (2013) CS12 in that regard.

Impact on Residential Amenity

9.7 Policy CS12 of the Core Strategy and the NPPF seek to protect the residential amenity of surrounding residential units.

9.8 There are no residential properties in the vicinity. One of the occupants of the adjoining commercial buildings has raised concerns regarding disruption during building works, parking and loss of light. The concerns of the objector are acknowledged, however the above-referenced policies are specifically to protect living conditions. The proposed upward extension would be visible from the surrounding commercial units and, with respect to the southeast facing windows on Aviation House, may cause some overshadowing in the morning, however there would be no significant loss of daylight or sunlight due to the orientation of the building. It is not considered that a low level of overshadowing to a commercial unit warrants refusal. Parking is discussed below.

9.9 The proposal complies with Policy CS12 and the NPPF with regards to residential amenity.

Impact on Highway Safety and Parking

9.10 The current parking policy is provided in Saved Appendix 5 of the Local Plan (2004), which states that the maximum parking requirement for B1 uses is 1 space per 30 square metres of floor

area. This maximum level can be adjusted according to the accessibility zone. The site resides within Zone 4 according to Dacorum's Accessibility Zones for the Application of Car Parking Standards SPG (2002) wherein 75%-100% of the maximum should be provided.

9.11 The total floor area as a result of the development would be 240 square metres. The parking requirement is therefore in the range of 6-8 spaces. In accordance with the submitted information, the proposed development would provide 10 off-street car parking spaces. However it is clear that these could not be achieved without tandem parking. Notwithstanding the above, the parking requirement is 6-8 spaces, 5 of which could be comfortably achieved within the site without the need for tandem parking. Whilst tandem parking is not ideal, it is not considered reasonable that the application is refused on the grounds of having tandem parking spaces. It is considered that the development will not have a significant impact upon local parking provision. There are no changes proposed to the existing vehicle access points. It is therefore not considered that there will be a severe impact upon highway safety. The proposal complies with Core Strategy Policy CS8 and Saved Appendix 5 of the Local Plan in terms of parking, access and highway safety.

Other Material Planning Considerations

None

Response to Consultations

9.12 Berkhamsted Town Council raised concerns that DBC's website marked that the application had been determined. This was a technical error on the website. The application had not been determined and Berkhamsted Town Council's comments have been taken into consideration.

Community Infrastructure Levy (CIL)

9.13 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 as there would be no additional residential floor space.

10. CONCLUSION

10.1 The proposed upward extension to provide two additional levels of office space is considered to be acceptable in terms of its visual impact, impact on residential amenity and parking/highway safety. The proposal complies with Core Strategy (2013) Policies CS1, CS4, CS8, CS12, CS14 and CS15, Saved Appendix 5 of the Local Plan (2004) and the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission/listed building consent be GRANTED

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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).

3. **The development hereby permitted shall not be brought into use until the arrangements for vehicle parking shown on Drawing No. 1553-GA-012 A have been provided, and they shall not be used thereafter otherwise than for the purposes approved. Permanent arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, in accordance with Core Strategy (2013) Policy CS12.

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

**1553-GA-007 D (Site Plan)
 1553-GA-012 A (Car Parking Layout)
 1553-GA-001 D (Proposed Building Extension - Plans & Elevations) - Annotated 'E 15/04/20 JP Balcony removed'
 1553-GA-003 B (Existing and Proposed Building Elevations with Neighbours) - Annotated 'C 15/04/20 JP Balcony removed'
 1553-GA-008 B (Map plan with surroundings)**

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	No comment
Archaeology Unit (HCC)	Please note that we have no comments to make on the above application.
Berkhamsted Town Council	<p>Objection</p> <p>The proposals would result in loss of amenity to neighbouring property through overlooking and overshadowing; the bulk and mass of the building would be out of keeping with the street scene. There would also be inadequate parking provision. It was further noted that DBC's planning portal has marked that application as determined although there is no decision notice. The Committee is very disappointed that</p>

	<p>having previously alerted DBC to inadequate drawings (now rectified) it would appear that DBC has not given the Town Council a chance to comment on the full set of drawings before reaching its decision.</p> <p>CS12; Appendix 3 (i) and (iv).</p>
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	2	0	2	0

Neighbour Responses

Address	Comments
<p>Aviation House Northbridge Road Berkhamsted HP4 1EH</p>	<p>I cant see how this extension can be completed whilst maintenance constant access via the shared access road to our main loading bay.(which is in constant use) Also can not see a plan view confirming the overall footprint remains untouched and how parking spaces are to be increased from 5 to 10 - I cant see how this is possible? Light would also be very restricted into our main office windows</p> <p>Further comments:</p> <p>I recently received a correspondence from you regarding my neighbours at Oxford house, when the original application went in I left my comments on the web site for all to see - these comments still stand on the full application - the main objection is to light to my main office and how the shared access will remain open at all times.</p> <p>I would appreciate acknowledgment of this e mail - and if you are planning to visit site please let me know so I can show you the issues.</p>
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>I write on behalf of the BCA Townscape Group, of which I am Chairman. The Group continues to object to this proposal as it considers it too tall, and thus would impinge on the canal-scape. The design is pitiful; and the suggestion of the introduction of a curved roof does not redeem it. It is furthermore disingenuous to suggest that the parking provision, which relies too heavily on parking provision on neighbouring sites, is adequate. The applicant should rethink both design and facilities on site.</p>

Item 5d 4/02276/19/FUL

Install six parking bays on amenity green

Amenity Green Opp. 132 Gadebridge Road, Hemel Hempstead, HP1 3EP



ITEM NUMBER: 5d

4/02276/19/FUL	Install six parking bays on amenity green	
Site Address:	Amenity Green Opp. 132 Gadebridge Road Hemel Hempstead HP1 3EP	
Applicant/Agent:	Dacorum Borough Council (Ms Martinez)	
Case Officer:	Heather Edey	
Parish/Ward:	No Parish	Gadebridge
Referral to Committee:	Council Scheme	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The principle of residential development is acceptable within the residential area of Hemel Hempstead. The proposed development is considered to be acceptable in terms of its impact on visual amenity, given that it would not be considered to detract from the character and appearance of the streetscene. Given the scale and nature of the proposed works, it is not considered that there would be any adverse impacts on the residential amenity of neighbouring properties. The proposal is considered to provide safe and sufficient off-street parking provision and would not be considered to give rise to any highway or pedestrian safety concerns. No trees would be removed or detrimentally impacted in order to facilitate the development. Given all of the above, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework (2019); Policies CS4, CS8, CS11, CS12 and CS13 of the Core Strategy (2006-2031); and Saved Policies 57-58, 99 and Saved Appendices 3, 5 and 7 of the Dacorum Borough Local Plan (1999-2011).

3. SITE DESCRIPTION

3.1 The application site comprises a strip of amenity green, located opposite properties 128-132 Gadebridge Road and adjacent to Galley Hill Primary School.

4. PROPOSAL

4.1 Planning permission is sought to install six new car parking spaces on the existing amenity green.

5. PLANNING HISTORY

Planning Applications (If Any):

Appeals (If Any):

6. CONSTRAINTS

15.2m Air Dir Limit
Community Infrastructure Levy - Zone 3
Residential Character Areas
SSSI Impact Risk Zones

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
CS4 - The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

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)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity;
The impact on highway safety and car parking; and
The impact on trees.

Principle of Development

9.2 The application site is located within an established residential area of Hemel Hempstead, whereby residential development is acceptable in accordance with Policy CS4 of the Dacorum Borough Core Strategy (2013).

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11, CS12 and CS13 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development contributes to the quality of the public realm, through avoiding large areas

dominated by car parking, preserving attractive streetscapes, avoiding disturbance to surrounding properties and retaining important trees, or replacing them with suitable species where their loss is justified.

9.4 The site falls within the HCA6: Gadebridge Character Area Appraisal, whereby the loss of amenity land to development is not normally permitted. It does however go on to list exceptions to this, stating that there may be opportunities for the conversion of parts of these areas to communal car parking, provided the character and appearance of the area is not unduly harmed through its visual impact.

9.5 Though the proposed development would involve the installation of six new parking spaces, a large area of public open amenity space would be retained in front of properties 134, 136 and 138 Gadebridge Road. In light of this, it is considered that the character and appearance of the streetscape would largely be maintained, and that the proposed new parking bays would not result in the creation of an area overly dominated by car parking.

9.6 In addition to the above, it is not considered that the proposed works would cause significant disturbance to properties along Gadebridge Road, and it is noted that no trees would be removed or adversely impacted in order to facilitate the development.

9.7 In light of everything considered above, it is not considered that the proposed development would have a detrimental impact on the visual amenity of the streetscene. As such, the proposal accords with Policies CS4, CS11, CS12 and CS13 of the Dacorum Borough Core Strategy (2013) and the HCA6: Gadebridge Character Area Appraisal (2004).

Impact on Residential Amenity

9.8 The NPPF (2019) outlines the importance of securing high standards of amenity for existing and future occupiers of land and buildings. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area.

9.9 Given the scale and nature of the proposed works, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Equally, it is not considered that the proposal would give rise to any concerns relating to noise or disturbance, given the layout of the six parking spaces and noting their close proximity to the highway.

9.10 No neighbour objections have been received in regards to the proposals impact on the residential amenity of neighbouring properties. In light of everything considered above, the proposal is considered to be acceptable in terms of its impact on residential amenity, according with Saved Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

Impact on Highway Safety and Parking

9.11 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policies 57- 58 of the Dacorum Borough Local Plan (2004) all seek to ensure that new development provides safe, sufficient and convenient parking provision in line with parking standards. Furthermore, Saved Appendix 5 of the Dacorum Borough Local Plan (2004) outlines specific guidance for the construction of new parking spaces, noting that they should measure a minimum of 2.4m wide and 4.8m deep, providing a minimum gap of 6m between rows of spaces, to facilitate safe and sufficient manoeuvrability.

9.12 The application originally sought consent for the installation of six car parking spaces, measuring 2.8m wide and 4.7m deep, with the two end spaces backing directly onto the public footpath that extends between the site and properties 128-132 Gadebridge Road. Given that the proposed parking spaces would fail to comply with the dimensions set out under Saved Appendix 5, concerns were raised with regards to the functionality of the proposed spaces. In addition to this, queries were also raised with regards to the two end spaces, with concerns questioning whether these spaces would allow safe and sufficient access to and from the highway, and whether sufficient measures would be implemented to protect the safety of pedestrians using the public footpath.

9.13 In response to the above, the proposal has been amended, with the proposed parking spaces now measuring 2.8m wide and 5m deep, and comprising a gap of 6m between the proposed rows of spaces to facilitate safe and sufficient manoeuvrability. Furthermore, swept path diagrams have been submitted in support of the application, evidencing that cars would be able to safely access the proposed spaces and exit onto the highway in a forward gear. In light of these amendments, it is considered that the six proposed car parking spaces would be functional.

9.14 It has also been confirmed that there would be a distinct change in levels between the two end car parking spaces, with 'the proposed car parking area being contained within a PCC kerb with 125mm upstand' (see Email Correspondence dated 18/02/2020). This element of the proposal is considered sufficient to differentiate the parking area from the existing public footpath, ensuring that the public footpath remains safe for pedestrian use.

9.15 Hertfordshire County Council were consulted on the application as the Highways Authority, and raised no objection to the proposed works, noting that they would not consider the proposal to have a severe residual impact on pedestrian safety or on the safety and operation of the adjoining highway. They have however requested that a condition be attached to the formal planning consent, requiring the new parking area to be surfaced in porous paving, tarmacadam or a similar durable bound material and for arrangements to be made to ensure that surface water does not discharge onto the highway. Given that a 2m³ soakaway would be contained within the parking area boundary to prevent surface water discharging onto the highway, it is not considered reasonable or necessary to attach this condition to the formal planning consent.

9.16 The proposed development would result in the loss of two on-street parking spaces. Given that these spaces would be replaced, and noting that four additional parking spaces would be introduced to the area, it is considered that there would be a significant net gain in parking spaces, with the proposal significantly improving the existing parking arrangements and relieving parking stress in the area.

9.17 Given the above assessment, it is not considered that the proposal would have a detrimental impact on highway or pedestrian safety. The proposal is also considered to be beneficial, given that it would create a net gain in parking and would significantly improve existing parking arrangements in the area. In light of this, the proposal complies with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Policies 57- 58 and Saved Appendix 5 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

Other Material Planning Considerations

Impact on Trees and Landscaping

9.18 The NPPF (2019), Saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Core Strategy (2013) all seek to ensure that important trees are retained and preserved or replaced if their loss is justified.

9.19 No trees would be removed in order to facilitate the development. Furthermore, prior to the submission of the application, the DBC Trees and Woodlands Officer was consulted, confirming that the proposed works would not adversely impact on the root protection area of any nearby trees.

9.20 Taking all of the above into account, the proposal is considered to be acceptable in terms of its impact on trees, according with Saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Core Strategy (2013) and the relevant sections of the NPPF (2019).

Response to Neighbour Comments

9.21 One neighbour has raised a number of objections to the proposal. Firstly, they have raised concerns that the introduction of parking spaces in this area would give rise to pedestrian safety hazards, noting that the area is regularly used by local children.

9.22 Given the scale of the existing amenity green and noting that it borders the highway, questions are raised as to the suitability of the site for use by local children. Though it is noted that the introduction of a new parking area would increase the provision of cars accessing the site, it is considered that sufficient measures would be put in place, (i.e. by way of the difference in levels between the site, retained amenity green and public footpath), to ensure that the surrounding area would remain safe for pedestrian use. It is also noted that the Highways Authority were consulted in this regard and raised no objection to the scheme.

9.23 The neighbour raised an additional objection to the proposal on the grounds that the benefits of the retention of the amenity green, (i.e. noting its public usage and ecological benefits), would outweigh the requirement and need for new parking in the area.

9.24 The current application follows a detailed two year process, (i.e. 'The Verge Hardening Project'), in which areas facing extreme parking stress within the Borough were identified, with the aim of considering the feasibility and cost effectiveness of introducing new parking schemes.

9.25 Gadebridge Road currently faces significant parking pressures, with residents typically parking on the street. Though it is noted that there would be some disadvantages to the loss of amenity space, a significant portion of public amenity space would be retained for local residents following the construction of the development, with existing trees being retained. Taking the above into account, and noting that the proposed development would help to alleviate existing on-street parking pressures, the benefits of the introduction of new parking to the area are considered to be sufficient to outweigh the disadvantages of the development.

Community Infrastructure Levy (CIL)

9.26 Policy CS35 of the Core Strategy (2013) 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 1st July 2015. The application is not CIL liable.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The principle of residential development is acceptable within the residential area of Hemel Hempstead. The proposed development is considered to be acceptable in terms of its impact on visual amenity, given that it would not be considered to detract from the character and appearance of the streetscene. Given the scale and nature of the proposed works, it is not considered that there would be any adverse impacts on the residential amenity of neighbouring properties. The proposal is

considered to provide safe and sufficient off-street parking provision and would not be considered to give rise to any highway or pedestrian safety concerns. No trees would be removed or detrimentally impacted in order to facilitate the development. Given all of the above, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework (2019); Policies CS4, CS8, CS11, CS12 and CS13 of the Core Strategy (2006-2031); and Saved Policies 57-58, 99 and Saved Appendices 3, 5 and 7 of the Dacorum Borough Local Plan (1999-2011).

11. RECOMMENDATION

11.1 That planning permission be granted.

Condition(s) and Reason(s):

- 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.

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

Vehicle Tracking - Sheet 1 of 1
 Email Correspondence (dated 18/02/2020)
 DBC/019/010 Rev *
 HST/500/004

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

Informatives:

- 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.

APPENDIX A: CONSULTEE RESPONSES

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

1. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.

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

COMMENTS

This application is for Installation of six parking bays on amenity green, opposite 132 Gadebridge Road.

ANALYSIS

The application is submitted by Dacorum Council, the LPA.

ACCESS/PARKING

The application site is surrounded by residential properties and while the proposed additional parking spaces will remove a current off street parking space, it will provide 6 additional off-street parking spaces. Gadebridge Road is an unclassified local access road with a 30mph speed limit.

CONCLUSION

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

Trees and Woodlands	No formal comments received.
---------------------	------------------------------

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	1	0	1	0

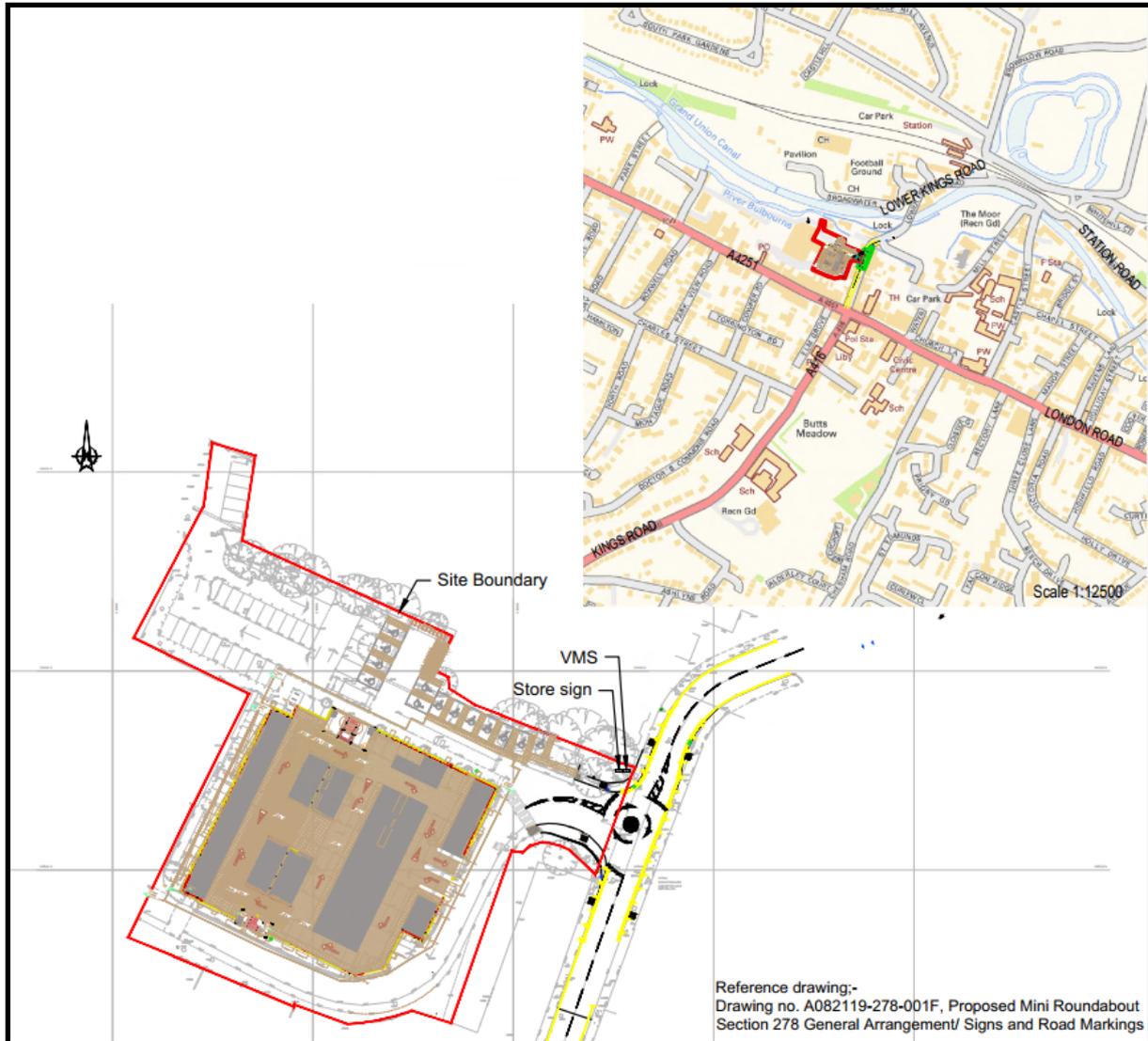
Neighbour Responses

Address	Comments
134 Gadebridge Road Hemel Hempstead HP1 3EP	The installation of 6 parking spaces on the green outside 132 Gadebridge is an unnecessary action, having lived at a property in very close proximity to the green for over 14 years and despite living in a household with 2 cars it is rare not to be able to find on street parking in the close vicinity to my property. Installing the proposed parking spaces will not only significantly reduce green space that local children use to play on, both those that live in close proximity to the green but also children who go to Gade Valley school who often play on the green after school but it will also prove to be a significant health and safety risk with cars driving onto the green in an area where children play, locals walk their dogs and those who live in the houses nearby walk to access their properties, it will pose significant risk to members of the public whilst providing very little benefit as there is not currently a problem with parking for residents. The introduction of the parking spaces will also be a threat to local wildlife and domestic animals who use the green and it does little to promote a more ecological approach to transport. Whilst I fully appreciate the councils attempts to make things better for local residents the council are seeking to solve a problem that simply does not significantly exist by tearing up green land and putting at risk members of the public and particularly children by allowing cars to be driven on to the green where children play. Evidence of children playing can be seen by the fact that 2 swings have been erected from the large tree on the green and are used on a daily basis by multiple children. I wholeheartedly object to this planning application on the grounds of public safety, that it is unnecessary and it reduces valuable green space used for amongst other things children's play.

Item 5e 20/00317/ADV

Installation of two totem advertisement signs.

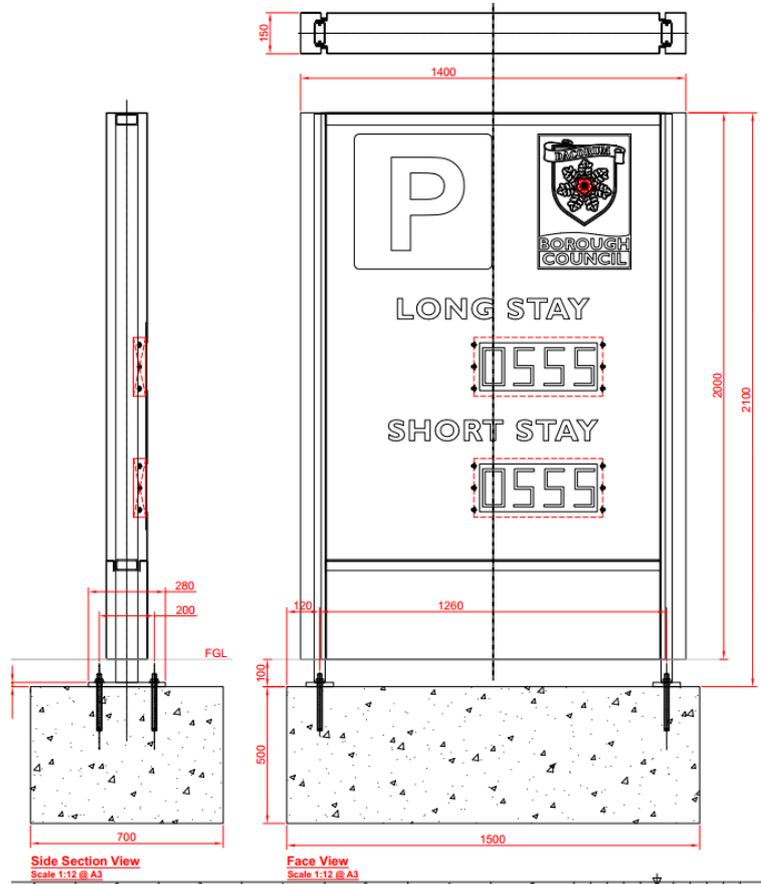
Car Park Lower Kings Road, Berkhamsted, Hertfordshire, HP4 2AJ



Item 5e 20/00317/ADV

Installation of two totem advertisement signs.

Car Park Lower Kings Road, Berkhamsted, Hertfordshire, HP4 2AJ



SBPDIS4x

Dupline® Carpark Display



ITEM NUMBER: 5e

20/00317/ADV	Installation of two totem advertisement signs.	
Site Address:	Car Park Lower Kings Road Berkhamsted Hertfordshire HP4 2AJ	
Applicant/Agent:	Dacorum Borough Council	
Case Officer:	Fiona Bogle	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	DBC Application	

1. RECOMMENDATION

1.1 That advertisement Consent be **GRANTED.**

2. SUMMARY

2.1 The application is recommended for approval.

2.2 The proposed totem style signs would not have a detrimental impact on the visual amenity of the street scene and the wider Berkhamsted Conservation Area, nor would it have a detrimental effect on nearby listed buildings. The signs would not impact on highway safety. Accordingly, the proposal accords with policies CS11 and CS12 of the Core Strategy (2013), saved policy 120 of the Local Plan (1991), the NPPF (2013) and the Supplementary Guidance for Advertisements (2004).

3. Site Description

3.1 The site comprises the public car park off Lower Kings Road within Berkhamsted Town Centre and the Berkhamsted Conservation Area. The car park is bounded to the south by the rear of High Street properties of varying heights, to the east by shops and residences on Lower Kings Road, again of varying scale, to the north by flats adjacent to the River Bulbourne and to the west by the Waitrose store and car park. There are trees either side of the Lower Kings Road entrance including a TPO Indian Bean tree. All of the High Street buildings to the south are grade II listed buildings. There are also listed buildings opposite the access to the car park on Lower Kings Road.

4. Background

4.1 Planning permission was granted, following referral to the Secretary of State, on 22nd December 2016 for a multi storey car park. Construction of the car park is now under way. The planning permission was subject to a number of conditions, many of which have been discharged. Approval was granted on 3rd of January 2019 for a non-material amendment to the 2016 permission for minor internal alterations and the reduction in the total number of car parking spaces from 312 to 298, largely to accommodate wider parking spaces (2.5m) than the standard originally approved. A further non-material amendment was granted on 10th March 2020 (20/00287/NMA) to accommodate an electricity substation, installed under permitted development, involving the loss of one external disabled car parking space.

5. Proposal

5.1 This proposal is for advertisement consent for the siting of two totem signs at the Lower Kings Road entrance to the site.

5.2 The proposal includes the relocation of the existing Waitrose store sign, which is an internally illuminated totem advert measuring 5m (h) and 1.39m (w) and the erection of an additional totem sign measuring 2m (h) and 1.4m (w) at 0.6m above ground level for the carpark with part digital display providing information about occupancy levels of the car park.

5.3 The two signs will be located alongside one another set back from the position of the existing Waitrose sign to allow sufficient space for highway works associated with the 2016 planning permission.

5.4 The new Car Park totem sign will be designed to the following specification:

- mild steel inner frame
- 16mm thick base plates
- 5mm shaped gusset plates
- 2.5mm aluminium face tray panels
- 1.2mm brushed stainless steel lower face panels
- 1.2mm brushed stainless steel side cladding covers
- 3mm clear polycarbonate panel fitted behind display cut-out windows
- 2-off Dupline SBPDIS4x car park display units fixed to 2.5mm THK aluminium folded Z section rails onto inner main frame
- concrete mass base, M16 stud fixings
- sign colours – “Dacorum Green”
- cladding to be PPC satin
- all face graphics to be applied in 3M long life vinyl

6. Referral to Committee

6.1 The application is referred to the Development Control Committee as the applicant is Dacorum Borough Council.

7. Policies

7.1 National Policy Guidance

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

7.2 Adopted Core Strategy

NP1 - Supporting Development
CS12 - Quality of Site Design

7.3 Saved Policies of the Dacorum Borough Local Plan

Policy 112 - Advertisements
Policy 120 - Development in Conservation Areas

7.4 Advice Notes and Appraisals

Conservation Area Character Appraisal for Berkhamsted.

8. CONSTRAINTS

Parking Accessibility Zone (DBLP): 2

Area of Archaeological Significance: 21

EA BankTop EPlanning Tool: Banktop 20m Buffer

Canal Buffer Zone: Major

Canal Buffer Zone: Minor

CIL Zone: CIL1

Conservation Area: BERKHAMSTED

Former Land Use (Risk Zone): Former Printing Works, Cavalier Court, Berkhamsted

Former Land Use (Risk Zone): Former Brewery, High Street, Berkhamsted

Former Land Use (Risk Zone): Former Waterworks, High Street, Berkhamsted

Former Land Use (Risk Zone): Former Joinery Works, Berkley Court, Berkhamsted

Former Land Use (Risk Zone): Former Corn Mill, Mill Street, Berkhamsted

Former Land Use (Risk Zone): Former Gasholder, Mill Street, Berkhamsted

Former Land Use (Risk Zone): Former Smithy, Mill Street, Berkhamsted

Former Land Use (Risk Zone): Former Gasworks, Water Lane, Berkhamsted

Former Land Use (Risk Zone): Former Abbatoir, High Street, Berkhamsted

Former Land Use (Risk Zone): Former Timber Yard, Mill Street, Berkhamsted

Former Land Use (Risk Zone): Former Clothing Factory, St Johns Well Lane, Berko

Former Land Use (Risk Zone): Former Swan Brewery, High Street, Berkhamsted

Former Land Use (Risk Zone): Former Coal Yard & Sidings, Berkhamsted Station

Former Land Use (Risk Zone): Former Garage, Greenes Court, Berkhamsted

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Yellow (45.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

EA Source Protection Zone: 2

EA Source Protection Zone: 3

EA Source Protection Zone: 1

Town: Berkhamsted

T1 Indian Bean Tree

9. Representations

Consultation responses

9.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

9.2 These are reproduced in full at Appendix B.

10. Considerations

10.1 In consideration of proposals for advertisement consent only the impact on highways safety and on visual amenity are of relevance. Assessment of the proposals against these two aspects are taken in turn.

1. The impact on highway safety

10.2 Saved Policy 56 of the Dacorum Local Plan states that advertisement displays must be appropriate to the site location and should not distract highway users.

10.3 The signs are to be located further back from the site access and footway than the existing Waitrose sign, thus having less of an impact on the highway and public safety than the existing sign. Hertfordshire County Council as Highway Authority have been consulted and have raised no objection to the proposal, concluding that the proposal would not result in such an impact on the public highway to warrant refusal. The signs are acceptable to the Highway Authority. A condition is suggested with regard to illumination.

2. The impact on the visual amenity of the area

10.4 In consideration of the proposal on the visual amenity of the area it is necessary to consider such in the context of its setting within the Conservation Area, the impact on the character and appearance of the listed buildings, the street scene and amenity of neighbouring properties.

10.5 Saved policy 112 of the Local Plan (1991) and Supplementary Planning Guidance for Advertisements (2004) states that advertisements should be sympathetic in size, appearance, design and position to the site on which it is displayed and saved Policy 120 (Development in Conservation Areas) requires a high standard of advertisement design.

10.6 The proposed siting of the signs will also have less of a visual impact on the street scene and nearby listed buildings than the existing Waitrose sign by virtue of the fact that they are set further from the site access and footway. In terms of design and appearance the Waitrose sign is exactly as the current sign, thus the relocated sign would not be unduly prominent and will not detract from the amenity and character of the surrounding area as well as having a lesser impact on the highway and public safety.

10.7 The new car park sign is considered to be sympathetic in size, appearance, design and position on site and will be smaller than the relocated Waitrose sign. It would not be unduly prominent being set back from the footpath and road. It is not considered that the sign would detract from the amenity and character of the surrounding area. The only illuminated aspect of the sign will be the occupancy counters that will change when occupancy levels of the car park changes. The degree of this illuminance will not detract from the amenity of the area nor prejudice public safety.

10.8 The materials to be used are in keeping with the surrounding conservation area. The background colour is described as "Dacorum Green". This colour will be used for the whole sign excluding the digital display, symbols and logos.

10.9 The Conservation Officer has requested that there be a reduction in the general signage clutter. These points have been put to the applicant, however in terms of impact on amenity,

the proposed signs in themselves are not considered to unduly impact on visual amenity, nor the character of the conservation area. The Conservation Officer has also suggested some landscaping around the base of the signs and the planting of some ground plants has been supported by the Trees and Woodlands Officer. This request has been put to the applicant and is recommended as a condition of the consent.

10.10 An Arboricultural Impact Assessment, prepared by TMA has been submitted in support of the application. This report confirms that some minor tree pruning may be necessary to the southern lower crown of T41 (ash) in order to install the new signs. The extent of pruning required is minimal and can be achieved without detriment to the health, structure or appearance of this tree. The pruning works will have an insignificant impact on local amenity. The report was prepared on the basis that the TPO tree would be removed. An application to remove the tree had been submitted but subsequently withdrawn as the plans have been amended to accommodate the retention of the tree.

10.11 Protective fencing will protect the boundary trees during construction/installation.

10.12 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 of the Core Strategy (2013) seeks to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space.

10.13 Accordingly, it is considered the signs would not harm the living conditions of surrounding units, nor would adversely affect the character of the conservation area.

10.14 Overall, it is considered that the proposed advertisement signs would not harm the character and appearance of the listed buildings, surrounding street scene and conservation area. As such, the proposal accords with policies CS11 and CS12 of the Core Strategy (2013), saved policy 120 of the Local Plan (1991), the NPPF (2018) and the Supplementary Guidance for Advertisements (2004).

11. Conclusions

11.1 To conclude, both signs respect the amenity of the local area and do not propose a danger to public safety. In this regard, the application for advertisement consent is considered acceptable.

12. Recommendation - that Advertisement Consent is **GRANTED** subject to the following conditions:

Conditions:

- 1. This consent is granted for a period of five years commencing on the date of this notice.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. **(a) Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**
- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**
- (c) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**
- (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- (e) No advertisement shall be sited or displayed so as to: (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; coupled with the requirements of Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 132 of the National Planning Policy Framework (2019).

3. **Prior to the first use of the development hereby permitted the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Engineers in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

4. **The signs shall not be installed until a soft landscaping plan that includes number, size, species and position of ground, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority.**

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 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 work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**
- o **A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).**
 - o **The sequential order of events required for tree protection.**
 - o **The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).**
 - o **The position and specification of ground protection in accordance with BS5837:2012 (as applicable).**
 - o **Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable).**
 - o **Details of proposed levels.**
 - o **The position of service routes and drainage (to include soakaways), and means of installation if these encroach through the RPA of retained trees.**
 - o **The position(s) of welfare site cabins and areas for the storage of materials.**
 - o **Tree protection measures during the landscaping stage(s).**
 - o **Details of arboricultural site supervision to include timing and how each site visit shall be recorded.**

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

The works must then be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

6. **Notwithstanding the details contained in the Arboricultural Impact assessment Report tma Feb 2020 paras. 6.2 and 7.1 the TPO Indian Bean Tree (T43) shall be retained and protected during the installation works.**

Reason: For the avoidance of doubt.

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

**7025-01
A082119 - LGL 003 REV A**

**A082119 -006 REV B
 SBPDIS4x - DUPLINE CAR PARK DISPLAY
 PHOTOS/MEASUREMENTS OF EXISTING Waitrose sign
 Arboricultural Impact Assessment Report - tma Feb 2020**

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Amended Plans No objection</p> <p>Note one sign is to show unoccupied Car Park spaces Proximity to Waitrose sign may confuse.</p> <p>Original Plans No Objection</p> <p>Approval solely for the two totem signs with confirmation sought from the Planning Officer that the bean tree will remain.</p>
HCC 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 subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Prior to the first use of the development hereby permitted the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Engineers in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>COMMENTS:</p> <p>This application is for: Installation of two totem advertisement signs.</p> <p>ANALYSIS</p> <p>This application is to install replacement totem sign and an illuminated sign showing number of spaces available at the entrance to the car park, which is on Lower Kings Road an Unnumbered "C" Classified</p>

	<p>Road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 3 years.</p> <p>CONCLUSION</p> <p>The proposal is not considered to result in severe residual impact on the public highway and is acceptable to the Highway Authority, subject to the conditions above</p>
<p>Trees and Woodlands</p>	<p>Given the area would appear to need to be dug up it would be advantageous to put down grass seed or some bushes to landscape and hide the base of the totums. Ground covering plants may be better than grass, which would need regular mowing.</p> <p>It would be advantageous to kill the ivy from the trees and remove it at a later date as it appears to have almost fully taken over the trees and could cause problems later. Given the proximity of the totums to the ivy it may start to impact on the signs.</p> <p>Killing ivy is very tricky to complete without further damaging nearby vegetation, including trees. Ivy can be managed through the severing of stems at ground level at set time periods. However, in reality this will only occur following routine cyclical site inspections or public enquiry.</p> <p>Severing stems kills off most growth at a higher level, but will leave dead growth to fall at a later time when it loses structural integrity. It is not possible to actually remove ivy growth from within tree canopies without incurring high cost and probable canopy damage.</p>
<p>Conservation Officer</p>	<p>The area of land in question is somewhat underutilised at present. There is currently some signage including direction signs and footpath signs and trees.</p> <p>In principle we would not object to the proposed sign or the relocation of the other sign. However as the sign would impact on the immediate area we would recommend the following to enhance the conservation area.</p> <p>1 Reduce the signage clutter of the additional footpath and finger signs by combining them onto the black fingerpost and remove the other detrimental post. This will allow the footpath sign to remain visible as the proposed new totum sign would obscure it from view. The accumulation of parking signs opposite on the wall and on posts should also be reduced to leave 1 sign perhaps that on the wall with the bins stating car park.</p>

	<p>2 Given the area would appear to need to be dug up it would be advantageous to put down grass seed or some bushes to landscape and hide the base of the totums.</p> <p>3 It would be advantageous to kill the ivy from the trees and remove it at a later date as it appears to have almost fully taken over the trees and could cause problems later. Given the proximity of the totums to the ivy it may start to impact on the signs.</p> <p>Recommendation We would not object to the proposals however it would be beneficial to consider the above points to provide an enhancement to the conservation area to balance against any harm caused with the introduction of additional signage.</p>
--	---

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	2	2	0	0

Neighbour Responses

Address	Comments
3 Chalet Close Berkhamsted Hertfordshire HP4 3NR	<p>It appears that the siting if the electronic signage is visible only to cars coming from the high St. Those coming from the station end of LKR will turn in before they see a "full":sign. There is no where to turn so they are faced with driving round the narrow service road (3 point turn involved);driving through Waitrose, or driving in and out of the MSCP.</p> <p>Similarly those coming from the High St seeing a "full" sign need directing to the back entrance to the Water Lane car park, where there is potential for increased traffic/ congestion at the very narrow entry to Mill Street .</p> <p>I don't suppose this is now possible, but practically and environmentally signage would be better on the High street and either on LKR towards the station or on the opposite side of the entrance so that it can be seen by traffic coming from the direction of the station</p>
Stonycroft 9 Shrublands Road Berkhamsted	I write on behalf of the Berkhamsted Citizens Association Townscape Group, of which I am Chairman. The Group does not object to the proposal, but considers it inadequate. It notes that the sign giving

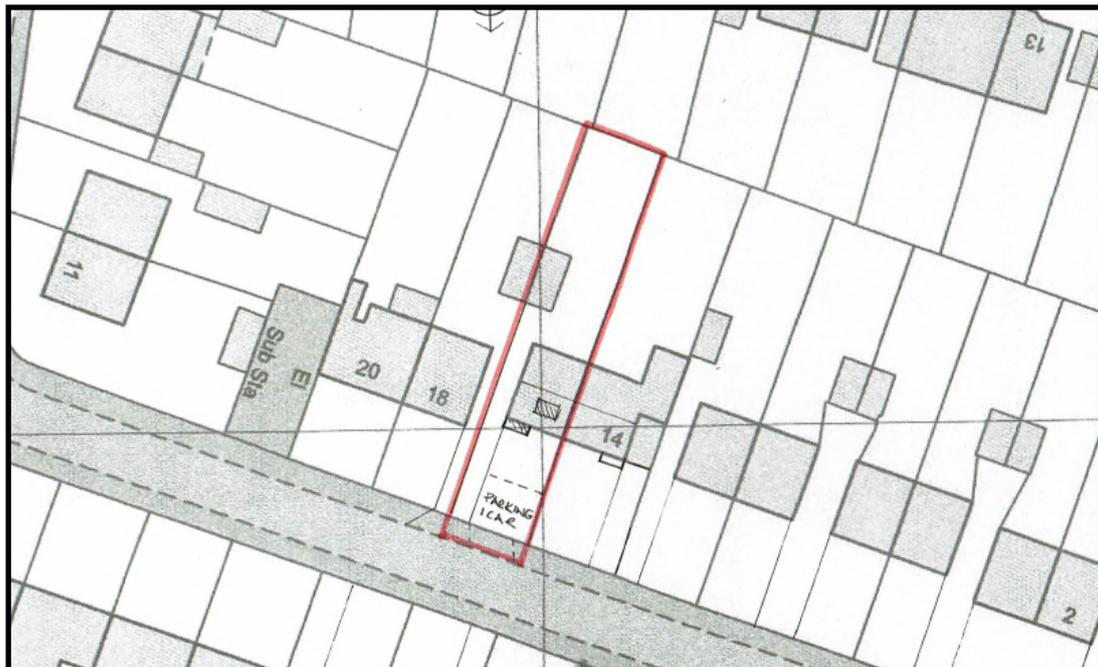
Hertfordshire HP4 3HY	information about availability in the MSCP can only be seen by traffic approaching from the main traffic lights. Traffic coming from the other direction will not be able to see the sign until it has already turned into the access road, when it is too late to change direction. Where will that traffic go to turn around? The mini roundabout is too restricted to accommodate that manoeuvre. The group suggests an additional sign is erected on the other side (beside Here) of the entrance road.
--------------------------	---

Agenda Item 5f

Item 5f 20/00304/FHA

Two storey front extension, front facing dormer window, off street parking and enlarged vehicle crossing (Dropped curb)

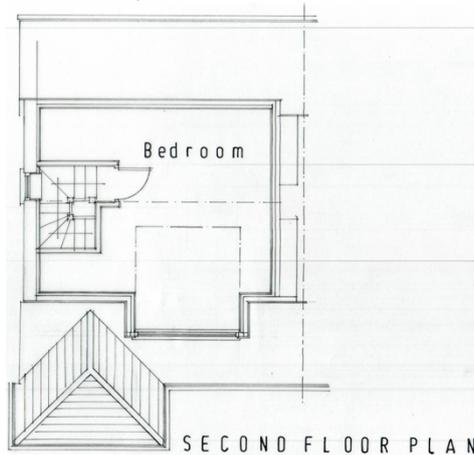
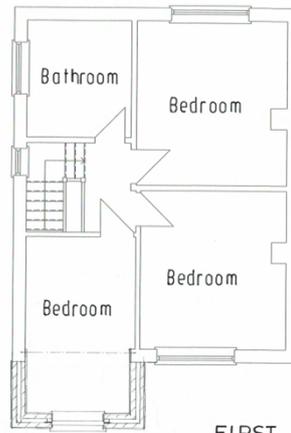
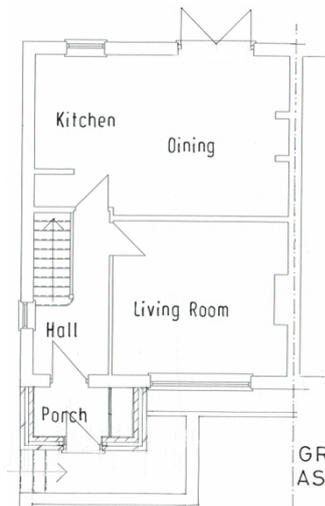
16 Egerton Road, Berkhamsted, Hertfordshire, HP4 1DT



Item 5f 20/00304/FHA

Two storey front extension, front facing dormer window, off street parking and enlarged vehicle crossing (Dropped curb)

16 Egerton Road, Berkhamsted, Hertfordshire, HP4 1DT



ITEM NUMBER: 5f

20/00304/FHA	Two storey front extension, front facing dormer window, off street parking and enlarged vehicle crossing (Dropped curb)	
Site Address:	16 Egerton Road Berkhamsted Hertfordshire HP4 1DT	
Applicant/Agent:	Mr Pugh	
Case Officer:	Briony Curtain	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary views of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be granted

2. SUMMARY

2.1 The site is located within the town of Berkhamsted wherein residential extensions are acceptable in accordance with Policy CS4. Egerton Road and the surrounding streets are varied in their character with many properties having been extended and altered. Several surrounding properties including the other half of the semi-detached pair already feature two storey front extensions and whilst fewer, there are also existing examples of front facing dormers, most notably to No. 13 almost immediately opposite. The property already boasts a vehicle crossover which provides access to a garage to the rear of the dwelling but this is shared with the adjacent property. Widening the crossover would permit additional parking as well as easing access. The proposals are considered to successfully integrate into the street scene and would not adversely affect the residential amenities of adjacent properties or highway safety.

3. SITE DESCRIPTION

3.1 The application site is located to the southern side of Egerton Road in Berkhamsted and comprises a semi-detached residential dwelling.

4. PROPOSAL

4.1 Planning permission is sought for the construction of a two storey front extension, front dormer and enlarged vehicle crossover.

5. PLANNING HISTORY

Planning Applications (If Any):

20/00303/LDP - Rear facing dormer window, side facing window and two front facing velux roof lights
GRA - 5th March 2020

Appeals (If Any):

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Area of Archaeological Significance: 21
CIL Zone: CIL1
Former Land Use (Risk Zone): Old Chalk Pit, Bridle Way, Berkhamsted

Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
EA Source Protection Zone: 2
EA Source Protection Zone: 3
Town: Berkhamsted

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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site is located within a residential area of the town of Berkhamsted wherein appropriate development is encouraged in accordance with Policy CS4 of the Core Strategy 2013. The proposal is therefore acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 The size, scale and design of the proposals are acceptable and would not harm the character or appearance of this part of the street scene.

9.4 Given there are numerous existing examples of two storey front extensions (No.10, 12, 13 and 14) front dormers (No 5, 13, 37, 22 and 9 Dellfield Avenue) and wide driveways with double crossovers in the street scene, the proposals would integrate well without appearing incongruous. Moreover the other half of the semi-detached pair; No. 14, already features a recently constructed two storey front extension, such that the two storey element of the proposal would re-balance and restore the symmetry of the front elevation which is welcomed.

9.5 Concern has been raised with regard to the visual amenity of the front dormer. It is acknowledged that No. 14 does not feature one so some degree of unbalancing will occur however there are existing examples in the immediate area and on one half only of similar semi-detached dwellings. It is concluded that a refusal could not be sustained.

9.6 The widening of the crossover, enlarged driveway and loss of the hedging and garden would not appear out of keeping. An area of front garden (soft landscaping) would remain immediately to the front of the building to avoid the parking area appearing overly dominant.

Impact on Residential Amenity

9.7 Given the orientation, layout and spacing between the properties and the modest front projection the extensions would not harm the residential amenities of adjacent or surrounding properties with regards to light, privacy or visual intrusion. No. 18 to the east is set away from the common boundary and set further forward than the application property which will minimise any adverse visual impact from the front facing windows.

9.8 No objections or concerns have been received from any neighbours.

Impact on Highway Safety and Parking

9.9 The extended crossover would ease access and facilitate additional off-street parking which is welcomed. There would be no adverse impact on the safety or operation of adjacent highways. Herts County Council do not raise any objection subject to the imposition of conditions and informatives. Given this is an existing dwelling with an existing access and garage, some of the conditions requested would not meet the necessary tests and as such have not been recommended for inclusion.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.10 The widened crossover does result in the loss of an existing hedge but this could be removed without the need for planning permission. Some soft landscaping will be retained to the front of the dwelling that will ensure an acceptable appearance to the development and many existing surrounding properties have undertaken similar works under permitted development. Given this it is not considered necessary or reasonable to condition landscaping details or require their retention.

Response to Neighbour Comments

9.11 None received.

Community Infrastructure Levy (CIL)

9.12 The proposal is not CIL liable.

10. RECOMMENDATION

10.1 That planning permission be granted.

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

Drawing No. 14 - proposed ground floor plan
Drawing No. 15 - proposed first floor plan
Drawing No. 16 - proposed roof plan
Drawing No. 17 - proposed side elevation
Drawing No. 18 - proposed front elevation
Drawing No. 19 - proposed side elevation
Drawing No. 20 - Location Plan
Drawing No. 21 - Block Plan

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 and approved plans.**

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. **Prior to the first use of the extended crossover hereby approved vehicular visibility splays of 2.4m x 34m and a pedestrian visibility splay of 0.65m x 0.65m shall be provided and permanently maintained each side of the access point, measured from the edge of the access way to the back of the footway, within which there shall be no obstruction to visibility between 600mm and 2.0m above the footway level.**

Reason: In the interests of the safety of persons using the access and users of the highway

5. **Prior to the first use of the extended crossover hereby approved arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In the interests of the safety of persons using the access and users of the highway

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. HIGHWAY INFORMATIVES:
 1. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>
 2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
 4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The Committee had no objection to the two-storey extension and dropped kerb but objected to the front facing dormer which is out of character with the street scene.</p> <p>CS12</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team 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>
Hertfordshire Highways (HCC)	<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 subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.</p> <p>2. The development shall not be brought into use until the new access has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.</p> <p>Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.</p> <p>3. Prior to first use, vehicular visibility splays of 2.4m x 34m shall be provided and permanently maintained each side of the access point, measured from the edge of the access way to the back of the footway, within which there shall be no obstruction to visibility between 600mm and 2.0m above the footway level.</p> <p>Reason: In the interests of the safety of persons using the access and users of the highway</p> <p>4. Pedestrian visibility</p> <p>Prior to first use a .65m x .65m visibility splay shall be provided and permanently maintained each side of the access point, measured from the edge of the access way to the back of the footway, within which</p>

there shall be no obstruction to visibility between 600mm and 2.0m above the footway level.

Reason: In the interests of the safety of persons using the access and users of the highway

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

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

6. Access -Gradient: The gradient of access shall not be steeper than 1.20 for the first 5 metres from the edge of the carriageway.

Reason. So that a vehicle is approximately level before being driven onto the carriageway and that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

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

INFORMATIVES

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

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

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

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

COMMENTS

The application is for Two storey front extension, front facing dormer window, off street parking and enlarged vehicle crossing (Dropped curb)

ACCESS

The existing vxo will need to be extended to allow access to the new parking space.

The site is at 16 Egerton Road which is an unclassified local access road, with a 30mph speed limit.

PARKING

The proposal includes construction of an additional off street parking space.

CONCLUSION

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

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

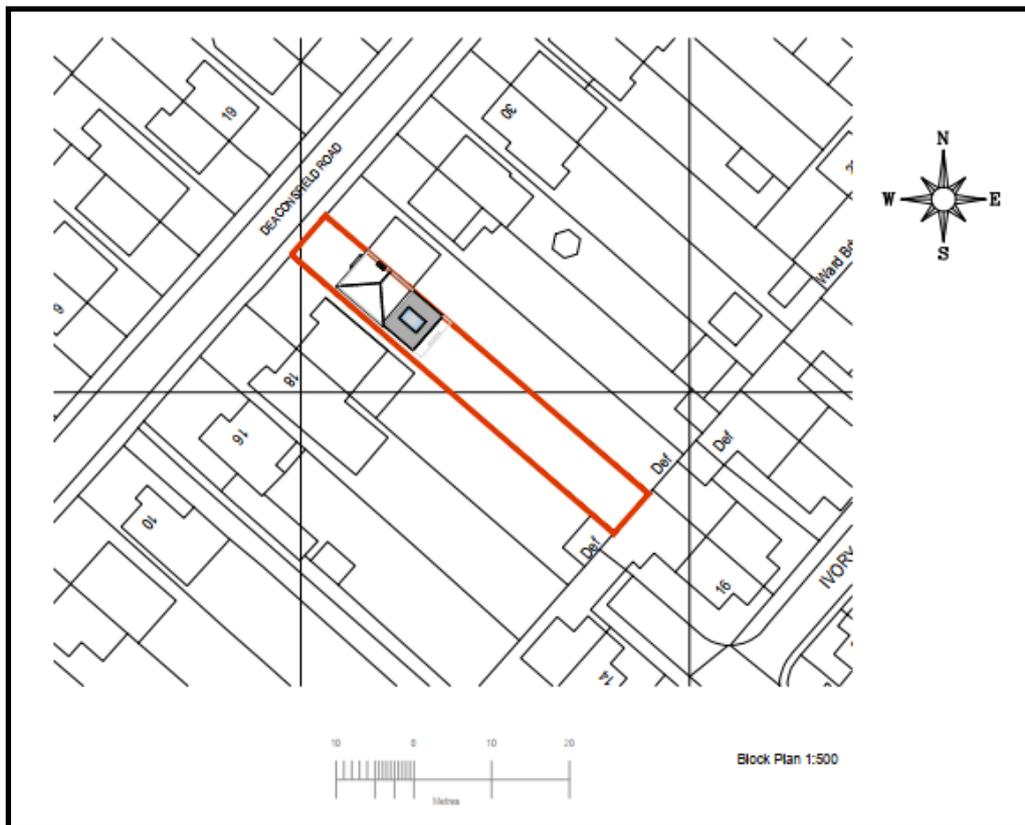
Neighbour Responses

Address	Comments
Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY	I write on behalf of the Berkhamsted Citizens Association Townscape Group, of which I am Chairman. The Group objects to the front facing dormer window element of the plan which will impinge unfavourably on the street scene. It suggests, at the very least, that the dormer be on a smaller scale.

Item 5g 20/00571/FHA

Single Storey Rear Extension

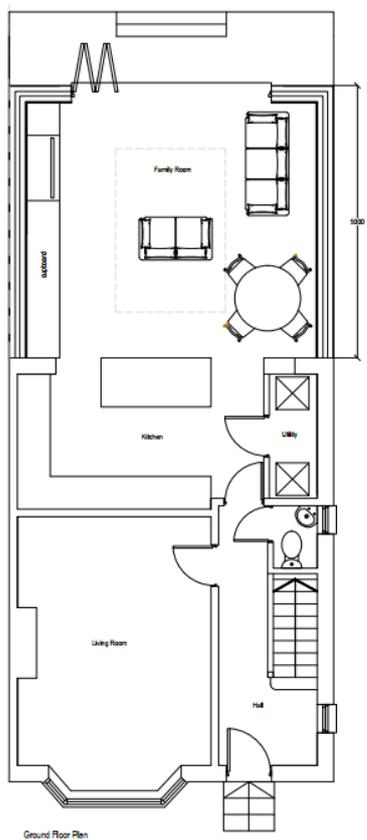
22 Deaconsfield Road, Hemel Hempstead, Hertfordshire, HP3 9HY



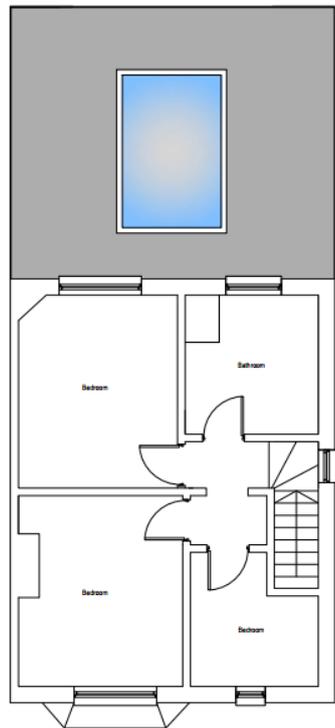
Item 5g 20/00571/FHA

Single Storey Rear Extension

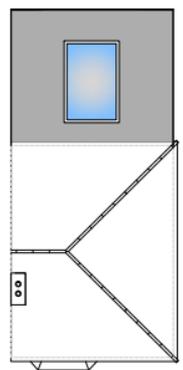
22 Deaconsfield Road, Hemel Hempstead, Hertfordshire, HP3 9HY



Ground Floor Plan



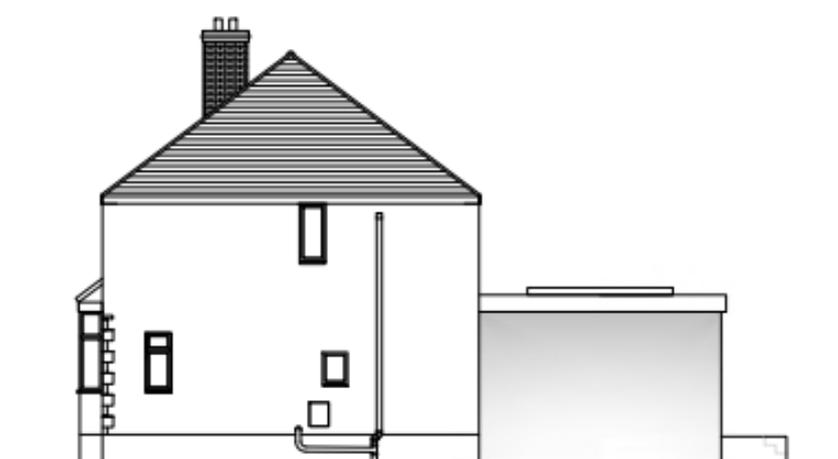
1st Floor Plan



Roof Plan



Rear Elevation



Side Elevation

ITEM NUMBER: 5g

20/00571/FHA	Single Storey Rear Extension	
Site Address:	22 Deaconsfield Road Hemel Hempstead Hertfordshire HP3 9HY	
Applicant/Agent:	Mr And Mrs Butler	
Case Officer:	Sally Robbins	
Parish/Ward:		Apsley And Corner Hall
Referral to Committee:	Applicant is a member of staff at the Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The site lies within a well-established residential area of the town of Hemel Hempstead wherein residential extensions are acceptable in accordance with Policy CS4. Deaconsfield Road and the surrounding streets are varied in their character with many properties having been extended and altered in a variety of ways over the years. Many surrounding properties including the adjacent property No. 20 already features single storey rear extensions and whilst not as deep, they are considered to have a similar overall impact to the 5m deep extension being proposed. The extension would not be visible from public vantage points so will successfully integrate into the street scene and would not adversely affect the residential amenities of adjacent properties or highway safety.

3. SITE DESCRIPTION

3.1 No. 22 is located to the south-eastern side of Deaconsfield Road in Apsley and comprises a semi-detached residential dwelling with associated parking and gardens.

4. PROPOSAL

4.1 Householder planning permission is sought for the construction of a single storey rear extension. Measuring 5m in depth by 3.5m in height the extension will comprise a flat roof with larger central skylight.

5. PLANNING HISTORY

Planning Applications (If Any): None

Appeals (If Any): None

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL3

Former Land Use (Risk Zone): Industrial Estate, Frogmore Road/Ebberns Road, HH

Former Land Use (Risk Zone): Garage, St Albans Hill, Hemel Hempstead

LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

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

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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within the town of Hemel Hempstead wherein residential extensions are encouraged in accordance with Policy CS4 of the Core Strategy 2013. Moreover a slightly lower 3m deep single storey rear extension could be constructed without the need for planning permission under Class A permitted development rights. Given no comments or objections have been received from neighbours it is also important to note that it is likely that a 6m deep rear extension (also slightly lower than proposed) could also have been constructed without the need for prior approval or planning permission under the Householder Prior Approval (HPA) process. This is a material consideration that should be afforded weight.

The extension is acceptable in principle subject to a detailed assessment of its impact.

Quality of Design / Impact on Visual Amenity

9.3 The size, scale and design of the extension is acceptable and would harmonise well with the parent property. It aligns with the southern side elevation of the existing dwelling and is located to

the rear, such that it would not be readily visible from public vantage points. There would be only very slight glimpses between No. 22 and 20 (given No. 20 is single storey and lower) but only from directly in front. Given it would not alter the character or appearance of Deaconsfield Road street scene, it would comply with Policy CS11 and CS12.

Impact on Residential Amenity

9.4 The extension would not cause significant harm to the residential amenities of surrounding properties with regard to light, privacy or visual intrusion.

9.5 To the south No. 20 Deaconsfield Road is a single storey bungalow, which is set back from and on slightly lower ground than the application site. No 20 already boasts a 4.5m deep rear extension, which given the set back of the original property means it would continue to extend further to the rear than the 5m deep extension currently proposed. Given the two rear extensions would sit parallel to each other, and that of No 20 would continue to extend further, the proposed extension would not be visible from any of the rear facing windows or doors of No. 20. It could not therefore appear dominant or intrusive. There are no windows proposed to the side of the proposed extension and as such there would be no loss of privacy or overlooking.

9.6 Consideration has been given to the fact that the proposed extension would extend directly in front of a side facing bedroom window of No. 20. Although this will cause some loss of light and be visible (particularly as it is on lower ground), the loss of light would not be significant enough to warrant a refusal and there is already limited aspect to this bedroom. The bedroom window is located in the original building of No 20 and was inserted when the rear extension was constructed (due to the loss of the rear facing window). The proposed extension would be sited directly in front of this window. However, whilst the extension would be higher at 3.5m, there is an existing 2m high fence directly in front of the window which already restricts light levels and reduces aspect. The extension would appear 1.5m higher than the fence but would be set 1m further away (2m from the window). Whilst light levels would be reduced to a habitable room, this is a bedroom which is principally used for sleeping and as such the appearance of a single storey extension would not appear unduly overbearing or significantly harm outlook. The main habitable rooms of No. 20 are served by windows to the front and rear elevations and the proposed extension would have no impact on these. Given the existing layouts there is a degree of overlooking to this bedroom window from the immediate garden area of the application property which would be lost as a result of the works. Privacy to that bedroom would therefore be improved.

9.7 In relation to the impact of the extension on the bedroom window of No.20 it is important to note that an extension in the same position but higher at 4m could be built without the need for planning permission provided the eaves were 3m (as it is within 2m of the boundary). It is considered that this would have a greater adverse impact in terms of light levels and aspect than the 3.5m flat roof extension currently proposed. A degree of open aspect would remain above the flat roof extension as currently proposed.

9.8 To the north the proposal would extend 5m further to the rear than the other half of the semi-detached dwelling; No. 24. As such the development would have an impact on this neighbour in terms of loss of sunlight. However, this is considered to be mainly limited to afternoon sunlight in the months of the year when the sun is lower in the sky. Therefore this harm is not so significant as to warrant refusal, especially as a 3m deep rear extension could be constructed without the need for planning permission. It is further noted that the rear gardens of this section of Deaconsfield Road are generous in their length, such that there would be sufficient garden beyond the flank wall of the proposed extension. This would ensure that the proposed development does not become overbearing on No.20, whilst ensuring no significant loss of daylight to their rear facing windows and doors. Finally, it is noted that no comments have been received from this neighbour. Consequently, the proposed extension (subject to it being slightly lower) would have been lawful through the householder prior approval procedures.

9.9 No objections have been received from neighbours and it is concluded that there would be no significant harm to the residential amenities of adjacent properties. The proposal complies with Policy CS12 in this regard.

Impact on Highway Safety and Parking

9.10 The proposal does not alter the parking or access arrangements nor does it introduce additional bedrooms. There would be no harm to the safety or operation of adjacent highways.

Other Material Planning Considerations

9.11 Contamination

There are potentially contaminative land uses in the wider area (garage and industrial estate) but given the distance of the application site from these sources and the fact the site is within an already built up residential street there are unlikely to be any issues in relation to land contamination and no conditions are required.

Response to Neighbour Comments

9.12 No comments or objections received.

Community Infrastructure Levy (CIL)

9.13 The proposed development would not be CIL liable.

10. RECOMMENDATION

10.1 That planning permission/listed building consent be granted.

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

DRG NO. 02

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

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

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).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	0	0	0	0

Neighbour Responses

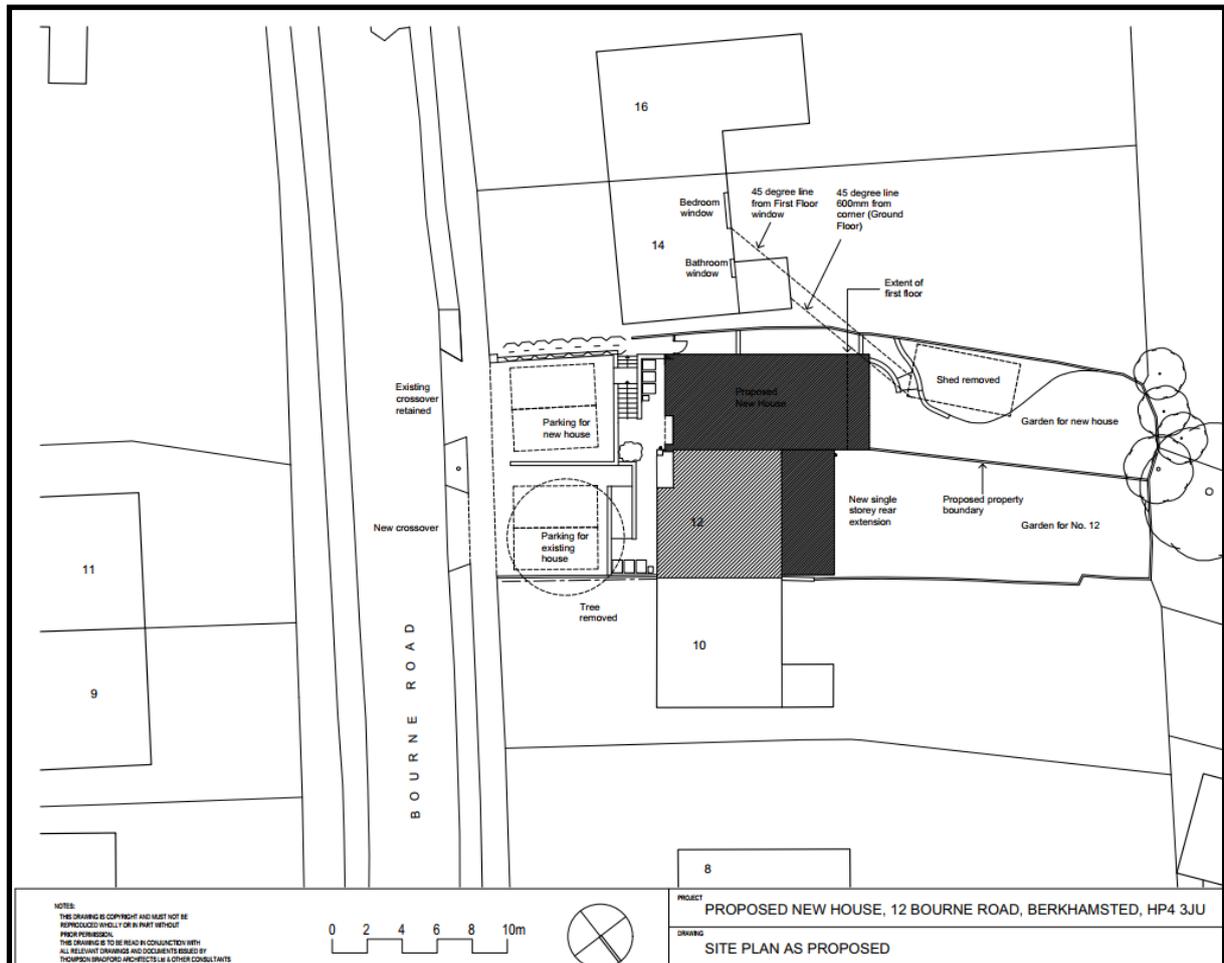
Address	Comments

Agenda Item 5h

Item 5h 20/00005/FUL

Construction of new two storey attached dwelling. Alterations to existing dwelling, single storey rear extension. Creation of new cross over to access new parking area for existing dwelling.

12 Bourne Road, Berkhamsted, Hertfordshire, HP4 3JU

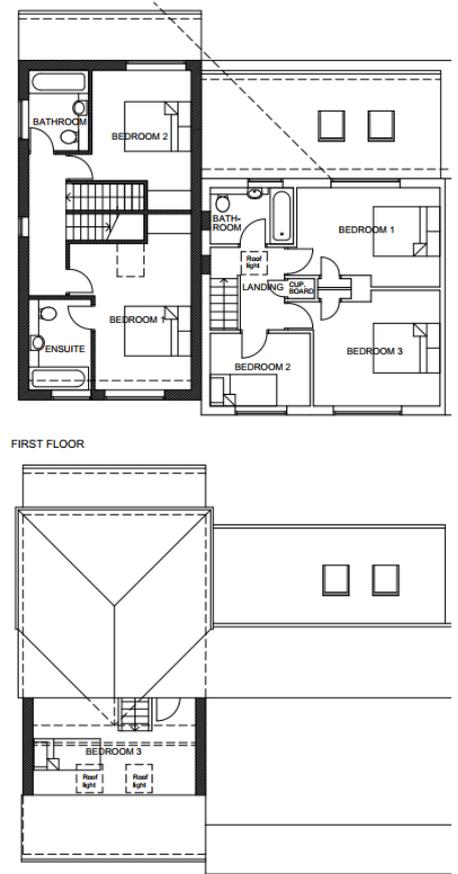
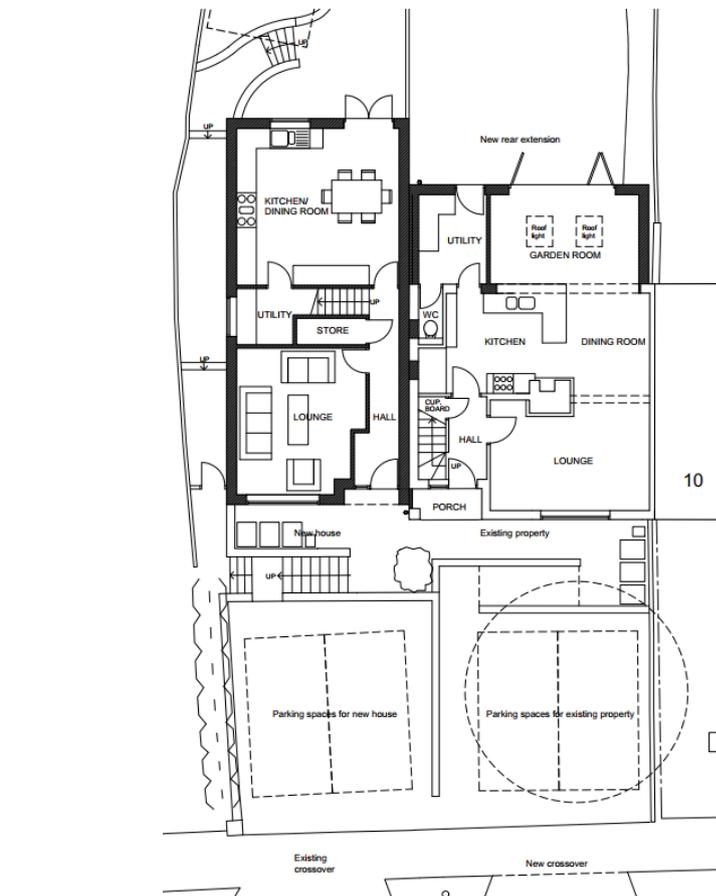
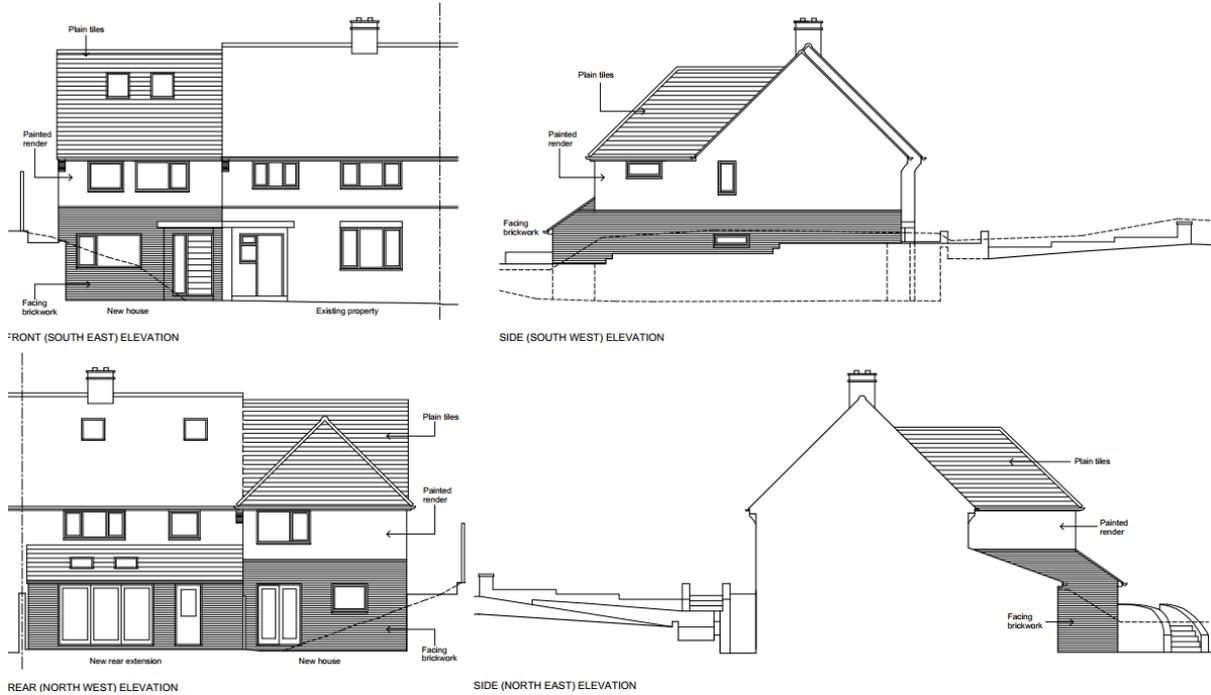


Item 5h

20/00005/FUL

Construction of new two storey attached dwelling. Alterations to existing dwelling, single storey rear extension. Creation of new cross over to access new parking area for existing dwelling.

12 Bourne Road, Berkhamsted, Hertfordshire, HP4 3JU



ITEM NUMBER: 5h

20/00005/FUL	Proposed development includes: Construction of new two storey attached dwelling. Alterations to existing dwelling, single storey rear extension. Creation of new cross over to access new parking area for existing dwelling.	
Site Address:	12 Bourne Road Berkhamsted Hertfordshire HP4 3JU	
Applicant/Agent:	Mr Thompson	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Due to contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of urban land, the proposal is in accordance with Policies CS1, CS4, CS17, CS18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).

3. SITE DESCRIPTION

- 3.1 The site is located on the northern side of Bourne Road within a designated residential area of Berkhamsted and BCA16: Durrants. The site comprises a two storey brick semi-detached dwelling set down from the road with off street parking on a raised area to the front of the site. There is an outbuilding to the rear of the dwelling which is to be demolished.
- 3.2 The area to the side of the existing dwelling is a steep slope which follows the slope of the road.

4. PROPOSAL

- 4.1 The proposed development includes:
- Construction of new attached dwelling;
 - Alterations to existing dwelling – single storey rear extension; and
 - Creation of new cross over to access new parking area for existing dwelling.
- 4.2 The application has been the subject of amended plans to address parking issues on site. The changes included:
- Reducing the number of bedrooms in No. 12 Bourne Road; and
 - Increasing the number of off street parking spaces to the front of the dwellings.
- 4.3 These changes were requested to ensure that adequate off street parking would be available for both the existing and proposed dwelling.
- 4.4 The consultation deadline for comments is 21.04.20. It is noted, however, that the original proposals received no comments from local residents and an objection from Berkhamsted Town Council relating to the new dwelling not being in keeping with the street scene.

Therefore, it is noted that the amended plans do not concern the points raised by the Town Council.

5. PLANNING HISTORY

Planning Applications:

4/02339/19/FUL - Construction of new attached dwelling, alterations to existing property including construction of single storey rear extension. Enlargement of existing parking bay in front Garden. *WDN - 13th January 2020 due to highways objections to the enlargement of the cross over and planning concerns regarding the design of the new dwelling.*

4/00374/02/FHA - Two storey side and rear extensions and off road parking area
GRA - 23rd July 2002 – the two-storey side and rear extensions were never built but the off road parking area is complete so the approval as a whole is still valid and implementable.

Appeals (If Any):

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

CIL Zone: CIL1

Former Land Use (Risk Zone): Infilled Pond, Combe Gardens, Berkhamsted

Former Land Use (Risk Zone): Old Chalk Pit, Durrants Lane, Berkhamsted

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

EA Source Protection Zone: 3

Town: Berkhamsted

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

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

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

Saved Policies of the Dacorum Borough Local Plan

Appendices 3, 7

Supplementary Planning Guidance/Documents:

Character Appraisal BCA:16 Durrants
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)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The quality of design and impact on visual amenity;
- The impact on residential amenity;
- Amenity Space; and
- The impact on highway safety and car parking.

Principle of Development

- 9.2 The National Planning Policy Framework (NPPF) states that “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.
- 9.3 Policy CS 18 states that new housing will provide a choice of homes which will comprise a range of housing types and sizes.
- 9.4 The application site is located within an urban area in the existing town of Berkhamsted. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.
- 9.5 The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy.
- 9.6 The Berkhamsted Character Appraisal for this area BCA16 Durrants sets out a number of development principles for the construction of new dwellings:

Design: No special requirements. Hipped roofs are encouraged where these predominate in the street scene. The proposed new dwelling has a hipped roof.

Type: Semi-detached dwellings are encouraged. Terraces and detached houses may be acceptable where the character and appearance of

nearby and adjacent development would be respected. The predominant character along Bourne Road is that of two storey semi-detached dwellings. The recently approved dwelling discussed in the section on Street Scene just 4 blocks north of the subject site allowed for a terraced dwelling. No. 12 Bourne Road is located close to the intersection with Marlin Close which is mix of semi-detached and terraced dwellings.

The proposed new dwelling will be set down from the main ridgeline of the existing dwelling and set back from the front elevation in order to reduce any impact. The slope of the street means that the new dwelling is well set down from its neighbour No. 14 to the south.

The proposal will result in a terraced dwelling which will respect the character of the neighbourhood.

Height: Should not normally exceed two storeys in height. The proposal will be two storeys high.

Size: Medium sized dwellings are appropriate and are encouraged. The proposal is a medium sized dwelling.

Layout: Spacing within the medium range (2 m to 5 m) should be maintained. Dwellings should front the road and follow the established building line. The proposal will retain a gap along the side boundary which will ensure a gap of approx. 2 metres between the new dwelling and No. 14 to the south. The proposal will front the road and follow the established building line.

Density: Should normally be provided within the medium range (30 to 35 dwellings/ha (net)), although higher densities may be appropriate in parts of the area where overall density is higher than those in the medium range. The density of the proposal will be 40 dwellings per hectare which reflects a similar density to other dwellings in the neighbourhood.

Quality of Design / Impact on Visual Amenity – Street Scene

- 9.7 Core Strategy (2013), Policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good 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 size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies' of 10, 18 and 21.
- 9.8 An assessment has been made above in regard to the development principles stated in BCA:16 which covers most of the design issues. There will be no raising of roof or ridge height to the existing dwelling. The design, scale and materials proposed will be in character with the street scene.
- 9.9 4/01724/16/FUL granted planning permission for a new attached dwelling at No. 4 Bourne Road. The proposal was very similar to the current application in that it created a terraced block of three dwellings and parking was arranged in a similar manner.
- 9.10 Paved parking areas to the front of dwellings is part of the street scene along Bourne Road. Some of these parking areas are raised as is currently proposed and was approved at No. 4 Bourne Road and some are in line with the slope of the land.

Impact on Residential Amenity

- 9.11 There will be no significant loss of sunlight and daylight for the existing attached dwelling No. 12 Bourne Road as there will be a 3 metre single storey rear extension added to this dwelling

thus extending the rear elevation outwards. A 45 degree test has been shown on the plans to prove that there will be no impact at first floor level. Furthermore, the closest window for No.12 on the two-storey rear projection of the new house is a bathroom window.

- 9.12 There will be no significant loss of sunlight and daylight for No. 10 Bourne Road as a result of the single storey rear extension to No. 12 due to its modest depth and height. The two storey rear extension is well removed from this dwelling.
- 9.13 There will be no significant loss of sunlight and daylight for the neighbour on the southern side of the site No. 14 Bourne Road as the new dwelling will be well set down from this house and all the windows in this dwelling which face the site are obscure glazed and appear to be secondary or to serve non-habitable rooms.
- 9.14 There will be no overlooking as a result of this proposal as the only side windows will be obscure and non-opening.

Amenity Space

- 9.15 The rear garden depth of approximately 18 metres for No 12 and 16 metres for the proposed new dwelling is more than the 11.5 m stated in the guidance provided in Saved Local Plan Appendix 3.

Impact on Highway Safety and Parking

- 9.16 The proposed development will allow for two off street parking spaces for each 3 bed dwelling. The SPG Accessibility Zones for the Designation of Car Parking Standards states that a three bedroom dwelling requires a maximum of 2.25 spaces.
- 9.17 For this reason the existing on-site provision of two car parking spaces for the new dwelling and the proposed two spaces for the existing dwelling is believed to adequately supply the sites parking needs. The proposed parking is therefore acceptable under Policy CS12 (b) of the Core Strategy.

Other Material Planning Considerations

9.18 Impact on Trees and Landscaping

Trees and Woodlands have no objections to the proposal due to no significant trees being detrimentally affected by the development.

9.19 Waste Management

There is a bin store area to the front of the dwellings set down from the street scene behind the area for car parking.

Response to Neighbour Comments

- 9.20 There were no neighbour comments.

Community Infrastructure Levy (CIL)

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

2015. Whilst the extension to No.12 would not be CIL liable (as less than 100m2 of additional floor space), a new dwelling is being created and therefore CIL will be payable. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

10. CONCLUSION

- 10.1 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of urban land, the proposal is in accordance with Policies CS 1, CS4 and CS17, CS18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2019).

11. RECOMMENDATION

- 11.1 That planning permission be granted.

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 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).

3. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks) works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

4. **The windows first floor in the south-west elevation of the development hereby permitted shall be non-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).

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

Reason: In the interest of highway safety.

6. **Pedestrian visibility splays of .65m x .65m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, i.e. as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety and to comply with Core Strategy Policy 12.

7. **Prior to the first use of the development hereby permitted the vehicular accesses and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number 220D. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

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

**BRC19 220D Proposed Site Plan
BRC19 201E Proposed Elevations
BRC19 200F Proposed Floor Plans**

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. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.
The above condition is considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2018.

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.

3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 18:30 on Monday to Saturday, no works are permitted at any time on Sundays or bank holidays.
4. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
5. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
6. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-
<https://www.hertfordshire.gov.uk/droppedkerbs/>
7. 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.
8. 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

9. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>
10. Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Local Parish	<p>Objection</p> <p>The Committee's decision has not changed from the last time it objected to an application for this property in July 2019. This would be a significant rear and side elevation with four new windows proposed. This property is part of a row of four identical houses and the proposed scheme that includes raising the roof will result in a property not in keeping with the street scene.</p> <p>CS11, CS12</p>
Environmental And Community Protection (DBC)	<p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. The only exception to this is the demolition of a shed in the garden area of the new property. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site, for example asbestos, or the migration of contamination from neighbouring sites, to be dealt with in an</p>

	<p>appropriate way.</p> <p>Discovery Condition - Contaminated Land: Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</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>Informatives: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. The above condition is considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2018.</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>
Hertfordshire Highways (HCC)	<p><u>Comments on amended plans</u></p> <p>AMENDED PROPOSAL Construction of new attached dwelling and alterations to existing property including construction of single storey rear extension. Widening of existing crossover to 5.4m.</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 subject to the following conditions:</p>

1. Access / Highway Works Prior to the first use of the development hereby permitted the vehicular accesses and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing number 220D. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highwayinformatives / advisory notes (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: AN) Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

AN) 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.

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

Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

COMMENTS / ANALYSIS: The application comprises of the erection of new dwelling attached to the existing dwelling and associated works at 12 Bourne Road, Berkhamsted. Bourne Road is designated as unclassified local access road, subject to a speed limit of 20mph and highway maintainable at public expense. VEHICLE ACCESS: The amended proposals include two vehicle crossovers (VXOs) / dropped kerbs, with one for each property. The arrangement is shown on submitted plan no. 220 D. There is an existing VXO, which the proposed new dwelling will use to provide access to a driveway with two parking spaces. The proposal for the existing dwelling includes the creation of a new VXO/dropped kerb leading to a double driveway. This would need to be designed and built in accordance with HCC'S Residential Dropped Kerbs: Terms and Conditions. Please note that this VXO will only be approved to a maximum width of 5.4m (4 dropped kerbs and 2 ramped kerbs). The applicant will need to enter into a vehicle crossover agreement with HCC as Highway Authority please see the above informative. PARKING: The proposals include the provision of four parking spaces (two for each dwelling), the provision and layout of which is considered to be acceptable and in accordance with Manual for Streets (MfS), and Residential Dropped Kerbs: Terms and Conditions. The size of the proposed driveways are acceptable to ensure vehicles would stand clear and not overhang the adjacent highway footway. Dacorum Borough Council (DBC) is the parking authority and would ultimately need to be satisfied with the proposed level of parking. REFUSE / WASTE COLLECTION: Provision has been made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is considered to be acceptable. The collection method must be confirmed as acceptable by DBC waste management. EMERGENCY VEHICLE ACCESS: The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses. CONCLUSION: The proposed new access / VXO / dropped kerb would need to be in accordance with HCC's Residential Dropped Kerbs: Terms and Conditions and the applicant will need to enter into a vehicle crossover agreement with HCC as the Highway Authority. HCC has no further objections or comments on highway grounds to the application, subject to the inclusion of the above planning condition and informatives.

Comments on original plans

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

CONDITIONS:

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety. 2. Pedestrian visibility splays of .65mx .65m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety. The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

FORMATIVES

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

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to

	<p>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>4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx</p> <p>COMMENTS</p> <p>This application is for Construction of new attached dwelling and alterations to existing property including construction of single storey rear extension. Widening of existing crossover to 5.4m.</p> <p>ACCESS</p> <p>The existing access is to be widened to a full double width. I notice that there is a lamp post in close proximity to the vx0. If this needs to be moved to allow for the vx0 to be widened, then this will be at the applicant's expense. PARKING Three off road parking spaces will be provided. Bourne Road is an unclassified local access road so vehicles are not required to enter and leave the highway in forward gear.</p> <p>CONCLUSION</p> <p>Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highways, subject to the conditions and informative notes above.</p>
Trees & Woodlands	<p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved in full.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	0	0	0	0

Neighbour Responses

Address	Comments
---------	----------

6. APPEALS UPDATE

APPEALS LODGED

Appeals received by Dacorum Borough Council between 01-03-2020 and 14/04/2020

Our Reference: 4/0153/19/FUL

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

Grey mantle, Hempstead Road, Bovingdon, Hemel Hempstead, HP3 0HF

Procedure: Written Representations

Our Reference: 4/01853/19FUL

PINS Reference: APP/A1910/W/20/3246014

Sharlowes Farmhouse, Flaunden, HP3 0PP

Procedure: Written Representations

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

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

Our Reference: 19/02580/FUL

PINS Reference: APP/A1910/W/20/3247462

Garden Cottage, Green Lane, Bovingdon, HP3 0LD

Procedure: Written Representations

APPEALS DISMISSED

Our reference: 4/02134/19/FHA

PINS Reference: APP/A1910/D/19/3241984

19 Church Street, Hemel Hempstead, HP2 5AD

Procedure: Written Representations

Part single part two-storey rear extension

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No. 4 Helena Place, with particular reference to outlook and daylight.

Reasons

3. The appeal site dwelling forms the northern end of a row of terraced dwellings understood to date from the 1880's, which step the hill of Church Street from south to north. To its north No. 19 adjoins an approximately 1.8m wide side

return, which serves a more recent development of six back-to-back two storey terraced dwellings known as Helena Place. Nos. 1 and 4 Helena Place have a flank elevation that integrates a small kitchen window facing onto the side return and blank two-storey flank elevation of No. 19.

4. I have been provided with what appears to be the internal layout of No. 1 and I was able to visit No. 4. The flank wall of Nos. 1 and 4 is not directly aligned with the flank wall of No. 19. As a consequence, the window of No. 1 looks out onto almost the central part of the flank elevation of No. 19 at a distance of 1.8m, heavily restricting outlook and daylight. Whilst No 4 also faces the flank elevation, it is set closer to the rear of No. 19 and so benefits from a reasonable level of daylight, and an outlook (at an angle) above the single storey outrigger of No. 19.

5. The proposed development would infill the side return of the outrigger, increase the depth to the rear of the two-storey flank elevation by approximately 3m and bring the remaining ground floor closer to No. 4. By virtue of the increased height, depth and the proximity of the proposed development it would significantly and detrimentally impact upon the outlook from and amount of daylight to the kitchen window of No. 4. The reduced level of outlook and daylight is considered such that it would result in significantly harmful living conditions for the occupiers of No. 4.

6. I have noted the appellant's views that the development would result in No 4 having a similar outlook and daylight to No. 1, and that as a more modern development Helena View should not constrain the beneficial modernisation of No. 19. I have noted the netting to the window, the suggestion the kitchen was not designed to have an outlook and is not a habitable room. However, I have not been provided with the details and circumstances surrounding the approval of Helena Place. The kitchen window affords a clear outlook and forms one of only two windowed elevations on No. 4, so is of importance to ensure the internal ground floor living space has sufficient daylight and outlook.

7. I have assessed this appeal proposal on its own merits and impacts. Similar development nearby such as No. 1 which breaches the 25- and 45-degree rule, and extensions to dwellings to the south of No. 19 that have a differing relationship to their neighbouring properties, do not provide justification for allowing a harmful development. Although the adjoining neighbours did not object to this proposal, ownership and occupation of a property is transient over time, and what may be tolerable to one occupier, may not be tolerable to another.

8. The limited daylight and outlook to the existing dining room and kitchen at No. 19 were noted on my visit. The proposed development may have benefits in terms of increased floorspace, moving the bathroom upstairs, benefits to a family occupying the property, and the integration of some (un-specified) energy efficiency measures. However, these benefits do not outweigh the harm from the development to the living conditions of No. 4.

9. For the reasons set out above, the proposed development would result in significant harm to the living conditions of the occupiers of No. 4 Helena Place, with particular reference to outlook and daylight. Therefore, it would conflict with Policy CS12 of the Dacorum Core Strategy 2006-2031 (2013) which requires development should avoid visual intrusion and loss of sunlight and daylight, and respects adjoining properties in terms of scale, height and bulk. It would also conflict with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which expects planning decisions should create places that

promote health and well-being with a high standard of amenity for existing and future users.

Conclusion

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Our Reference: 4/00324/19/FUL

PINS Reference: APP/A1910/W/19/3241643

Pouchen End Hall, Pouchen End Lane, Hemel Hempstead, HP1 2SA

Procedure: Written Representations

Demolition of existing derelict portacabin and erection of two relocated single storey Art Studios

Main Issues

2. The main issues are:

- (i) The effect on the openness of the Green Belt; and
- (ii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy CS5 and the revised National Planning Policy Framework (The Framework). I concur with that position.

Openness

4. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.

5. At the present time there is only a small portacabin style building on the site and nothing comparable to the footprint of the proposed buildings or their scale and bulk. Whilst the area is also used for car parking for the existing art studios, the surface of the appeal site is covered with a mixture of crushed aggregate and grassed areas, and neither the surfacing nor the use for car parking has any significant impact on openness. A number of other items and equipment were present on the site, however none were substantial in size or were permanent structures. The proposed development would therefore lead to a loss of visual openness and its presence would represent an encroachment into an area where there is not currently any substantial built development.

6. For these reasons, I conclude that the development would lead to significant harm to Green Belt openness and to the purposes of including land in the Green Belt. It would therefore be contrary to Policy CS5 of the adopted Dacorum Borough Core Strategy 2013 (CS) which seeks to restrain

development within Green Belt areas, and to the specific guidance within The Framework.

Other considerations

7. The appellant considers that the proposed development would deliver cultural, community, social and economic benefits through the provision of the purpose designed art studios, which would provide employment and an extremely important community, social and cultural space for local people and a profitable business for the appellants. They would replace the existing art studios which are outdated and not fit for purpose and their re-use for residential purposes would generate funds for the appeal development to be built. These considerations collectively weigh in support of the proposed development, but no substantive evidence has been provided to demonstrate that the appeal development is the only way in which these outcomes could be achieved. Accordingly, I give them only limited weight.

8. Reference has been made to the Council's lack of a 5 year housing land supply and that the proposed development would allow the existing art studios to be converted to dwellings, thus boosting the supply of housing in the borough. However, this would result in only two dwellings being created and therefore the contribution to the overall provision of new housing in the borough would not be significant. I therefore give this consideration only limited weight.

9. The appellant also considers that the development would enable the positive and beneficial re-use of the site and result in its enhancement. Existing trees and planting within and on the boundary of the site would be retained and enhanced where necessary to provide biodiversity benefits. However, the site at present does not cause any significant harm to the character and appearance of the surrounding area, and therefore any environmental benefits or enhancements which would arise from the proposed development can be given only minimal weight.

Conclusion

10. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

11. The proposal would be inappropriate development in the Green Belt and would result in significant harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

12. For the reasons given above, I conclude that the proposal conflicts with the objectives of Saved Policy CS5 of the CS and the Framework, both of which seek to protect the Green Belt, and that the appeal should be dismissed.

Our Reference: 4/00176/19/FHA

PINS Reference: APP/A1910/C/19/3232834 & APP/A1910/C/19/3232835

68 Tring Road, Wilstone, Tring, HP23 4PD

Erection of close-boarded fence in excess of 2 metres in height, topped with a trellis, immediately adjacent to the highway within the Wilstone Conservation Area.

Procedure: Written Reps

Formal Decision

1. The appeal fails and the enforcement notice is upheld.

Background

2. A hedge enclosure which fully spanned the curved boundary off the highway was removed and, in September 2018, following a wooden fence being erected in place of the hedge, the Council initiated an enforcement investigation. A retrospective planning application (ref 4/00176/19/FHA) was subsequently submitted in an attempt to gain planning permission for the fence's retention, but permission was refused by the Council in June 2019 due to its height, siting and appearance, and the consequential effect on the Wilstone Conservation Area. A further reason for refusal related to the fence's considered impact on highway safety.
3. Following the above decision the Council saw it expedient to issue the enforcement notice now at appeal.

The Appeal on Ground (f)

4. The appeal on ground (f) is that the requirements of the notice exceed what is necessary in the circumstances. S173(4)(a) and (b) of the 1990 Act as amended provides that the purposes of an enforcement notice can be (a) to remedy the breach of planning control, including by restoring the land to its condition before the breach took place, or (b) to remedy any injury to amenity which has been caused by the alleged breach.
5. The notice requires for the fence to be reduced to a height of no more than 1m which, for boundary enclosures adjacent to a highway, is permissible under Schedule 2, Part 2, Class A.1(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Given the location of the fence at issue this proviso directly applies in this instance. In the circumstances I consider that the purpose of the notice is to remedy the breach by making the development comply with the limitations of the said permitted development entitlement.
6. In this instance the appellants refer to "our latest application", but no plans/drawings in this respect were provided along with the appeal papers. Nonetheless, I have checked for any such submission insofar as its details would be on the Council's statutory register. A revised application (ref 4/01970/19/FHA) was made in August 2019. The proposal would involve the fence being set back, for the main part, approximately 0.5m from the highway boundary, where it follows the curve in the road. However, this distance would increase to some 1.85m at the fence's north-most point, adjacent to No 68's car port, with the fence's straight section pulling back from the curved boundary. The appellants indicate that this would aid visibility in the interests of highway safety. Also, plants would be positioned in front of the fence, and the appellants indicate that this screening will substantially reduce the sense of enclosure.

7. The above application, made in August 2019, was subsequently refused planning permission in February 2020 due to the Council, once again, considering the proposal as having a harmful effect on the character and appearance of the Conservation Area and, due to objections having been raised by the local highway authority, a considered adverse impact on highway safety.

8. In instances where no ground (a) appeal has been made and no application for planning permission is deemed to have been made, such as in this case, it is not appropriate for appellants to introduce arguments on the planning merits of their appeal in the context of an appeal on ground (f). The power available to an Inspector under s176(1) to vary the terms of the notice cannot be used to attack the substance of the enforcement notice.

9. It is open to the appellants to exercise their right of appeal within the requisite time period, against the Council's decision to refuse planning permission on the latest application (ref 4/01970/19/FHA). However, for the purposes of the current appeal, without plans or drawings before me to properly illustrate any alternative proposal and no evidence of any real substance to articulate the scheme, the appeal on ground (f) must fail.

Our reference: 4/02234/19/FUL

PINS Reference: APP/A1910/W/19/3243740

Former Tates coaches, Water End Road, Potten End, HP4 2SH

Procedure: Written Representations

Two detached car ports and ancillary works

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

4. 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.

5. The Appellant has set out that they consider that the carports would constitute limited infilling and would therefore be in accordance with the exemption to inappropriate development as set out at paragraph 145e) of the Framework.

6. The Framework does not define what a village is or what would constitute 'limited infilling'. However, infilling could be considered to be development which would close an existing small gap in an otherwise built up frontage.

7. On the south side of Water End Road, the appeal site is located on the edge of the built up area with open fields to the east and south of the site. Given this, I am not convinced that the erection of two car ports to the frontage of the under-construction dwellings could be classed as infilling, principally owing to the lack of built form to the east of the site. In coming to that view, I acknowledge that the carports would be located between the new dwellings and the road (and the built development on the opposite side. However, I consider that this factor does not indicate that the carports would be infilling.

8. In addition to the above the Appellant has indicated that the carports would not be disproportionate additions over and above the size of the original buildings and therefore the exemption at paragraph 145c) would apply. Notwithstanding that, the carports would be detached structures and would not therefore be an extension or alteration to a building as such.

9. With the above in mind, the development would not fall within any of the exemptions to inappropriate development in the Framework or Policy CS5 of the Dacorum Core Strategy 2006-2031 (2013) (CS).

10. For the above reasons, I conclude that the appeal development would be inappropriate development in the Green Belt and would conflict with the Framework and Policy CS5 of the CS which seeks to protect the openness and character of the Green Belt. Effect on the openness of the Green Belt

11. 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.

12. As noted above, the appeal site has two dwellings which are in the latter stages of construction. Whilst I am not aware of the extent of buildings which were present before the dwellings were constructed, the Appellant has set out that as the residential use of the site has not commenced, the appeal should be considered in that context.

13. From the Appellants information, each carport would be around 36 square metres in footprint and would represent a 15% increase in built floor area from the under-construction dwellings. Whilst I recognise that the size of the carports is not great, they would nevertheless result in additional buildings on the site when compared to the existing situation.

14. In addition to the above, the Council has set out that the size of the dwellings were amended several times during the pre-application and formal application considerations so that the resulting buildings had no greater impact than the existing

development at that time (i.e. the original coach/garaging building). The Appellant has not provided any evidence to dispute that, and I have no reason to disagree with the Councils view in this respect.

15. If the appeal development is considered in the context that new residential use of the site is yet to commence, it appears that the totality of the dwellings and the carports would result in a greater impact on openness than the previous coach/garaging building.

16. Alternatively, if the carports are considered in isolation to the new dwellings, it is clear that the addition of new buildings would have an inevitable loss of openness to the Green Belt.⁴

17. In coming to the above views, I have also considered that not all changes result in a greater impact on openness, and specifically the Euro Garages judgement 2 . However, in this case, the introduction of new buildings to the frontage of the site would clearly result in an additional form of bulk which would harm the open frontage of the site.

18. In addition to the above, the Appellant considers that the proposal would be supported by Policy CS5 of the CS. This policy sets out that some forms of development will be considered to be not inappropriate development. In listing the types of development that will be permitted the policy text includes "i.e." before five categories of development. The Appellant suggests that this indicates that this is not a closed list of acceptable development types. That said, there is little evidence to suggest that the development proposed could be considered not to harm Green Belt openness.

19. Therefore, from the evidence before me, I consider that the proposal would result in the 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. Character and appearance

20. The appeal site is located on the south side of Water End Road at the fringe of the village of Potten End. From my site visit, there were very few garages to the street frontage in the area, and the overriding characteristic was dwellings set back from the road with front gardens. Therefore, the introduction of the new carports would therefore be in contrast to the prevailing character of the frontages of the existing development in the area.

21. That said, the siting of the carports would be close to the front elevation of the new dwellings. This is particularly the case with the dwelling to the north-east of the site. Whilst the siting of this carport would help to minimise its impact in the streetscene, it would also significantly clutter the appearance of the dwelling from the road. This would also be the case in respect of the dwelling to the south west of the site but given the greater distance between that dwelling and the carport this effect would not be as significant.

22. Notwithstanding the siting of the carports close to the dwelling frontages, they would still be a prominent feature in the streetscene despite the hedgerows to the

side of the respective plots. In coming to that view, I acknowledge that they would only be visible from the Water End Road frontage and that they are sited and designed to minimise the visual impact of the structures. However, this does not justify an otherwise unacceptable development.

23. I have also taken into account that the carports would reduce the visual impact of parked cars to the frontage of the dwellings. However, in my opinion, the benefit of this is outweighed by the increase in building coverage at the frontage of the site.

24. For the above reasons the carports would harm the character and appearance of the area and would be contrary to Policies CS11 and CS12 of the CS which amongst other matters seek to ensure that development integrate with the streetscape character including preserving attractive streetscapes. Green Belt balance

25. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. I have also concluded that the development would harm the character and appearance of the area. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

26. The Appellant has not explicitly advanced any very special circumstances which would indicate that permission should be granted. Similarly, from what has been provided to me, I have not been able to identify any other circumstances which could be considered to justify the development before me.

27. Therefore, in considering the substantial weight given to the Green Belt, I am of the opinion that 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

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

Our reference: 4/00891/19/FHA

PINS Reference: APP/A1910/D/19/324622

Woodland View, Rossway, Berkhamsted, HP4 3UD

Procedure: Written Representations

New car port

Main Issues

- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;

- the effect of the proposal on the character and appearance of the Chilterns Area of Outstanding Natural Beauty; and,
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. 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. Paragraph 145 states the construction of new buildings shall be regarded as inappropriate in the Green Belt. This is unless the development proposal meets one of the exceptions that are set out. Policy CS5 of the Dacorum Core Strategy (2013) (the Core Strategy) is consistent with the Framework in so far as it requires the application of national Green Belt policy.

6. The Council's reason for refusal cites the development resulting in a materially larger dwelling than the original and the permitted replacement, thereby constituting inappropriate development. The previous dwelling replaced by the current one (permitted in 2014 by Ref: 4/03369/14/FUL) benefitted from a garage. However, no garage was permitted under the 2014 permission, which appears substantially completed. The area of the proposal is part of a driveway. Therefore, the proposal would not constitute a replacement building, so it would not meet the stated exceptions in paragraph 145 d) of the Framework, or CS5 d) of the Core Strategy, for a replacement building.

7. The construction of new outbuildings is not included within the permissible types of development in the Green Belt in the Framework and Policy CS5. The Framework expects extensions and alterations to be considered in the context of the 'original building'. As a new detached building, the development does not therefore comprise an extension or alteration of a building under paragraph 145 c) of the Framework or Policy CS5. Furthermore, the current dwelling is a recent replacement dwelling, so it is not the original building defined in Annex 2 of the Framework, so is not the starting point for considering this proposal.

8. The proposal would be in between two existing dwellings that are part of a small community in the Green Belt. There is no evidence however, to suggest the community is a designated village in the development plan. Based on the evidence before me I cannot conclude that this small informal collection of dwellings and buildings constitutes a village. Therefore, the proposal would not fall within the exception of paragraph 145 e) of limited infilling within villages.

9. Paragraph 145 g) of the Framework lists one exception as being the limited infilling or the partial or complete redevelopment of previously developed land,

provided (amongst other things) it would not have a greater impact on the openness of the Green Belt than the existing development. My findings on the effect on Green Belt openness as set out below, will therefore determine whether or not the proposal is inappropriate. Openness

10. The Framework explains the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 133). The appeal site dwelling is located on the south western side of a collection of buildings within a rural setting. The proposal would be located between the appeal site dwelling and an approximately 1.8m timber fence enclosing the dwelling from a footpath and a further dwelling to the south east. As such, it would be set within the building lines of the existing buildings.

11. The proposal appears of a sufficient size to accommodate two cars side by side, within a brick plinth, wooden frame, boarding, and pitched roof of approximately 1.7m – 2.1m to the eaves, and 4m to the ridge. It would be discernibly visible from a limited length of the footpath, parts of neighbouring land and from the drive entrance. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would result in a new detached structure of some significant height on a currently open pebbled drive, and therefore the proposal would have an impact on the openness of the Green Belt in spatial terms.

12. The proposal would therefore have an adverse impact on the openness of the Green Belt in spatial and visual terms. For the reasons set out above, the proposal would be inappropriate development in the Green Belt. Therefore, in this regard, it would conflict with Policy CS5 of the Core Strategy and with the Framework in so far as these policies confirm that openness is an essential characteristic of Green Belts and that it would be inappropriate development which is, by definition, harmful to the Green Belt. Character and appearance

13. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). Within the AONB paragraph 172 of the Framework expects great weight to be given to conserving and enhancing the landscape and scenic beauty, as such areas have the highest status of protection. Policy CS24 of the Core Strategy expects the special qualities of the AONB to be preserved.

14. I note the presence and arrangement of other buildings and properties surrounding the appeal site. The proposed building itself appears well designed in terms of its composition of materials and appearance having regard to the surrounding character of development. Notwithstanding this, the development would be sited well forward of the gable wall of the appeal site dwelling, a few metres from the line of its most forward elevation. This positioning and relationship would appear poorly related to the main dwelling.

15. While it would be largely screened from the wider landscape from three directions, it would impede views into the open AONB landscape from part of the access road and be visible from parts of nearby land. Plans before me suggest that some landscaping is proposed around the perimeter of the garden. This did not

appear to be present at my visit and is likely to take some years to establish once planted.

16. Taking all of the above factors into consideration, the proposed development would have a modest adverse effect upon the landscape and scenic beauty of the AONB. It would result in some harm to, and neither conserve or enhance, the landscape and scenic beauty of the AONB. In this regard, the development would conflict with Policy CS24 of the Core Strategy and paragraph 172 of the Framework. As an area which has the highest status of protection in these respects, this matter is given great weight. Both parties have referred to the Chilterns Buildings Design Guide, however, I have not been provided with this. Whether very special circumstances exist.

17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is clear that substantial weight should be given to any identified harm to the Green Belt.

18. I note the appellant's view that a car port or garage is a requirement of modern living and the Council may have anticipated such a proposal. However, a significant proportion of dwellings do not benefit from car storage facilities and I see no evidence to demonstrate the car port is essential for the inhabitation of the appeal site dwelling. Furthermore, each proposal must be considered on its own merits and impacts. The proposed solar panels may be compliant with some planning policies but given the limited area of the panels, they would only equate to a small benefit in terms of renewable energy.

19. I acknowledge the materials have been selected to be in keeping with the surrounding development and that surrounding vegetation would not be expected to be affected by the proposal. However, the factors and benefits set out by the appellant would not clearly outweigh the harm identified to the Green Belt, which carries substantial weight, so as to amount to the very special circumstances necessary to justify the proposal. The proposal conflicts with the development plan and the Framework in this regard, and material considerations do not lead me to a decision otherwise. Other Matters

20. The Council concludes that the proposed development would not have any significant impact upon the living conditions of neighbouring properties or highway and access matters, and I see no reason to disagree. A neighbour raises no objection and the Parish Council appear to support the proposal. However, this does not outweigh the harm I have found. I have noted the views of the Rights of Way Officer suggesting the boundary of the appeal site may have encroached onto an adjacent public footpath. However, this has not been a determinative matter in this appeal. Conclusion

21. The proposed development would be contrary to the development plan and the National Planning Policy Framework as a whole, and there are no considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Our reference: 4/00373/19/FUL

PINS Reference: APP/A1910/W/19/324164

The Hoo, Ledgemore Lane, Great Gaddesden HP2 6HD

Procedure: Written Representations

Internal agricultural access track

Main Issues

The main issues are:

- The effect of the proposed development on the character and appearance of the area, with particular regard to the Chilterns Area of Outstanding Natural Beauty (AONB); and
- Whether the development would preserve or enhance the setting of The Hoo, a Grade II* Listed Building.

Reasons

Character and appearance

5. The appeal site is located off Ledgemore Lane and is an agricultural holding, with land used for arable and grazing purposes, there is also an area of woodland. The Dacorum Local Plan distinguishes the site as a Rural Area. The land sits within the Chilterns, an AONB. The site also forms part of the grounds for the Grade II* Listed Building, The Hoo.

6. There is an existing gated field entrance from Ledgemore Lane which provides access to the site. From the existing access gate there is an existing unauthorised hard-surfaced track which is approximately 300 metres in length and finishes adjacent to the disused water tower and pump house in the woodland. The natural features on the boundaries to the site, including trees and hedgerows, add to the characteristic rural character to this part of the land, which is largely free from built development and urban influences.

7. The appellants have stated that the proposed track is to allow vehicles to traverse the agricultural holding for the associated agricultural activities and to bring vehicles and machinery to the woodland for regular tree work and maintenance. The proposal would follow a similar route to the existing unauthorised track and be of a similar loose aggregate, albeit the proposal would have some slight variations to its size and routing. The proposed track would include a passing space for vehicles and an area of hardstanding for agricultural storage purposes, located towards the access point.

8. In determining the appeal, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have to have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB.

9. Whilst I acknowledge that the physical nature of the track means that its visibility within the landscape would not be prominent from all angles or viewpoints, it would

be visible from the entrance along Ledgemore Lane, from long distance views from St Margarets, and the nearby public footpath.

10. The proposed track would not closely follow the hedge line along all of its route, and as such it would draw attention and emphasise the visual harm. It has also been suggested that the loose aggregate of the existing unauthorised track has vegetation growing through it, which would eventually reduce the visibility of it, and that the proposed track would also blend into the landscape in a similar way. However, this would not completely cover the track and it would still be recognisable as a hard feature within the surrounding landscape, which is generally green and open.

11. The applicant has submitted an Evaluation of Landscape and Visual Effects report² (ELVE) in support of the proposal, which concludes that the proposed track, turning area and storage area, could be accommodated without undue harm to the landscape or visual amenity. The ELVE suggests a number of strategies to minimise the landscape and visual effects arising from the proposal. This would include the reinstatement of ephemeral vegetation buffers to either edge of the proposed track and planting in the gaps in the hedgerow along Ledgemore Lane. Although landscaping is not considered a permanent² Evaluation of landscape and visual effects - The Hoo, Great Gaddesden, Hemel Hempsted – Bidwells (2019) feature, the appellants have stated that landscaping could be conditioned to ensure its longevity. However, this would not completely screen views of the track from all viewpoints, in any case, screening the proposal does not necessarily mean there would be no harm to the landscape.

12. In this context, the scale, siting and positioning of the proposed development would be an urbanising feature in the rural landscape. I acknowledge, there are some urbanising features nearby, such as the nearby garden centre. However, the open character is intrinsic to the AONB, and incursion into it would harm the qualities that give it its special interest. The development would represent a discordant and incongruous feature that would have a detrimental impact on the character and appearance of the area.

13. I note the Council has suggested that there is an absence of a clearly demonstrated agricultural need for the proposed track. However, even if there was a need for the proposed track, the resultant effect of the proposal would still be harm to the character and appearance of the area.

14. Whilst the mitigation proposed would limit views of the proposal, it would still be visible and apparent, which I would regard to be harmful. This harm could not be sufficiently ameliorated by the landscaping conditions which the appellants suggest could be imposed. Consequently, in accordance with paragraph 172 of the National Planning Policy Framework (the Framework), relating to the conservation and enhancement of AONBs, I must give the harm to the AONB significant weight in my decision.

15. I find that the proposed development would harm the character and appearance of the area and the Chilterns AONB. Therefore, the development would be contrary policies CS1, CS24, CS25 of the Dacorum Borough Core Strategy (DCS) (2013),

Saved Policy 97 of the Dacorum Borough Local Plan (1991-2011), and Supplementary Planning Guidance 'Dacorum Character Landscape Assessment – Area 124' and paragraph 172 of the Framework. These policies and guidance, amongst other things, seek to protect the rural character and appearance of the area, particularly the Chilterns AONB. The setting of The Hoo

16. The Hoo is a Grade II* Listed Building, whose oldest parts originate from 1683. It is surrounded by approximately 26 hectares of gardens and parkland, which still shows many of the features and form that were designed by Capability Brown in the 18th century.

17. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed building and its setting.

18. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that, 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 (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.

19. Paragraph 195 of the Framework states, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

20. Paragraph 196 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

21. Although the site is located some distance from the Listed Building itself, the siting of the proposed track would be within the associated parkland that is part of the historic development of The Hoo. The setting of the surrounding parkland contributes to the significance of the Listed Building, as it has formed a part of the estate for at least 300 years, and the open, spacious and verdant surroundings are a key part of that.

22. The appellants have submitted a heritage assessment as part of the ELVE. It concludes that the proposal is not considered to impact upon the contribution that the immediate setting makes to the significance of The Hoo, in part due to the lack of visibility between the proposal and The Hoo. However, in terms of the setting of a Listed Building, the absence of visual connection does not mean that there is no impact upon the setting. The siting of the proposed track would be within the associated parkland, which is an integral part of the historic development of The Hoo.

23. The proposal would be harmful to the setting of the Listed Building giving an urbanising effect which would detract from the parkland setting, and thereby the significance of the designated heritage asset. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Notwithstanding the unauthorised track, there is already an existing access to the surrounding fields, as such the public benefits of the proposal would be limited and would not outweigh the harm.

24. I find that that the proposed development would fail to preserve or enhance the setting of the Grade II* Listed Building. Therefore, it would be contrary to Policy CS 27 of the DCS and paragraph 196 of the Framework. These policies seek development to preserve or enhance the character or appearance of conservation areas and listed buildings.

Other Matters

25. The appellants and interested parties have stated that the access track is required to safeguard the future viability of the farming enterprises, as well as ensuring the efficiency and safety of the agricultural activities carried out on the site. The appellants have also stated that the track would allow for the ongoing maintenance of the woodland.

26. I acknowledge that an area of hardstanding close to the road would be beneficial for the open storage of hay and would help to minimise the transfer of mud and materials from the fields onto the highway. I also recognise that agricultural activity can have a positive effect on the local economy. However, these factors do not overcome the harm that I have identified above.

Costs Appeal

Decision

1. The application for costs is refused.

Reasons 2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably. Paragraph 0321 of the PPG states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. 3. The applicant is seeking a partial award of costs, stating that the Council failed to act proactively through positive engagement with the applicant during the course of the application. This was due to the Council not responding to phone calls and emails, the case being reallocated to another officer, the advice from a planning officer differing from the final decision, as well as supporting documentation not being available on the Council's website. 4. Given the claims set out by the applicant, this would appear to be unreasonable behaviour. However, I have not been provided with substantive evidence to support all these claims. Whilst the lack of communication with the Council during the application process must have caused the applicant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal. Whilst the

applicant has stated that they incurred significant professional fees, it has not been demonstrated how these were unnecessary, or how they were a wasted expense for the applicant. 5. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been clearly demonstrated. Consequently, the application for the award of costs is refused.

Our reference: 4/01173/19/MFA

PINS Reference: APP/A1910/W/19/3241621

Windsor Court, Corner Hall, Hemel Hempstead, HP3 9AW

Procedure: Written Representations

Rooftop extension to form 16 no. dwellings with associated car parking amendments

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the Council's appeal statement, it highlighted that there should have been a third reason for refusal in relation to the provision of affordable housing. Consequently, I have determined that this should be a main issue for the appeal. During the course of the appeal the appellant was given the opportunity to comment on this aspect. 3. The appellant has confirmed, in an email dated 25 November 2019, that the following drawing numbers stated on the Council's Decision Notice were incorrect: 296300-01 (unrevised); 296300-05 (unrevised); 296300-06 (unrevised) and 296300-07 (unrevised). The appellant has stated the Drawing Numbers submitted with the original application were as follows: 296300-01B; 296300-05A; 296300-06A and 296300-07A. During the determination of the planning application, the appellant submitted additional plans and documentation: 296300-02B Existing Ground Floor Site Plan; 296300-05B Proposed Ground Floor Plan; AQ107965r1 - Windsor Court, Hemel Hempstead - Daylight, Sunlight and Overshadowing Assessment and AQ107965r2 - Windsor Court, Hemel Hempstead - Daylight, Sunlight and Overshadowing Assessment. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - The effect of the proposed development on the living conditions of the existing occupiers, with particular reference to light, outlook, noise and disturbance; and

- The provision of affordable housing.

Reasons

Character and appearance

5. The appeal site is a 3 storey residential building, converted from a former office block. The building is horseshoe shaped with a central courtyard, where the access doors and car parking spaces are located. The building is finished in buff brick to the two lower floors and render to the top, with red brick to the gables. There are 3 other buildings nearby which have a similar form and design. Aside from the nearby residential blocks, the immediate area is predominately retail and commercial premises.

6. The proposal would add 2 additional storeys on the existing building. It would use the existing stairwells and lift shafts to extend upwards to form the access for the dwellings. The proposal would be of a similar design and style to the host building. The buildings near the site, whilst sharing some similarities in design, are not exactly the same. Therefore, a change to the host building would not disrupt the overall character and appearance of the estate.

7. The appellant has highlighted that the adjacent building, Clifton Court, has planning permission¹ to increase the size and scale of the building, and that the proposal would be in proportion to these changes. I observed that construction had started on the adjacent premises. Nevertheless, I have not been provided with full details of the permissions, therefore, I am not able to determine if they are directly comparable or what may have led to their approval.

8. The proposal would add 2 storeys on to the host building, making it 5 storeys in total. This would not fully accord with the guidance contained within the Dacorum Urban Design Assessments Update Paper (UDA) (2011), which suggests that new buildings could be 3-4 four storey terrace flat buildings. However, due to the surrounding context, the design traits of the building and the proposed use of materials similar to the host building, an increase in height of one storey over the suggested guidance would not appear at odds with the character of the area. I note that the host building is already readily visible from Two Waters Road. Nevertheless, it sits within the backdrop of a retail outlet and commercial premises, along with their associated car parking and storage areas. Therefore, it would not appear incongruous or unsightly in this regard.

9. The courtyard area is predominately used for car parking, therefore, 6 additional spaces would not significantly alter the existing presence of vehicles in the area. To increase the provision of parking the proposal would remove some of the existing landscaped areas adjacent to the courtyard. The areas of greenery are relatively small in size and are not defining features of the character and appearance of the area. Therefore, the loss would not be harmful in the overall context of the area. 1 Reference 4/02639/16/Full and 4/03122/17/Full

10. Existing refuse arrangements relate to refuse bins stored in the south-west corner of the site. The appellant states that it was intended that this arrangement would continue. However, given the increase in future occupants it is likely that further storage or more frequent collections would be required. The increase in further refuse storage would not appear intrusive or incongruous as it would be residential paraphernalia expected with such apartment blocks. In any case, were I minded to allow the appeal, this could be resolved by an appropriately worded condition.

11. I find that the proposal would not harm the character and appearance of the site and surrounding area. Whilst the proposal would conflict with the guidance set out in the UDA, it would accord with the principles of policies CS10, CS11 and CS12 of the adopted Dacorum Core Strategy (DBCS) (2013). These policies, amongst other things, require development to integrate with the streetscape character and respect adjoining properties. Living conditions

12. The appellant has submitted a Daylight, Sunlight and Overshadowing Assessment² (DSOA) to accompany the proposal. In terms of daylight, the report states that 24 windows on all floors would record failures in Windsor Court in terms of the Vertical Sky Component (VSC). With regard to sunlight, the report states that 4 ground floor windows on the southern façade of Windsor Court, and 3 windows on the northern façade of the adjacent building (R3) would fail the Annual Probable Sunlight Hours (APSH).

13. The mitigation proposed includes a reliance on the reflectance of light from the render finish to the building, which would require ongoing maintenance to keep the render clean. Whilst the proposed render would make the building appear brighter and the associated maintenance of the render could be conditioned, the statement from REC Ltd states that the render itself would not change the VSC. Therefore, the mitigation proposed in the DSOA would not sufficiently overcome the harm to the living conditions of the occupiers of Windsor Court at the 24 sensitive locations, as identified in the DOSA.

14. In terms of outlook, due to the increase in height and massing, those on the lower floors would have increased views of the built form of the building and a reduction in the views towards the sky. The additional 2 storeys would appear overbearing for the existing occupants when looking out through the windows of the apartments, which would have a harmful effect.

15. In terms of noise and disturbance, the building already has parking in the courtyard area in close proximity to ground floor windows. The introduction of a further 6 spaces would not significantly increase the noise and disturbance already experienced by the existing occupiers. Due to the design of the existing building some level of background noise associated with vehicles would be expected. Therefore, I do not consider the proposal would be materially harmful in this regard.

16. Consequently, while I have found that the proposal would not be harmful in terms of noise and disturbance, it would nevertheless harmfully change the living conditions of the occupiers of Windsor Court in respect of light, sunlight and outlook.

Therefore, the proposal would be contrary to Policy CS12 of the Daylight, sunlight and overshadowing assessment Windsor Court, Hemel Hempstead – REC (2019) This Policy, amongst other things, requires development to avoid visual intrusion, loss of sunlight and daylight to surrounding properties.

Affordable housing

17. In the Council's officer report, the Strategic Housing team highlighted that the proposal would need to provide affordable housing. The Council states that a Section 106 agreement (S106) would be required to secure the provision of 35% on-site affordable housing provision to accord with Policy CS19 of the DBCS and the guidance within the Affordable Housing Supplementary Planning Document (AHSPD) (2019). For this proposal the Council states that the number of units required would be 6 at a mix of 75% affordable rented and 25% shared ownership.

18. During the course of the appeal the appellant submitted a Financial Viability Appraisal³ stating that if 5 units were provided the proposal would be unviable. It also states that the scheme is unviable even with no affordable housing provision. Therefore, the proposal would not be able to provide the required contribution. However, if I were minded to allow the proposal, a condition to review the affordable housing in a post permission viability reassessment, if the development was not implemented within 2 years could be attached.

19. I find that the proposal would not be viable were it to meet the required provision of affordable housing. Therefore, whilst it would not accord with the requirements within Policy CS19 of the DBCS and the guidance within the AHSPD, it would still meet the aspirations to deliver affordable housing, where it would be viable to do so. This policy and guidance require new development to provide affordable housing or a financial contribution in lieu of on-site provision.

Other Matters

20. I note there have been a number of concerns raised by interested parties including, those relating to building regulations, congestion, privacy, property values, disruptions cause by construction and developer contributions. However, not all of these are planning matters, and in any case, I have already identified harm above such that I do not need to consider these further. 21. I acknowledge that the appellant states that the site is in a sustainable urban location where the principle of development should be considered acceptable. However, this does not outweigh the harm I have identified above.

Our reference: Enforcement Notice Appeal

PINS Reference: APP/A1910/C/19/3238714

28 Boxwell Road, Berkhamsted, HP4 3ET

Procedure: Written Representations

Without planning permission demolition of a front wall and creation of a parking bay

Decision

1. It is directed that the enforcement notice is varied by deleting 2 months from Paragraph 5 for the period of compliance and substituting 4 months.
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the planning application deemed to have been made under Section 177(5) of the Act as amended. Background Matters
3. An appeal against the refusal by the Council of a retrospective planning application for the development already carried out was dismissed on the 29 July 2019. After the issue of the appeal decision, the appellant sought advice about a revised scheme but was told by the Council that the dismissed appeal could not be revisited unless further examples could be presented that would support a reconsideration of the refusal on conservation grounds. The appellant is therefore now seeking to present further information. The appeal under ground (a) and the deemed planning application
4. The main issue is whether the development preserves or enhances the character of the Berkhamsted Conservation Area (the Conservation Area).
5. Conservation areas are designated heritage assets as defined by the National Planning Policy Framework (the Framework) and great weight is to be given to Appeal Decision APP/A1910/C/19/3238714 <https://www.gov.uk/planning-inspectorate> 2 their preservation and conservation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention be given to the desirability of preserving or enhancing the character and appearance of a conservation area.
6. The previous Inspector assessed the development and found that “regard has been had to the character and appearance of the site and the established character of the terrace frontage.” Nevertheless, “these elements of the resultant situation do not mitigate the harm that has been caused by the loss of the enclosed garden area.” Having visited the site, I see no reason to disregard the previous Inspector’s view.
7. The appellant has referred to a number of examples of other frontages to show that the street scene around the appeal dwelling is significantly diverse and that the development does not cause significant or less than significant harm to the Conservation Area. The first example provided is the proposed replacement of the existing bungalow next to the other side of the appeal dwelling with a new dwelling. The previous Inspector dealt with the existing bungalow and the proposed dwelling at No 29 in his decision letter at paragraph 10. The existing bungalow is of different character to the prevailing pattern of two storey dwellings on Boxwell Road and has an existing driveway and is therefore not comparable to the development.
8. Similarly, the proposed replacement 5 bedroomed dwelling with integral garage and driveway would also be of materially different character to the appeal site. I therefore do not consider that either the existing or proposed replacement dwelling at No 29 are comparable to the terrace of dwellings of which the appeal dwelling is a

part. For similar reasons, I do not share the appellant's view that the presence of nearby bungalows means that the street scene is sufficiently diverse to allow the development.

9. Photographs have been provided of other frontages on Boxwell Road including No 27 which is to the other side of the appeal dwelling where the whole of the front garden and front boundary were removed to create a parking area. However, the Council states that the works to No 27 were carried out prior to the introduction of an Article 4(2) direction. The purpose of the Article 4(2) direction was to prevent harmful alterations to the quality of the streetscene as the Conservation Area Character Appraisal & Management Proposals document identified loss of front gardens and walls to parking as detracting from the streetscene. The development has to be assessed against existing policies. I also share the previous Inspector's view that most of the dwellings with existing car spaces benefit from taller boundary treatments and landscaping and are more discreet.

10. The development at 2 Kitsbury Road was brought to the attention of the previous Inspector. Nevertheless, the appellant has provided photographs of dwellings at Kitsbury Road. The dwellings on Kitsbury Road which are largely semi-detached are of a different style and character to the terraced dwellings on Boxwell Road. As such, I do not find them comparable to the appeal dwelling. Photographs of off street parking on Shrublands Road also show semi-detached dwellings with a different character to the appeal dwelling. The photographs of off street parking on Park View road show an end dwelling with railings and a brick wall retained to the end dwelling of the row but with space for a separate adjacent garage and drive. The other dwelling is of a modern style.

11. In summary, a number of the examples referred to by the appellant were addressed by the previous Inspector in his decision letter. However, each proposal or development does have to be assessed on its own merits. The appeal dwelling has to be assessed with regard to its prominent location as an end of row dwelling towards the end of the road which until the development took place retained features that are characteristic features of the Conservation Area designation. None of the examples provided lead me to reach a different conclusion to that of the previous Inspector with regard to harm.

12. Whilst there is no dispute about the quality of the development, nevertheless the development does harm the contribution that the appeal dwelling makes to the Conservation Area. As the harm to the significance of the Conservation Areas is less than substantial, paragraph 196 of the Framework then requires an assessment to be undertaken to weigh that harm against public benefits. However, no new public benefits are advanced since the previous decision and the creation of an off street parking space is for the appellant's benefit and is therefore a neutral benefit.

13. The development does not preserve or enhance the character of the Conservation Area. The development is therefore in conflict with Policies CS12 of the Dacorum Borough Adopted Core Strategy 2013 (the Core Strategy) which refers, amongst other things, to development integrating with the streetscape character. It is also in conflict with Policy C27 of the Core Strategy and Saved Policy 120 of the

Dacorum Borough Local Plan which require that development should preserve or enhance the character and appearance of the Conservation Area. The development is also in conflict with the Framework which seeks to conserve and enhance historic assets (paragraphs 192 and 196).

Other Matters

14. The lack of objection from the Berkhamsted Town Council, the Highway Authority, and other bodies are all matters that were before the previous Inspector who considered that the lack of objection did not overcome the harm that was identified. I share that view.

15. Both parties have referred to a lack of communication since the issue of the appeal decision in July 2019. I note that the appellant refers to payment of a pre application fee and was disappointed to not receive a response. Nevertheless, in reaching my decision, I have to consider the development before me.

16. The appeal under ground (a) therefore fails. The appeal under ground (f)

17. Under this ground, the appellant has asked that the wording of the steps required by the notice be revised to allow for the retention of the parking bay and the addition of further works. Essentially, the appellant is asking for an alternative scheme to be allowed. The power to grant planning permission under S177(1) of the Act in respect of the matters stated in the notice as constituting a breach of planning control is linked an appeal under ground (a).

18. The power under S177(1) of the Act is to grant planning permission “in relation to the whole or any part of those matters”. If an alternative scheme is advanced, planning permission may be granted provided it is “part” of the development. From the drawing and photographs provided, the alternative scheme would require the addition of brickwork pillars and an increase in height to the side wall. Those elements would be new development over and above what is existing. The proposed alternative scheme put forward as an alternative requirement cannot be properly described as “part” of the development enforced against and could not therefore be granted planning permission as part of a ground (a) appeal.

19. An appeal under ground (f) has a narrower remit than ground (a) and to succeed on ground (f) the appellant would need to show that the requirements of the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

20. With regard to ground (f), it is essential to understand the purpose of the notice. Under s173(4)(a) of the 1990 Act, one of those purposes is to remedy the breach of planning control by restoring the land to its condition before the breach took place. In the notice, the matters which constitute the breach of control are the demolition of the front wall and the creation of a parking bay. The notice requires the reinstatement of the front boundary wall to its original height in the construction style of the remaining existing front boundary wall with materials that match in size and appearance the original materials used. It also requires the removal the hard

surfacing materials and the reinstatement of the front garden to its original condition. The purpose of the notice is therefore clearly to remedy the breach of planning control by restoring the land back to its condition before the breach took place. The requirements are therefore not excessive. As such, the ground (f) appeal must fail. The appeal under ground (g)

21. An appeal under ground (g) is that the period for compliance specified in the notice falls short of what is reasonable. A period of two months has been provided for compliance. The appellant has asked for a period of six months to be able to raise funds to carry out the required works rather than for reasons relating to the nature of the works. However, I am mindful that in the current uncertain climate with Covid-19, it may take longer to obtain estimates and get work undertaken. In the circumstances, I do consider that a longer period of 4 months would be an appropriate timescale. The appeal under ground (g) does therefore succeed in part and I shall vary the notice accordingly.

Conclusion

22. For the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under Section 177 (5) of the 1990 Act as amended.

Our reference: Enforcement Notice Appeal

PINS Reference: APP/A1910/C/19/3234332

Boxmoor Lodge, London Road, Hemel Hempstead

Procedure: Written Representations

Without planning permission the erection of a marquee

Decision

1. The appeal is dismissed and planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

Procedural Matter

2. Although not ticked as a ground of appeal on the appeal form, the appellant has questioned the length of time allowed for compliance which falls within ground (g). However, as the Council has commented upon this issue, I am able to address this ground without causing injustice to any party. The ground (a) and the deemed planning application

3. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the effect of the development upon the living conditions of nearby occupiers at Laurel Bank and Box Lane with regard to noise. Character and Appearance

4. Boxmoor Lodge Hotel is on the junction of London Road and Felden Lane. The marquee, the subject of the notice, is attached to the rear of a building which is separate from the main hotel building and extends from the rear of the building into

the garden area of the appeal site. Rear gardens of two of the dwellings on Laurel Bank back onto the eastern boundary of the appeal site with Oaklands on Felden Lane being side on to the remainder of the eastern boundary. The garden of 1 Box Lane which is set in a large plot is to the other side of southern boundary. There is largely extensive mature hedging and trees along the boundaries with the gardens of dwellings.

5. The Council indicates that the marquee takes up around a third of the garden space and refers to its size and design being in contrast to the surrounding dwellings. Nevertheless, the position of the development to the rear of the appeal site does mean that views of the marquee from the main roads are very limited. Any views from nearby dwellings and their gardens are also likely to be limited due to the mature hedging and fences to the boundaries of the appeal site and the marquee is not as tall as surrounding dwellings. With regard to appearance, the marquee is largely white canvas with a steel frame. On balance, given the relatively secluded location of the marquee, I do not consider that it does cause harm the character and appearance of the area.

6. I therefore find no conflict with Policy CS12 of the Dacorum Core Strategy (Adopted September 2013)(the Core Strategy) with regard to visual intrusion and respecting adjoining properties in terms of matters such as scale and layout, materials and design. Living conditions of nearby occupiers

7. The marquee is used for events including weddings. The Council is concerned about the use of live or amplified music and use of the public address system. Whilst no details are provided of the number of events, the note provided of a meeting in June 2018 referred to around 100 events per year with weddings being booked 2 to 3 years in advance. The nature of wedding events is that music and entertainment will be provided. Noise is more prevalent at evenings, nights and weekends when events are more likely to take place in the marquee and occupiers of nearby dwellings are more likely to be at home to experience noise issues. Incident sheets for the summer of 2018 indicate that bass noise is an issue and also the volume of the PA system. Nearby residents also refer to disruptive behaviour in the marquee garden, having to close windows and doors in summer and limited garden time. The Council's case is that whilst noise is not of sufficient level to be a statutory nuisance, it does cause harm to nearby residential occupiers.

8. Whilst the appellant has referred to discussions with the Council with regard to noise measures, those discussions largely relate to earlier permissions. Conditions were attached to the planning permission granted in 2010 for a period of 5 years which included restricting use of the garden after 9pm. Although the permission came to an end in 2015, the marquee use did not cease. The appellant has referred to responding quickly to direct telephone complaints and a desire to work with neighbours to resolve any noise issues, however, limited details are provided. Whilst the note of the meeting in June 2018 refers to investigating the use of a different PA system with noise limiting features, there is no later evidence before me as to whether that has been installed or is still being investigated.

9. On the evidence before me, I do consider that the development does cause harm to the living conditions of nearby occupiers of Laurel Bank and Box Lane with regard to noise. I have considered whether conditions could overcome the harm that I have found but, on the evidence before me, there is insufficient information for me to impose suitable conditions. Whilst local residents have suggested noise levels not exceeding 50 or 48 decibels at the boundary, no noise assessments have been carried out by any party to assess whether or not this is an appropriate level. Neither of the conditions suggested by the Council, were I minded to allow the appeal, pass the statutory tests required to be met prior to imposing a condition. I do not, for example, consider that a condition banning all music and a PA system from the marquee would be reasonable. The alternative proposed condition assumes that a suitable noise control scheme can be designed and approved which is uncertain in view of the lack of any expert noise evidence from any party to date.

10. The development does therefore conflict with Policy CS12 of the Core Strategy which, amongst other things, refers to avoiding disturbance to surrounding properties. It would also conflict with Paragraph 180 of the Framework which refers to development avoiding giving rise to significant adverse impacts on quality of life. Conclusion on ground (a)

11. Although I have not found harm to the character and appearance of the area, I have found harm to the living conditions of the nearby occupiers of Laurel Bank and Box Lane with regard to noise. The appeal upon ground (a) therefore fails. The appeal under ground (g)

12. An appeal under ground (g) is that the time allowed for compliance is that the period for compliance specified in the notice falls short of what is reasonable. The Council has allowed a compliance period of 12 months. The appellant considers that 12 months is insufficient time as weddings are booked up to three years in advance and he would be letting down brides- to-be and local people. The Council states that twelve months was discussed at a meeting in June 2019 as being sufficient time.

13. I note that discussions between the parties were cut short when the Council served the enforcement notice to avoid the development acquiring immunity from enforcement after a four year period. Nevertheless, the lengthy compliance period does allow discussions to continue and, if considered appropriate, to submit a planning application with expert noise evidence with proposed noise measures. A compliance period in excess of 12 months would usually only be justified in exceptional circumstances, particularly where harm to living conditions of nearby occupiers are involved. I do therefore consider 12 months is a reasonable period and the appeal on ground (g) therefore fails.

Other Matters

14. The appellant has referred to a hotel in Bridgwater, Somerset which was granted planning permission for a marquee by its local Council. However, in the absence of any further information about the other site, I do not find it to be comparable with the appeal site which, in any event, has to be assessed on its own merits.

15. I note that Boxmoor Lodge Hotel is a privately owned business that employs around 30 people locally and also supports local businesses and two employees have separately indicated their support for the development. Nevertheless, these matters do not individually or collectively overcome my finding of harm. Conclusion

16. For the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177 (5) of the 1990 Act as amended.

APPEALS ALLOWED

Our reference: 4/00525/19/FUL

PINS Reference: APP/A1910/W/19/3236036

Greymantle, Hempstead Road, Bovingdon HP3 0HF

Procedure: Written Representations

Appeal against conditions attached to a planning permission

The appeal is made under section 78 of the Town and Country Planning Act 1990. The development permitted is demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units). The conditions in dispute are Nos 4, 6, 8 and 9 which state that:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended (or any Order amending or reenacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place to the new dwelling hereby approved or within its curtilage.

6. All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.

8. The first-floor flank windows facing Parkhurst and Ivydene, as annotated on drawing 'PE2 - Proposed Elevations', shall be permanently fitted with obscured glass up to 1.7m above floor level.

9. Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be

temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved. Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

The reasons given for the conditions are:

4. To enable the local planning authority to retain control over the development in the interests of safeguarding visual and residential amenity, in accordance with Policy CS12 of the Dacorum Borough Core Strategy 2013. Appeal Decision APP/A1910/W/19/3236036 <https://www.gov.uk/planning-inspectorate> 2
6. To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Borough Local Plan 2004.
8. In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Core Strategy 2013 and Paragraph 127 (f) of the National Planning Policy Framework 2019.
9. To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

Decision 1)

The appeal is allowed and the planning permission Ref 4/00525/19/FUL for demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) at Greymantle, Hempstead Road, Bovington HP3 0HF granted on 1 May 2019 by Dacorum Borough Council is varied by deleting conditions 4, 6, 8 and 9 and substituting them with the following conditions: 1) 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 within Schedule 2, Part 1, Class B shall take place on the new south-western (side) roof slope, of the southwestern, dwelling hereby approved. 2) Any trees or plants which within a period of five 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards. 3) The first- floor flank window facing Parkhurst, as annotated on drawing 'PE2 – Proposed Elevations', shall be permanently fitted with obscured glazing up to 1.7m above the finished floor level of the room it serves.

Application for Costs

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

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Although Policies CS12 and CS32 of the Core Strategy (CS) and Policies 99 and 100 of the Dacorum Borough Local Plan (DBLP) have been referred to by the Council in their reasons for attaching conditions 4, 6, 8 and 9, I have not been provided with copies of Policies CS32 of the DBCS or 99 and 100 of the DBLP. I have therefore reverted to the National Planning Policy Framework (the Framework) where necessary.

Main Issues

4. The main issues in this case are:

- whether disputed condition 4 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and future occupiers of the appeal site;
- whether disputed condition 6 is necessary and reasonable having regard to the effect of the development on the character and appearance of the area;
- whether disputed condition 8 is reasonable and necessary having regard to the effect of the development on the living conditions of the occupiers of the adjoining neighbouring properties; and
- whether disputed condition 9 is reasonable and necessary having regard to the ground conditions of the site and any risks arising from contamination. Reasons for the Recommendation

5. The appeal site is set on the north-west side of Hempstead Road. The dwellings on the road are varied although are primarily semi-detached with side facing gables. Greymantle is a detached dwelling set back from the road which, due to its L-shaped form, has a hipped roof on the south-west side. To the north-east side of the house is an attached garage. At the rear of the site is a sizeable garden which extends behind Ivydene and Rose Cottage, the neighbours to the north-east of the site.

6. The development would subdivide the existing dwelling resulting in two semidetached dwellings. A space would be maintained at the boundary with the existing neighbouring properties which are both semi-detached.

Condition 4

7. Regarding extensions which would be permitted under Class A of the GPDO I note that the Council, in their determination of the planning application, were content with the size of the gardens proposed regarding the impact of the proposed development on the character and appearance of the area, and the living conditions of future and neighbouring occupiers. I have no reason to find differently in this regard.

8. Whilst an extension permitted under Class A would increase the built form of the dwellings, I observed that side and rear extensions are a feature of the area. Moreover, I am satisfied that sufficient garden area would remain in the event that the intended future occupiers of the new dwellings exercised their permitted rights in respect of Class A. Harm to the character and appearance of the host dwellings and the surrounding area would be unlikely to result if these PD rights were exercised.

9. It has not been put to me how development under Class A could affect the living conditions of neighbouring properties and I consider that this would be 1 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Appeal Decision APP/A1910/W/19/3236036 <https://www.gov.uk/planning-inspectorate> 4 unlikely, due to the scope of development permitted under Class A and the relationship of the surrounding dwellings. In the event that one of the larger extensions permitted by Class A was proposed, the Council would have the opportunity, under the prior approval scheme, to assess the impact of the proposed development on the amenity of any adjoining neighbours.

10. Moreover, I note that permitted development rights under Class E of the GPDO have not been removed and I consider an outbuilding erected in the garden of one of the proposed dwellings would have as much potential to reduce the respective garden or affect neighbouring occupiers as an extension carried out under Class A.

11. Class B of the GPDO permits the enlargement of a dwelling consisting of additions or alterations to its roof. The approved two-storey extension on the south-west side would create a side facing roof slope, this would allow for a side facing dormer to be erected under Class B, where one would not have previously been possible. Although Parkhurst, the neighbouring dwelling, has a number of forward-facing dormers, a side facing addition would introduce an uncharacteristic roof form which would not reflect the character and appearance of the area and would therefore result in harm. It has not been sufficiently justified for me to remove permitted development rights for Class B development on the north-east side of the property, as a side dormer could already be erected here.

12. However, I find that by reason of their siting in relation to the neighbouring properties it would be unlikely for there to be harm to the living conditions of the occupiers at either of the new dwellings, or Parkhurst and Ivydene. Moreover, the outlook from, and light to, the upper-floor side window serving Parkhurst is likely to

be already limited. In view of the approved extension to the south-west side of the appeal building it is unlikely that a side dormer would significantly increase any impact on Parkhurst to such an extent as to make the room the window serves a less pleasant place to use.

13. As such I consider that a clear justification, on character and appearance or living condition grounds, for the removal of permitted development rights under Class A has not been provided in accordance with Paragraph 53 of the National Planning Policy Framework (the Framework). As such this part of condition 4 is not necessary. However, for the reasons set out above, the control of roof extensions and additions on the extended roof, as permitted under Class B, is necessary in the interests of the character and appearance of the area in accordance with Policy CS12 of the CS which requires development to integrate with the streetscape character.

Condition 6

14. Condition 6 primarily supports condition 5 which requires the submission, and carrying out, of a landscaping plan, while No 6 ensures that, for five years following the completion of the development, any plants or trees that die, are removed, or become seriously damaged or diseased shall be replaced. The appellant has not sought for the removal of No 5, to my mind this indicates that the appellant agrees that a landscaping scheme is required. Without No 6, the mitigation secured by the condition would be negated as it could not be guaranteed that the landscaping scheme would be retained for a reasonable period of time. As such, and subject to the changes suggested in the following paragraph, No 6 is necessary and should be retained.

15. I note that there is some duplication between conditions 5 and 6, with both having a requirement for when the landscaping scheme should be carried out. Given that condition 5 already sets a timeframe for carrying out the landscaping it would be unnecessary for condition 6 to also include a similar requirement.

16. In light of the above, although there is some duplication between conditions 5 and 6, for the reasons identified above the maintenance of the landscaping area would be necessary. This would be in the interest of the character and appearance of the site and surroundings, in accordance with Paragraph 127(b) of The Framework which seeks effective landscaping.

Condition 8

17. From my site visit, and the evidence before me, I note that the first-floor side window facing Ivydene is, as existing, clear glazed and openable. Mutual overlooking would, therefore, already exist. The room would remain a bathroom and the size and position of the window would not be altered. The proposal would therefore not affect the existing situation. Nevertheless, the window serves a bathroom where mutual privacy would likely be desirable for all parties, I find it would be unlikely for the half-height obscured glazing shown on the submitted plans, to not therefore be installed, irrespective of this condition being attached. Moreover, for these reasons I find it would not be necessary for the level of obscuration to be controlled, or for the window's opening to be restricted by condition.

18. I acknowledge that the Inspector dealing with a previous appeal² at the site, for a similar scheme, found that the change of the first-floor bathroom to a bedroom would cause a loss of privacy for the occupiers of Ivydene. However, the current proposal does not propose changes to the use of the bathroom and therefore this is a materially different situation.

19. I consider that it would be desirable that the proposed window facing Parkhurst would provide privacy for future occupiers, and that as such the obscured glazing would be unlikely to be insufficient to prevent a suitable level of privacy. Moreover, as the window would be located opposite a blank wall and roof, it is unlikely that being able to open the window would unacceptably affect the privacy of either the neighbouring or future occupiers.

20. The installation of new windows on residential properties is controlled by the GPDO under condition A.3b of Class A. No clear justification has been provided to demonstrate why this would not be sufficient to protect the living conditions of neighbouring occupiers. I therefore find it would not be necessary to attach a condition restricting windows on the first-floor side walls of the proposed dwellings.

21. As such I consider that, given that no changes are proposed to the location of the bathroom or the size and position of the window facing Ivydene, it is unnecessary for condition 8 to include restrictions regarding this window. However, it would be necessary and reasonable for the condition to be replaced with one restricting the proposed bathroom window facing Parkhurst, given this would be a new window in this location, in order to protect the living conditions of the neighbouring occupiers in accordance with Policy CS12 of the CS and Paragraph 127(f) of the Framework.

Condition 9

22. Although the Council's evidence states that they have received comments from their environmental team, neither these nor the location of the possible contaminated sites have been submitted with their appeal statement. I understand from the appellant's statement that the Council consider a, now redeveloped, petrol station set some distance away to be a possible source of contamination for the site.

23. I have not been provided with, or directed to, any substantive evidence as to the source of possible contamination, and as such I consider that the likelihood of such contamination is very low. I therefore find that any additional risk as a result of the proposal would be limited, especially as the existing use is already residential.

24. Concerns regarding asbestos within some parts of the building to be demolished have been raised, with a request to add a requirement to condition 9, for this to be assessed and appropriate action to be taken. However, such matters are dealt with by other legislation, outside of the planning system, and it would not therefore be necessary for this to be included within condition 9.

25. Therefore, although the condition is not overly onerous on the appellant, it would be unnecessary in order for the development to comply with Paragraph 178(a) of the Framework which seeks development to take account of ground conditions and where necessary undertake remedial action.

Other Matters

26. I have had regard to the various other concerns raised by interested parties, including the accuracy of the plans, quality of the development including future development, health and safety, disturbances and highway safety. However, I am satisfied that these are principally issues concerned with the grant of planning permission for the development and they have not, therefore had a significant bearing on my decision-making in this instance.

27. A condition requiring a construction management plan has been requested. However, given the limited scale of the development, access to the site, and controls to building works outside of the planning system, I find that this would be unnecessary in this instance.

Recommendation

28. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be allowed in so far as the removal of condition 9, which I consider to not be reasonable and necessary, the replacement of conditions 4 and 6 with conditions better suited to protecting the character and appearance of the site and its surroundings, and the replacement of condition 8 with one which is more reasonable in its protection of neighbouring living conditions.

I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

APPEALS WITHDRAWN

None

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (April 2020)

HEADLINES

1. Since the last update (January 2020) a total of 7 notices have been served. A total of 5 cases have been removed from this list since the last update.
2. Since the last update (January 2020) the Planning Inspectorate has issued Decision Notices for a number of appeals against the serving of Enforcement Notices at Boxmoor Lodge Hotel, 68 Tring Road and 28 Boxwell Road (Items 33, 34 and 35). These notices were all upheld (one with a change to the time provided to comply).

Page 144	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	Crown Court appeal partly successful. Mr Pitblado convicted on one count, Mrs Pitblado discharged. Need to consider next steps in conjunction with Legal.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.
4	E/09/00128	The Granary, 49 New Road, Wilstone	The installation of uPVC windows and doors	11 Jan 11	18 Feb 11	18 Feb 13	Yes, appeal dismissed 17 Jun 11	17 Jun 13	Not complied	Owner advised he would comply before end of Sep 19 and sought comments from Conservation on the type of window to be used – however, he then sold the property and the new owner has now been in contact with us regarding compliance.
5	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. Inspection to take place to understand current position.
6	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
7	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felten	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building dependant on action at Gable End. Review of other breaches needs to take place.
8	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felten	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependent on action at Gable End. Review of other breaches needs to take place.
9	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
10	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly <u>complied</u>	Compliance period has passed. Most vehicles removed from the land. Compliance visit undertaken and confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. *Planning application granted: 4/01937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.*
11	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	N/A	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). *Appeal also dismissed. Need to consider how to secure compliance*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
12	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
13	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned.
14	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors are in discussion with the Conservation Officer to confirm final details of replacement fenestration.
15	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors are in discussion with the Conservation Officer to confirm final details of replacement fenestration.
17	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Following the re-introduction of weddings at the site (summer months) the issue of items not being removed

										between weddings arose again. Planning application 19/02588/MFA received 06 Oct 2019.
16	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Planning application seeking smaller raised platform expected. Correspondence sent to owner 20.01.20 to request application/ compliance. *Application received, invalid at the moment*
17	E/17/00382	Markyate Cell Park, Dunstable Road, Markyate	Excavation / landscaping works at Historic Park. Storage of tyres and cement mixers.	21 Sep 17	21 Sep 17	N/A	N/A	N/A	N/A	Temporary Stop Notice period expired. Final bund clearance and filling in of holes expected by end of March 2019.
18	E/17/00266	Land at Red Lion Lane (Sappi), Nash Mills, Hemel Hempstead	Untidy land, left over from building works.	24 Nov 17	24 Dec 17	24 Jan 18	N/A	N/A	Partly complied	Site cleared. Some grass seeding work required. Also need to seek removal of Heras fencing.
19	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Bund removed. Period of compliance for track has passed, but no compliance. p/p sought for retention of smaller track (373/19/FUL) – Refused. *Planning appeal dismissed March 2020 – need to consider offence and next steps*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
22	E/17/00290	Land adj. Two Bays, Long Lane, Bovingdon	MCOU to a commercial yard, siting of shipping container and portacabin, and construction of open-fronted building.	14 Dec 17	12 Jan 18	12 May 18	Yes, but withdrawn	28 Feb 19 (for all steps)	Partly complied	Buildings, vehicles and materials nearly all removed from EN site. Law Dev't Certificate for land to the rear refused. *Consideration given to requirement to restore the land as per the notice. Evidence to show the condition prior to the notice was considered in conjunction with expediency assessment.*
22	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes Appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal against Enforcement Notice submitted on 15 Feb 18. Appeal allowed in respect of ground (g) (time limits) Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. Site visit required to check compliance with permission.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
23	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	N/A	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
25	E/18/00151	14 The Coppins, Markyate	Construction of raised parking pad.	26 Apr 18	26 May 18	26 Aug 18	Yes Appeal dismissed	06 Nov 19	N/A	Appeal against EN submitted on 17 May 18. Appeal dismissed- application 19/02822/FHA received and granted for different scheme. *Additional compliance period has now passed, however this is due to COVID – 19 lockdown. Progress has been made and witnessed by officers. Continued liaison - likely to result in successful implementation of the new permission*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
25	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep18	14.10.18	14.12.18	Yes	N/A	N/A	S.215 Notice served requiring various elements to be removed from the land. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
26	E/18/00297	The Old Oak, Hoggpits Bottom, Flaunden	Construction of raised terraces at front of site.	05 Oct 18	05.11.18	05.01.19	Yes - <u>withdrawn</u>	N/A	*Partly complied*	Enforcement Notice, requiring restoration of land, has been appealed. *Appeal withdrawn following extensive discussions and compliance with the enforcement notice under supervision of the Council*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
27	E/18/00341	55 High Street, Markyate, AL3 8PJ	Installation of an external ACU (air conditioning unit) to the rear.	12 Feb 19	14 Mar 19	14 Sep 19	Yes - <u>withdrawn</u>	<u>02 Apr 20</u>	N/A	This notice was appealed but subsequently withdrawn on 2 Oct 19. *Planning application (20/00415) submitted to reposition and retain ACU – pending decision*
28	E/16/00007	Land lying to the northwest of Hill Farm, Markyate, AL3 8AU (known as Swaddling Wood)	Parking of vehicles, siting of mobile home and erection of gate in woodland.	15 Feb 19	18 Mar 19	18 Jun 19	Yes	N/A	N/A	This notice has been appealed. Start letter issued and statements exchanged.
29	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes	N/A	N/A	This notice has been appealed. Start letter issued and statements exchanged.
30	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Formation of level terraces and construction of brick and stone retaining walls in rear garden.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - <u>withdrawn</u>	<u>29 May 20</u>	N/A	This notice was appealed. *Application submitted in order to retain terracing with changes to design and new landscaping proposal*
31	E/18/00166	Honeybrook, St Margarets, Great Gaddesden, HP1 3BZ	Non-compliance with condition 12 p/p 4/02874/15/FUL.	22 Mar 19	22 Apr 19	22 Oct 19	Yes - <u>withdrawn</u>	<u>29 May 20</u>	N/A	* Variation application 19/02721/ROC submitted*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
32	E/15/00238	6 Sarum Place, Hemel Hempstead	Untidy land	21 May 19	21 Jun 19	21 Dec 19	No	N/A	N/A	S215 untidy land notice served in relation to the garden, windows, gate and shed at this property. Previous S215 was complied with following direct action by DBC. Property fallen into disrepair again. Final deadline given to tidy up the site.
33	E/18/00436	68 Tring Road, Wilstone	Erection of a fence in excess of 1m adjacent to a highway	11 Jun 19	09 Jul 19	09 Oct 19	Yes	<u>23 Jun 20</u>	N/A	Retrospective planning permission was refused – Enforcement notice served and notice appealed. *Appeal dismissed – new compliance date 23 June 20. Further planning application refused*
34	E/19/00010	Boxmoor Lodge Hotel, London Road, Hemel Hempstead	Erection of a marquee	25 Jun 19	06 Aug 19	06 Aug 20	Yes	<u>31 Mar 21</u>	N/A	*Appeal dismissed – new compliance date 31 March 2021*
35	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	<u>30 Jul 20</u>	N/A	EN served following dismissal of planning appeal regarding same development. *Appeal dismissed – new compliance date 30 July 2020*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
36	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and operational development including laying hard standing and erection of fencing	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made final 20 Sep 2019). EN served following refusal of planning permission on 11 Sep 19. Refusal and EN appealed and likely to be linked inquiry.
37	E/17/00442	Land north of Home Farm, Flaunden Bottom	Extension to building and construction of new building	12 Sep 19	12 Oct 19	12 Dec 19	No	12 Apr 20		EN served following unsuccessful negotiation. No appeal made following discussions and re-issuing of the EN. Compliance required by 12.04.20.
38	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes	N/A		LBEN served – notice appealed on basis that wall was not listed and that permission was previously granted under 4/01580/15/LBC
39	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		EN served – not appealed. Required to comply with the notice by 12.01.20. *No compliance – next steps to be considered in line with LBEN appeal*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
40	E/19/00492 BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 4, 5 and 19 of planning permission 4/01889/14/MFA	05 Dec 19	05 Dec 19	02 Jan 20	N/A	N/A		Breach of condition notice issued in respect of breaches pertaining to vehicular access points and approved plans. *Requirement to comply with plans and market layout held in abeyance during ongoing discussions and planning application being considered to regularise size of market (20/00339)*
	E/19/00492/ BOC	Bovingdon Market, Chesham Road, Bovingdon	Use of vehicular access on Molyneaux Avenue	13 Dec 19	13 Dec 19	N/A	N/A	N/A		*Temporary Stop Notice issued in connection with the use of a vehicular access from Molyneaux Avenue (for market customers). *Notice expired and use of access controlled via BoC notice as above. To be removed from the list*

THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
42	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	22 Jan 20	22 Jan 20		N/A	N/A		Temporary stop notice issued in respect of the continued building and construction and the importation and processing of waste materials. This has now expired and further action has been taken (see items 44 and 45). This will be removed from the list.
43	E/18/00558	123 George Street, Berkhamsted	Breach of condition in relation to approved drawings 4/01759/16/FHA.	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.
44	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes	N/A		Enforcement notice issued in relation to the construction of 7 unauthorised buildings, construction of hard surfacing, change of use of buildings and change of use of land for waste importation and processing.

45	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of buildings and provision of hardstanding, operation of waste transfer/recycling and importation of waste.	19 Feb 20	19 Feb 20		N/A	N/A		Stop notice issued with enforcement notice in order to cease the continued building work and importation and processing of waste materials at this site.
	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
46	E/20/00101/ NPP	121 High Street, Markyate	Construction of an unauthorised structure to the rear of this Listed Building.	04 Mar 20	04 Mar 20		N/A	N/A		Temporary stop notice issued in relation to the building work. PCN issued to obtain further information on the works. Temporary stop notice ceased to have effect on 01 April 2020. PCN not responded to. Next steps to be considered.
47	E/19/00439/ LBG	NCP Car Park, Marlowes, Hemel Hempstead	Condition of building	13 Mar 20				N/A		S215 notice issued in relation to the condition of this car park building (external condition).
48	E/20/00088/ NPP	Land East Of Watling Girth, Old Watling Street, Flamstead	Construction of unauthorised structure, hardstanding, internal access road.	31 Mar 20	31 Mar 20		N/A	N/A		Temporary stop notice issued in relation to construction of unauthorised structure on this land. PCN issued and responded to. Planning application expected before

										expiration of the TSN (27 April 2020).
--	--	--	--	--	--	--	--	--	--	---