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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 21 OCTOBER 2021 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

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

Councillor Oguchi
Councillor Uttley
Councillor Woolner
Councillor Douris
Councillor Williams
Councillor Hollinghurst

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 21/02442/FUL - Replacement of three 6 metre wide tipis with 3 cabins and 3 portaloos - Land off Pouchen End Lane, Hemel Hempstead (Pages 6 - 9)
- (b) 21/01209/FUL - Construction of a 4 bed dwelling - Land to the rear of 58 Lockers Park Lane, Hemel Hempstead (Pages 10 - 23)
- (c) 21/01743/FUL - Demolition of existing bungalow and construction of two detached dwellings with integral garages - 4 Barncroft Road Berkhamsted Hertfordshire HP4 3NL (Pages 24 - 48)
- (d) 21/03021/OUT - Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow. - Land To Rear Of 40 Windmill Way Tring Hertfordshire (Pages 49 - 81)
- (e) 21/02968/FHA - Part single storey, part two storey front, side and rear extension - Greenbanks Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA (Pages 82 - 93)
- (f) 21/02796/FHA - Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension - 1 The Orchard Kings Langley Hertfordshire WD4 8JR (Pages 94 - 110)
- (g) 21/01961/FHA - Replacement fence and gates - Moorings 13 Anglefield Road Berkhamsted Hertfordshire HP4 3JA (Pages 111 - 118)

6. APPEALS UPDATE (Pages 119 - 139)

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Item No.	Application No.	Description and Address	Page No.
5a.	21/02442/FUL	Replacement of three 6 metre wide tipis with 3 x 12 by 12 feet cabins for accommodation. 10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead, Hertfordshire	
5b.	21/01209/FUL	Construction of 4 bed dwelling. Land Rear Of 58, Lockers Park Lane, Parkhill Road, Hemel Hempstead	
5c.	21/01743/FUL	Demolition of existing bungalow and construction of two detached dwellings with integral garages 4 Barncroft Road, Berkhamsted, Hertfordshire, HP4 3NL	
5d.	21/03021/OUT	Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow. Land To Rear Of 40 Windmill Way, Tring, Hertfordshire,	
5e.	21/02968/FHA	Part single storey, part two storey front, side and rear extension. Greenbanks, Toms Hill Road, Aldbury, Tring	
5f.	21/02796/FHA	Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension. 1 The Orchard, Kings Langley, Hertfordshire, WD4 8JR	
5g.	21/01961/FHA	Replacement fence and gates. Moorings, 13 Anglefield Road, Berkhamsted, Hertfordshire	

Agenda Item 5a

Item 5a	
21/02442/FUL	Replacement of three 6 metre wide tipis with 3 cabins and 3 portaloos.
Site Address:	Land off Pouchen End Lane, Hemel Hempstead
Applicant/Agent:	Mr Durrant
Case Officer:	Robert Freeman
Parish/Ward:	Chaulden And Warners End
Referral to Committee:	The application is referred to committee as the applicant is Councillor Durrant.

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposals should be considered to constitute limited infilling and as such would be appropriate development in the Green Belt as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The proposals are considered to be appropriately designed and would not detract from the character and appearance of the property in accordance with Policy CS12. The proposals are not detrimental to the amenities of neighbouring properties in accordance with Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011. Although the proposals would intensify the residential use of the access track, the demarcation of a public footpath and other associated measures will not result in any significant harm to matters of highways and pedestrian safety in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 54 and Appendix 5 of the Local Plan 1991-2011.

3. SITE DESCRIPTION

- 3.1 The application site comprises a triangular parcel of land between Pouchen End Lane and Brownlow Farm Barns. An area of land is set aside in the south western corner of the site (44.5m x 25m) for use for camping and leisure purposes within which there a three tipi (or tepee). The camping and leisure use of the site is licensed by the Environmental Health team.

4. PROPOSAL

- 4.1 The proposals seek planning permission for the removal of three tipi (or tepee) (6m in diameter) and their replacement with 3 field shelters (3.5m x 3.5m) and 3 Portaloos (1m x 1m) The field shelters would be clad in timber and would have a corrugated steel roof. They would have a pitched roof extending to 2.5m in height.
- 4.2 The buildings would be constructed adjacent to the southern site boundary.

5 PLANNING HISTORY

- 5.1 Planning permission was initially granted for a change in use of land from agricultural purposes to a camping and leisure use and the erection of three tipi (or tepee) tents on a temporary basis in 2016 (4/00506/16/FUL) This was subsequently granted full planning permission in 2017 (4/02495/17/RET)

5.2 Permission was subsequently granted (20/00273/FUL) for the removal of a double-decker bus and archery area and the placement of two field shelters and a shipping container in connection with the use of this land.

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (July 2020) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

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

Policies 13, 51, 54, 55, 58, 95 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

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

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

No formal comments have been received from neighbouring properties.

8. CONSIDERATIONS

Policy and Principle

8.1 There are no objections in principle to the development of facilities to support existing camping and outdoor recreational sites, notwithstanding its location in the Green Belt and in

accordance with the NPPF, Policy CS5 of the Core Strategy and Saved Policy 95 of the Dacorum Borough Local Plan 1991-2011.

- 8.2 In considering such cases, the primary planning consideration will be the scale of development and its impact upon the open character and appearance of the Green Belt.
- 8.3 The proposed field shelter accommodation will replace a number of tipi (or tepee) that can be lawfully erected at the application site. This would not result in an intensification in the camping and recreational activity at the site. The proposed field shelters would be significantly smaller than the tipi (or tepee) in terms of their overall footprint and height and although more permanent in nature would appear less incongruous in design. It is noted that there is no requirement for the tipi (or tepee) to be dismantled when not in use and as such there is a degree of permanence to these buildings that can exacerbate their visual intrusion.
- 8.4 In contrast, the proposed field shelters would be constructed in timber and would be similar in appearance to a number of farming and equine facilities. They would be inconspicuous in their appearance. The toilets would be located between the shelters to minimise any visual intrusion. Overall the proposals are not considered to result in any significant detriment to the overall character, appearance and openness of the Green Belt in accordance with Policy CS5 of the Core Strategy.

Layout and Design

- 8.6 The proposed buildings are considered to be appropriate in terms of their design, bulk, scale and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. They would also be appropriately sited at the edge of the field and contained to the designated camping area. As such they do not detract from the visual amenities of the wider Green Belt area in accordance with Policies CS5 and CS12 of the Core Strategy.

Impact on Residential Amenity

- 8.7 The camping area is located over 50m from residential buildings at Brownlow Farm Barns. Despite a high level objection to the initial use of the site for camping and recreational activities, the site appears to be operating satisfactorily and without significant harm to the residential amenities of neighbouring properties. I can see no reason that this situation might change as a result of the development and as such do not consider the proposals to be harmful to the residential amenities of these properties. The extent of camping activity is controlled by the licensing framework and by a planning condition limiting the area in which tents or other buildings may be erected. This condition should be reapplied in the interests of residential amenity and to ensure that the proposals are acceptable in Green Belt terms.

Access, Parking and Safety

- 8.8 There would be no intensification in the use of the site for camping and recreational purposes as a result of development nor any alterations to the access arrangements for the site. Accordingly the proposals are not considered to raise any concerns in relation to access and highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD (2020)

Other Material Planning Considerations

- 8.9 The proposals do not appear to raise any other significant planning issues

9 RECOMMENDATION

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

Conditions

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

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

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

**0854/01E (Location Plan and Proposed Site Plan)
0854/03B (Proposed Shelters and Store Details)**

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

3. Prior to the first use of any structures hereby permitted all tipi (or tepee) located upon the site shall be permanently removed from site.

Reason: The erection of the proposed structures would result in some undesirable impacts on the openness, character and appearance of the Green Belt. The removal of the tipi (or tepee) would result in visual mitigation in accordance with Policies CS1 and CS5 of the Dacorum Borough Core Strategy (2013).

4. No camping shall take place on the site apart from in the designated ' area (44.5 x 25m)' as defined on drawing 0854/01E.

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policy CS12 of the Dacorum Borough Core Strategy, for the avoidance of doubt and to accord with the details provided by the applicant.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental Health	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. We have no objection to the proposals on noise or air quality grounds.

Agenda Item 5b

ITEM NUMBER: 5b

21/01209/FUL	Construction of a 4 bed dwelling	
Site Address:	Land to the rear of 58 Lockers Park Lane, Hemel Hempstead	
Applicant/Agent:	Mr Sutton/Mr Johnson	
Case Officer:	Robert Freeman	
Parish/Ward:		Boxmoor
Referral to Committee:	The application is referred to committee at the request of Councillor Allen. Councillor Allen has raised concerns that there is a Land Tribunal ruling prohibiting the development of the site and that the proposals would be detrimental to the light and privacy of neighbouring units in view of changes in topography	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposed development would provide an acceptable use of urban land in accordance with Policies CS1, CS2 and CS4 of the Core Strategy. The proposed development would be acceptable in design and would have an acceptable impact on amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.
- 2.2 Satisfactory access arrangements can be made to serve the development in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 The site comprises part of the long rear garden to 58 Lockers Park Lane. It lies within a modern suburban housing estate of mixed two and three-storey properties sitting generally in generous plots. The host property forms part of a group of five detached houses fronting Lockers Park Lane with detached garages at the foot of the garden accessed from Park Hill Road to the rear. The garages along the Park Hill Road frontage have been progressively replaced by new infill housing developments.

4. PROPOSAL

- 4.1 The proposals involve the construction of a single four bedroom, two storey dwelling in an area of garden to the rear of 58 Lockers Park Lane. A parking area for some 2 vehicles would be created to the front of the dwelling.

5. PLANNING HISTORY

- 5.1 The application site has an extensive site history going back to the original grant of planning permission for a house on this site in 1976.
- 5.2 Planning permission has more recently been established for the construction of a detached dwelling and garage on this site under application number 4/0716/94. This permission was renewed in 1999 (4/01218/99/ROC) but has subsequently lapsed.

- 5.3 A number of other planning approvals for development within the rear gardens of Nos 50-56 Lockers Park Lane are relevant and material planning considerations. These include planning permission 4/02235/18/FUL (for the construction of a pair of semi-detached dwellings within the curtilage of No.50 Lockers Park Lane), 4/00280/15/FUL (Construction of 4 x 3 bed dwellings at the rear of 52-54 Lockers Park Lane) 4/02520/18/FUL (for the construction of 2 x 3 bed dwellings at land to the rear of 54 Locker Park Lane) and permission 20/00296/FUL (for the construction of two dwellings within the garden of 56 Lockers Park Lane)

6. PLANNING POLICIES

6.1 National Policy

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

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS18 – Mix of Housing
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

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

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

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

7. REPRESENTATIONS

7.1 Consultation responses

These are reproduced in full at Appendix A.

7.2 Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

- 8.1 The application site is located within a residential area of Hemel Hempstead and in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy there would be no objection to the principle to the construction of a dwelling on this site. The provision of new dwellings to the rear of properties in Lockers Park Lane and fronting onto Parkhill Road has been accepted through the approval and construction of a number of semi-detached properties in this location.
- 8.2 The construction of a new dwelling would make a small contribution towards the overall supply of new housing within the Borough in accordance with Policy CS17 of the Core Strategy.

Layout and Design

- 8.3 The design of the proposed dwelling has been amended during the processing of this application in accordance with the comments of the case officer. The revised scheme has resulted in the removal of a third floor and balcony. This revised scheme is considered to be appropriate in terms of its design, bulk, layout, site coverage and scale and would provide an appropriate addition to the street in accordance with Policies CS11 and CS12.
- 8.4 A reasonable level of residential amenity would be provided for future occupants with a private rear garden of between 9.4m and 11.5m in depth provided. This would be functional in size and shape for a dwelling of this size in accordance with Saved Appendix 3 of the Local Plan 1991-2011
- 8.5 I do not consider that a rendered finish to the property would be appropriate in accordance with Policy CS12 of the Core Strategy and accordingly am recommending that further details of materials are secured via a planning condition. A similar brick to that used on adjacent residential units and the potential cladding of the first floor would be a more suitable design response.

Impact on Residential Amenity

- 8.6 The proposed dwelling would have no significant impact upon the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The properties are to be located a significant distance from the rear elevations of properties in Lockers Park Lane and in excess of the recommended back to back distance of 23m in Saved Appendix 3 of the Local Plan. It would also be located at a lower level than 58 Lockers Park Lane and there would be a substantial outbuilding located immediately adjacent to the rear boundary fence. At this distance the impact upon privacy, daylight and sunlight is negligible and would not justify the refusal of planning permission.
- 8.7 The proposed dwelling would also be located a sufficient distance from the frontage of existing dwellings in Parkhill Road and this would ensure that there is no significant harm to the amenities of these properties by reason of a loss of privacy, daylight or sunlight.

Access, Parking and Safety

- 8.8. A new access and crossover would be provided onto Parkhill Road and an area of hard standing would be created in brick pavers to the front of the dwelling. The parking area is indicated to accommodate three vehicles but it only appears to be capable of accommodating two spaces in accordance with the Car Parking Standards SPD (2020)
- 8.9 A total of three off-street parking spaces should be provided in accordance with the Car Parking Standards SPD (2020) for a dwelling of this size. There is sufficient space to extend the parking area to the required width and the full extent of hard standing should be clarified through the submission of additional details.
- 8.10 The proposed development is considered to be accessible in accordance with Policies CS8 and CS12 of the Core Strategy. This is reflected in the comments of the County Council as highway authority.

Impact on Trees

- 8.11 The proposed development will result in the removal of a number of trees upon the site including 3 x Ash trees, a Silver Birch tree and two conifer trees. Two trees would be retained within the rear garden of the property.
- 8.12 The trees to be removed do not have a high amenity value nor appear worthy of a Tree Preservation Order (either individually or for their group value) as set out in the response by the Trees and Woodlands section. Accordingly their removal would not justify the refusal of planning permission in accordance with Policies CS12 and CS26 of the Core Strategy.

Other Material Planning Considerations

Ecology

- 8.13 During the determination of the planning application for the adjacent plot (20/00296/FUL) the County Ecologist made it clear that there were no records of protected species within the vicinity of the application site and as such it would appear that the likelihood of bats being present and affected was too low for the LPA to require a formal survey. It would appear otiose to require a survey in these circumstances.

Sustainable Construction

- 8.14 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues.
- 8.15 The application is not accompanied by any details in relation to sustainable construction and as such further information should be required by condition and in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Response to Neighbour Comments

- 8.16 In addition to those matters addressed above a number of neighbouring parties have stated that there are restrictive covenants on the property which would be breached as a result of this development. They have also referred to a judgement of the Land Tribunal in relation to this matter dating from the early eighties and upholding these restrictions. Whilst this may be the case, such matters relating to land ownership and private restrictions are not material to the consideration of the planning application which shall be determined on its planning merits.

Impact on Infrastructure

- 8.17 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council adopted its CIL schedule in February 2015 and this proposal would be liable for the payment of CIL.

9 RECOMMENDATION

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

Conditions

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

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

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

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

3. 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 154 and 157 of the National Planning Policy Framework (2021).

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

- 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; and
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.)

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013). The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

5. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number Wren naj 20d 2021 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers)

Reason: To ensure satisfactory access into the site in accordance with Policies CS8 and CS12 of the Core Strategy and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.

Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 23 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

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

Location Plan

Wren naj 020 c 2021 Revision B

Wren naj 20d 2021 Revision S

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

INFORMATIVE

1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended 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/dropped-kerbs/dropped-kerbs.asp> or by telephoning 0300 1234047.

2) 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.

3) 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.

4) 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:

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

5) In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

6) Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire County Council - Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number wren naj20 2021 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers) in accordance with HCC Dropped Kerbs: Terms and Conditions.</p> <p>Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p>2) Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway Carriageway</p> <p>Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p>3) Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 23metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018).</p> <p><u>Highway Informatives</u></p>

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended 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/dropped-kerbs/dropped-kerbs.asp>
or by telephoning 0300 1234047.

AN 2) 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.

AN 3) 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.

AN 4) 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:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>

or by telephoning 0300 1234047.

Comments

The proposal is for the construction of a 4 bed dwelling on land to the rear Of 58 Lockers Park Lane, Hemel Hempstead. The dwelling will access the highway network via Parkhill Road. Parkhill Road is a 30 mph unclassified local access route that is highway maintainable at public expense.

Vehicle access and parking

The site where the proposed dwelling will be, forms the rear garden of 58 Lockers Park Lane. The new dwelling will have a new dropped kerb onto Parkhill Road. Although shown in drawing wren naj20 2021 as a 7.2 metre dropped kerb, HCC Highways thinks that it would be more appropriate as a 5.4 metre (4 dropped kerbs and 2 risers) in accordance with our implementation teams Dropped kerbs: Terms and Conditions document found here;

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx>.

HCC Highway would note that the applicant has stated that a 7.2 metre dropped kerb is in accordance with HCC Design guide 3rd edition. This 7.2 metre dropped kerb is for a double dropped kerb

which is normally applied to a shared access for two dwellings. By the end of this year, HCC Highway will implement a new design guide which may change the specifications of a dropped kerb to align with that of our dropped kerb guidance. As such a 5.4 metre dropped kerb is what our dropped kerb implementation team expects for a single dwelling which is why I have included a 5.4 metre measurement in condition 1 above which I believe is achievable for this site. The small dropped kerb would cause less disruption to the pedestrian environment which is in line with HCC Local Transport Plan (adopted 2018) policies. Please see informative 1 above relating to the implementation of the dropped kerbs.

Parking is a matter for the Local Planning Authority (LPA). However, HCC Highway would comment that the applicant has stated that there will be 3 off road vehicle parking spaces. However, within drawing wren naj 020 a 2021 this is not seen as achievable.

Drainage

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.

Sustainability

The new dwelling will be 520 metres from the nearest bus stop and 1.5 km from Hemel Hempstead Station. Both these locations are within achievable walking and or cycling distance from the dwelling and therefore are in line with policies within HCC Local Transport Plan (adopted 2018).

Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

Emergency Vehicle access

The proposed dwelling 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 – Dwellingshouses'.

Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above

	highway informatives and conditions.
Environmental Health	<p>The proposed development is on a site that does not appear to have a potentially contaminative land use history and the application is for a development that will not result in an increase in vulnerability of the end use to the presence of ground contamination, as such there is no objection to the application and no requirement for land contamination planning conditions.</p> <p>However, the development will involve significant ground works, so if permission is granted it is recommended that the following informatives are included in the decision notice.</p> <p><u>Contaminated Land Informative 1:</u></p> <p>In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p><u>Contaminated Land Informative 2:</u></p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Trees and Woodlands	The attached photos show a number of trees located within the potential development site. Although they appear healthy their overall form is not particular 'good' and therefore I would not consider them worthy of Tree Preservation Order protection.

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
1 Parkhill Road	<p>ORIGINAL PLANS</p> <p>Concern over 3 storey height with lowest point of roof at the same height as our eaves, which may reduce light/ sun to the rear of our property.</p>

	<p>Unsure from the plan how the raised area on the right of the new property will be retained, is the garden area raised with stairs?</p>
26 Parkhill Road	<p>ORIGINAL PLANS</p> <p>We object to the proposed build on the land at the rear of 58 Lockers Park for the following reasons:</p> <ul style="list-style-type: none"> - The land is subject to a covenant and therefore cannot be built on. Other houses in 'Windsor Terrace' breach this covenant - The building is not in keeping with the local area. There are no other properties with split level appearance. The façade of the building is not in keeping with the road and all other properties around it - Properties in the HP1 1TW postcode are not 3 level buildings - those on Parkhill Road that are fall under a different postcode (HP1 1TP); Windsor Terrace properties do not count when making this point because, as highlighted above, they are built in breach of a covenant - The planned property contains a balcony on the front; there are no views possible from this building apart from into the properties of others and, therefore, this balcony and all other windows on the front of this building invade privacy of the surrounding properties - No other buildings in Parkhill Road have a balcony on the front of the property - The proposed building will cause loss of light to the surrounding properties - The building will have a negative visual impact on the street; it is overbearing - Parkhill Road is a narrow road and this property will restrict access to driveways - The property will cause an increase in noise for surrounding properties - The property will contribute to pollution in the street - including noise, light and air pollution
28 Parkhill Road	<p>We object to this proposed development.</p> <p>The land to the rear of 58 Lockers Park Lane, is subject to a Lands Tribunal (LT) ruling (now Lands Chamber) by (V.G.Wellings Esq., QC) under section 84 of the Law of Property Act 1925. It is not within the remit or role of DBC, HCC or indeed the Planning Inspectorate to set aside a legally set ruling by the LT. Indeed it is the responsibility of the applicant in this case to apply to the courts (Lands Chamber) to have this decision reversed. The link to the following website may offer some insight</p>

	<p>https://www.propertylawuk.net/property-law-library/restrictive-covenants/modification-and-discharge.html</p> <p>The ruling came about, due to the enforcement of a restrictive covenant on the land (which DBC may wish to vary), however our property still retains an enforceable restrictive covenant. Even if DBC were prepared to waive the restriction on this land, we are not prepared to relinquish our rights to these restrictions, and require them to be enforced.</p> <p>The ruling deals with many aspects including loss of privacy, parking, width of Parkhill Road and aspects which it seems the local planning authority are not prepared to deal with. We are in possession of a full copy of the LT ruling. Copies can be supplied to local DBC councillors & HCC Councillors.</p> <p>Whilst planning authority has been granted, wrongly in our opinion on adjacent land, this land was not covered by a very specific ruling by the LT.</p>
58 Lockers Park Lane	<p>ORIGINAL PLANS</p> <p>The proposed development backs onto our property (58 Lockers Park Lane). We have major concerns about the 3 storey proposal that will overlook our garden and straight onto our home (from the proposed properties first and second floor) particularly our teenage daughters bedrooms which is causing some anxiety for one of our girls. This may also have a negative impact on the light we currently get in our garden.</p> <p>There are a number of trees in the plot currently which appear to be being removed to make way for the property. Not only would some of these trees offer us a screen from said development there are some reservations around the impact removal of the trees might have on the bats and birds that reside here.</p> <p>In addition to the above there is a covenant on the land as per the comment from the owners of 28 Park Hill Road.</p> <p>AMENDED PLANS</p> <p>It appears our concerns have been taken into account in the new plans, thank you. Can you confirm how you will ensure the trees in your proposal will remain on the land once the development has been completed? Will tree preservation orders be requested/granted?</p>

Agenda Item 5c

ITEM NUMBER: 5c

21/01743/FUL	Demolition of existing bungalow and construction of two detached dwellings with integral garages	
Site Address:	4 Barncroft Road Berkhamsted Hertfordshire HP4 3NL	
Applicant/Agent:	Austin Worboys Developments	Mr James Arkle
Case Officer:	Colin Lecart	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Objection received from town council.	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 It is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole. The development would not have an adverse impact on the residential amenity of surrounding properties and provide an acceptable level of amenity for future occupiers.

2.2 Furthermore, appropriate visibility splays would be maintained and an acceptable level of parking provision would be provided and so the development would not have a significant impact on the safety or operation of the adjacent highway.

2.3 Due regard has been given to the presence of protected species on site and Hertfordshire Ecology have confirmed that mitigation measures contained within the submitted ecological reports are satisfactory.

2.4 It is therefore considered that the proposal is policy compliant and is therefore recommended for approval.

3. SITE DESCRIPTION

3.1 The application site comprises a single storey bungalow set on a generously sized plot along Barncroft Road. The street consists primarily of detached low density housing of varying forms and scale. The street scene benefits from a vast amount of landscaping which contribute to a verdant character. There appears to be a number of examples of historic infill development along the street, most notable at number 6 adjacent the site and Chartridge a short distance to the south.

4. PROPOSAL

4.1 The application seeks permission for the demolition of an existing bungalow and construction of two detached dwellings with integral garages

5. PLANNING HISTORY

Planning Applications01743/FUL

21/00192/TPO - Removal of two Leylannii trees
GRA - 11th February 2021

4/01197/90/TPO - Felling of preserved trees
GRA - 25th October 1990

6. CONSTRAINTS

CIL Zone: CIL1

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

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

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

Tree Preservation Order: 39, Details of Trees: A1 - Several trees of whatever species

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 (2021)

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

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

Core Strategy (2013):

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

CS26 – Green Infrastructure

CS28 – Carbon Emission Reductions

CS29 - Sustainable Design and Construction

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land

Policy 21 – Density of Residential Development
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Area Character Appraisal BCA12
Refuse Storage Guidance Note (2015)

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.
Other material considerations (ecology etc).

Principle of Development

9.2 The application site is located within an established residential area of Berkhamsted where Policy CS4 of the Core Strategy (2013) states that the principle of residential development in this area is acceptable.

9.3 Policies 10 and 21 of the Local Plan (2001) and Section 11 of the NPPF (2021) all place an emphasis on making effective use of urban land.

9.4 The site also benefits from a historic approval (4/00563/07/FUL) for a new detached dwelling within the side garden of the existing property.

9.5 Due to the above, the principle of the development in this location is considered acceptable.

Quality of Design / Impact on Visual Amenity

9.6 Policies CS11 and CS12 of the Core Strategy (2013) state that development should respect the character and appearance of the surrounding area. A high quality of site design is generally expected on all development proposals.

9.7 The proposal would result in two contemporary styled dwellings with flat roofs positioned on the site. There is no objection to the demolition of the existing bungalow.

9.8 The development would comprise of a variety of different materials consisting of primarily red and grey brick, and timber as well as zinc cladding. The dwellings would have a clean, uncluttered façade whereby the intricate use of contrasting materials and recessing of the certain elements of the built form would successfully break up the bulk of the proposed buildings. Green roofs would also be featured on the dwellings which would soften their appearance and integrate with the existing verdant nature of the street scene.

9.9 The design would differ to existing dwellings within the immediate vicinity. However, the site is located within Character Area BCA12 (Shooterways) where the development principles for the area state there are no special design requirements and that innovation in design is acceptable. Overall, the specific design of the proposal with regards to its form and use of materials is considered high quality and innovative. It is not considered that difference in design automatically results in overt harm to the character of the area. It is considered a high quality innovative design can add to the local context of the area and generally raise design standards. Furthermore, Paragraph 126 of the NPPF (2021) states that good design is a key aspect of sustainable development. It is therefore concluded that in this aspect the development does not represent poor quality design and therefore cannot be refused on the basis of its difference to surrounding built form, noting that the council's own guidance on the character area states innovation in design is acceptable.

9.10 The dwellings would comprise a third floor consisting of an office. However, this would be recessed by approximately 5.2m from the principal elevations of the properties. As mentioned previously, this recessing works to break up the bulk of the properties and provide variation in their form. Due to the 5.2m recessing, it is considered these floors would not be overly prominent from the street. Furthermore, plot 1 would be set approximately 13.9m back from the front boundary, with plot 2 being set back approximately 20.8m. There would also be large areas of spacing maintained within the front gardens of the plots for possible landscaping to soften the developments, alongside their green roofs.

9.11 The proposed dwellings would measure approximately 8.10m in height. Plot 2 would be slightly below the overall height of number 2 Barncroft Road. Plot 1 would be moderately higher than number 6 by approximately 0.44m. This minor increase in height of plot 1 is not considered to be harmful, especially when considering the recessed nature of the second floor and the spacing of approximately 8.14m between the first floors of number 6 and plot 1. The properties' scale is therefore considered acceptable in this context.

9.12 In terms of spacing, Character Area Appraisal BCA12 states that wide spacing (between 5m-10m) would be expected in this area. The ground floor spacing of plot 1 to number 6 would be 4.77m with the ground floor spacing between plot 2 and number 2 being 3.25m. These would be slightly below the minimum 5m distance expressed by the guidance. In this instance it is noted that the recessing of the first floors from the footprint of the garages creates a wider distancing at this level. At first floor level, plot 1 would have a spacing of 8.14m to number 6 and plot 2 would have a first floor spacing of 6.72m to number 2. When considering this spacing combined with large set back of the properties from the road, it is considered that the proposal would not have a harmful impact on the open nature of the street scene.

9.13 The spacing between the garages of the proposed dwellings would be approximately 3.25m. However, the green roofs would soften the appearance of these when seen in close context together combined with their set back from the road frontage and behind the principal elevations of the properties. Moreover, at first floor level the spacing would be approximately 11.6m. It is noted that numbers 8 and 8a Barncroft Road exhibit closer spacing than this at first floor levels and are not as generously set back from the street. Given the context of the plot, the dwelling's positioning and their recessed elements, it is considered that the overall spacing of the proposal is considered acceptable.

9.14 Overall, it is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole.

Impact on Residential Amenity

9.15 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.16 The proposed dwellings would protrude beyond the rear build lines of the adjacent properties. However, due to the spacing that would be maintained and the footprint of the proposed dwellings, it is considered they would not breach a 45 degree angle from the centre point of the closest habitable ground floor windows of the adjacent dwellings and thus not have a detrimental impact on light ingress to these neighbouring properties. Due to the spacing, it is also considered that the proposal would not have an unacceptable impact on the outlook of the neighbouring properties.

9.17 The rear to rear distances from the proposed dwellings to those on Crossways would be in excess of 50m, significantly above the 23m distance guidance contained within Saved Appendix 3 of the Local Plan (2004).

9.18 Each proposed dwelling would have a small window on the first floor on their flank elevations. These would serve bathrooms/en-suites and can be conditioned to be obscure glazed.

9.19 It is noted that green roofs would be positioned to the rear of the proposed dwellings, adjacent the proposed offices. A condition will be attached to any permission stating that these areas are not to be used as amenity areas in order to avoid direct overlooking onto the patio areas of the adjacent dwellings.

9.20 With regards to future occupiers of the development, an acceptable level of internal space would be provided and the positioning of the fenestrations would ensure all rooms receive adequate levels of daylight/sunlight. Plot 1 would have a rear garden depth of approximately 11.65m and plot 2 would have a rear garden depth of approximately 12.25m. These are acceptable under Saved Appendix 3 of the Local Plan (2004).

9.21 Due to the above, it is considered that the proposal would not have an adverse impact on the residential amenity of the surrounding properties in terms of loss of light, privacy or outlook. The development would also provide an acceptable level of amenity to future occupants.

Impact on Highway Safety and Parking

9.22 Plot 1 would be accessed via the existing access used for the bungalow. Plot 2 would be served by a new access. There were initial concerns from Hertfordshire County Highways with regards to the visibility splay from the new access, as it would be obstructed by existing trees along the front boundary of plot 2 and the existing front wall.

9.23 In response to this, amendments to the application were made which now indicate the removal of the two trees (T8 and T9) and the lowering of the front wall to 450mm in height. As a result Hertfordshire County Highways now have no objections subject to their recommended conditions and informatives.

9.24 With regards to parking, the two four bedroom dwellings would be served by three parking spaces each, which accords with the guidance set out within the Parking Standards Supplementary Planning Document (2020). Two spaces are indicated on the front drives of the properties with a third space located within the garages. The dimensions of the garages meet the 3m x 6m dimension stipulated by the Parking Standards and therefore can be considered as parking spaces. It is noted the space for cycle parking has been indicated within the garages which could reduce their functional depth for a car. However, it is considered that the location of cycle parking would be entirely down to future occupants of the units. Moreover, rear access for both properties is provided, meaning that storing bicycles within the rear garden would be feasible.

9.25 Offices are indicated on the second floors of the properties. It is considered that in light of the pandemic, space for home working has become more attractive to potential buyers of homes and therefore will likely be included in more and more development schemes put forward. Nonetheless, depending on the preferences of the individual occupants, it is accepted that these rooms could reasonably be used as bedrooms. Despite this, the parking arrangements are still considered acceptable as while two spaces on the front drives have been indicated, it is considered that there would be space for a third car on both of the front drives, increasing the overall provision of parking to four spaces per unit. Furthermore, due to the size of the plots, there is adequate space for potential expansion of hard surfacing within the plot, should this be required by future occupants.

9.26 details of electric vehicle charging provision can be secured by condition.

9.27 Due to the above, it is considered that the proposal would not have a significant impact on the safety or operation of the adjacent highway and an acceptable level of parking provision would be provided.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.28 Three trees are proposed for removal within the application site. These consists of two trees to the frontage and a beech tree in the rear garden. The two trees to the frontage need to be removed to maintain an appropriate visibility splay for plot 2. The Beech tree is recommended for removal due to structural damage that could result in future safety issues.

9.29 The tree officer was consulted on the application. The site is covered by an area wide Tree Preservation Order. However, the tree officer, when noting the date of the TPO (1954) and the size of the trees in question, agreed with the applicant's arboriculture consultant that these trees are considered not to be covered by the order.

9.30 Furthermore, the tree officer did not consider the trees to be of high amenity value and so had no objection to their removal. There was also no objection to the arboricultural report's evidence of structural damage to the Beech tree and its conclusion that owing to this damage, the tree should be removed.

9.31 The large Cedar Tree which is considered to be of high amenity value, would be retained and the tree officer has confirmed that the tree protection measures for this contained within the report are acceptable.

9.32 A landscaping condition would secure details of replacement trees for those proposed for removal and it is considered there is enough space within the plots to accommodate these replacements and further landscaping improvements, as long as they do not interfere with the visibility slays from the access points of the dwellings.

Ecology

9.33 Hertfordshire Ecology were consulted on the proposal and considered that the features of the existing building meant there was a likelihood that the building could be used for roosting bats. As such, a Preliminary Bat Roost Assessment was requested, along with any follow up surveys that may be required due to the findings of the preliminary assessment.

9.34 Both a Preliminary Bat Roost Assessment as the results of subsequent dawn and dusk surveys have now been submitted which reported the presence of bats on site. As such, a mitigation strategy has been included within the reports. Hertfordshire Ecology have reviewed these reports and

concluded that the mitigation measures proposed are considered acceptable and as such it is considered likely that Natural England will grant a bat license for the site.

9.35 With regards to the above, it is considered that the presence of bats on site has been given due regard and appropriate mitigation strategies to manage this will be put in place.

Sustainability

9.36 A sustainability statement has been submitted in support of the proposal which shows that the issues relating to the energy consumption of the property have been given due regard from the outset of the design phases of the proposal. As a result the properties would adopt high standards of airtightness, thermal insulation, mechanical ventilation heat recovery, high performance glazing and thermal bridge free construction.

9.37 Due to the above, it is considered that the application complies with Policies CS28 and CS29 of the Core Strategy in that principles relating to sustainability and carbon emission reductions have been considered in the design of the proposed dwellings.

Waste Management

9.38 Bin storage areas have been indicated on the proposed site plan and their carry distances comply with Dacorum's Refuse Storage Guidance Note (2015).

Contaminated Land and Air Quality

9.39 Both the Environmental Health and Scientific officers had no objections to the proposed development on grounds of noise, air quality or ground contamination.

Community Infrastructure Levy (CIL)

9.40 The development would be CIL liable, were it to be approved and subsequently implemented.

10. CONCLUSION

10.1 It is considered that the proposal would represent a high quality contemporary design in an area where innovation in design is acceptable. Furthermore, due to the layout, positioning and spacing of the properties, it is considered that they would not have a detrimental impact on the character and appearance of the surrounding area as a whole. The development would not have an adverse impact on the residential amenity of surrounding properties and provide an acceptable level of amenity for future occupiers.

10.2 Furthermore, appropriate visibility splays would be maintained and an acceptable level of parking provision would be provided and so the development would not have a significant impact on the safety or operation on the adjacent highway.

10.3 Due regard has been given to the presence of protected species on site and Hertfordshire Ecology have confirmed that mitigation measures contained within the submitted ecological reports are satisfactory.

10.4 It is therefore considered that the proposal is policy compliant and is therefore recommended for approval.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

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:**

**AP(0)004 Rev C
AP(0)020
AP(0)021
AP(0)022
AP(0)023
AP(0)024
AP(0)025
AP(0)026**

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

3. **No development (excluding demolition/ground investigations) shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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 above ground works 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:**

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

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

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

5. **Tree protection measures for the development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan contained within the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan report (Trevor Heaps Arboricultural Consultancy Ltd - 6th July 2021).**

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 174 of the National Planning Policy Framework (2021).

6. **Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number AP(0)004 Rev C in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to use appropriate arrangements shall be made for surface water 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), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

7. **Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number AP(0)004 Rev C. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

8. **The flat roof areas of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time without the grant of further specific permission from the local planning authority.**

Reason: To safeguard the residential amenity of the adjacent properties in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy (2013).

9. **The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

10. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be**

submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

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. Where works are required within the public highway to facilitate a new or amended 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
3. 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.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
5. 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.
6. Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

7. In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection</p> <p>The plot is large, but the two dwellings are located well into the plot with minimal amenity space to the rear which conflicts with Policy at 11 ½ m and is an overdevelopment of the site. Other properties in this area have better scale. The design for a pair of buildings is out of keeping with the streetscene and the footprint and spacing does not conform with BCA12.</p> <p>CS12, BCA12</p>
Environmental And Community Protection (DBC)	<p>Thank you for your consultation on the above planning application. I have reviewed the details and information provided.</p> <p>The site is outside transportation significance noise contours and also outside of the AQ Mgt Zone. Due to the relatively small size of the development I do not consider it will negatively impact on neighbouring properties.</p> <p>I therefore do not have any objections to the application or make any further comment.</p> <p>11.05.2021 (scientific officer)</p> <p>The proposed development is not for a change in land use and is a proposal on a site that does not appear to have a potentially contaminative land use history. It will, however, involve significant ground works and so the following informative is recommended.</p> <p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.</p>
Trees & Woodlands	<p>TPO 39 (1954) is very early and looking at the size of the trees in question, I would agree with the arboricultural agent in that they were not present when the TPO was served. Although I haven't directly visited the site both trees are clearly visible on street view and I don't deem either are particularly good specimens. The ash appears to be a self-set and very early whereas the ornamental, although more established, has an asymmetrical crown biased towards the highway.</p>

	<p>The arboriculturalist has advised a beech will require removal for safety reasons but will be replaced. I would recommend if both trees require removal owing to highway concerns then a planting scheme is submitted for all three trees showing the locations, species, size, and aftercare programme.</p> <p>Other than this, the tree protection measures proposed for the cedar (T1) is in line with current best practice and I have no further concerns for the remaining trees within the development site.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Interim</p> <p>The proposal is for the demolition of the existing bungalow and construction of two detached dwellings with integral garages at 4 Barncroft Road, Berkhamsted. Barncroft Road is a 20 mph unclassified local access route that is Highway maintainable at public expense. This is an interim response owing to some concerns regarding the visibility splays of the new access for the second dwelling. The access will be located just shy of a sharp bend which may pose a possible safety concern when exiting the property. As per Roads in Hertfordshire: Highway Design Guide 3rd Edition , Section 4 - Design Standards and Advice, Chapter 2 - Junctions, table 4.2.3.1 visibility requirements for a 20mph road are 2.4 m x 22 metres (excluding bonnet allowance). As such HCC Highways would like to observe that this visibility is possible for the access to ensure highway safety. This can be illustrated on a drawing showing the 2.4 m x 22 m, if this is not achievable then HCC Highways would wish to recommend a refusal for this application on safety concerns.</p> <p>13.07.2021:</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>1) Prior to the first use of the development hereby permitted the vehicular access</p>

shall be completed and thereafter retained as shown on drawing number AP(0)004 in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to use appropriate arrangements shall be made for surface water 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).

2) Provision of Visibility Splays - Dimensioned on Approved Plan
Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number AP(0)004. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives
HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended 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 County Council website at: <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 2) 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or

any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comment

The application is for the demolition of existing bungalow and construction of two detached dwellings with integral garages at 4 Barncroft Road, Berkhamsted. Barncroft Road is designated as a unclassified local access route, subject to a speed limit of 20mph and is highway maintainable at public expense. HCC Highways previously refused the application owing to the obstruction of the northern visibility splay for the new access. Subsequently, after conversations with the case officer and working with the applicant, new plans have been provided which include the removal of vegetation such as trees from the line of the visibility splay and the reduction of the existing large wall to 450 mm to ensure the site line can be achieved.

Vehicle Access

The existing dwelling has a access onto Barncroft Road, this access will be utilised for one of the newly proposed dwellings. A second dwelling is proposed on the southern side of the plot and would have a new access near a sharp bend in the road. This new access was recommended refusal by HCC Highways owing to the large wall fronting the property and trees on the existing land inhibiting a visibility splay of 2.4 x 23 metres. The existing tall wall will be reduced to 450 mm and some foliage removed to ensure the visibility splays can be achieved. Although not ideal that the visibility splay runs through the dwellings land, it is deemed that with these changes and the slow speed of the adjacent highway, that the proposal is deemed acceptable. The foliage within the site line must be

	<p>either removed completely or kept to a low level in the future to ensure the access remains safe for use. Both accesses will lead to a hardstanding that accommodates parking spaces each. Parking is a matter for the Local Planning Authority (LPA) and as such any parking stipulation will be decided by them.</p> <p>Drainage The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwellings are 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'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a</p>

strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

<p>Herts & Middlesex Wildlife Trust</p>	<p>Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are applied in the planning approval.</p> <p>The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.</p> <p>ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.</p> <p>LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 (as amended) in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.</p> <p>Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey.</p> <p>In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.</p>
<p>Hertfordshire Ecology</p>	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The building has a complicate roof with potential access points and roosting features, it is located in an area characterised by large gardens with mature trees. The application will require both the demolition of the building and removal of a mature beach tree.</p>

	<p>Given the location and the apparent characteristics of the building, on this occasion I consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.</p> <p>This should be a Preliminary Roost Assessment (PRA) carried out of both the building and beech tree by an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by the proposals. Such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - to enable it to consider the impact of the proposal on bats and discharges its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). In the event that evidence of bats or the potential for them is found during the PRA, further surveys (dusk emergence / dawn re-entry) are likely to be required. These can only be carried out when bats are active in the summer months (usually between May and August, or September if the weather remains warm). Since we are now within the bat activity survey season these can be carried out now.</p> <p>To conclude Until a PRA has been submitted to the LPA, the application should not be determined as there is currently insufficient information to enable the LPA to ensure European Protected Species are not adversely affected by the proposal.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>I am pleased to see that a Preliminary Roost Assessment (report date 16/06/2021) and subsequent activity surveys (report date 21/09/2021) have been carried by Cherryfield Ecology. The first emergence survey carried out in Jul and required due to the assessment of the property as having low roosting potential, observed a single bat using the hanging tiles as a roost. Two further surveys in August and September observed no further roosting behaviour. Consequently, the building is confirmed as a roost and suitable mitigation to safeguard bats is included in the second report. With this plan in place I advise the LPA has sufficient information on bats to meet its legal duties and determine the application. It is acknowledged that for the demolition to occur legally it will need to be carried out under a licences from Natural England. I have no reason to consider this will not be provided.</p>

	I trust these comments are of assistance
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	7	1	6	0

Neighbour Responses

Address	Comments
Fairfield Lighthorne WARWICK CV35 0AR	<p>I represent the owner of 6 Barncroft Rd.</p> <p>We do not object to the principle of putting 2 houses on this site. However we object to the current proposal as the access is inadequate, the depth of the rear gardens appear below the guidelines, and the style of the proposed houses is unsuitable to Barncroft Rd</p> <p>We also request if planning permission is granted the copper beech tree to be removed should be replaced with a silver birch and the new tree to be planted say 2m further into the site</p>
6A Barncroft Road Berkhamsted Hertfordshire HP4 3NL	<p>As a near neighbour of the property being developed we are surprised to have received no communication about the development proposals which seems somewhat underhand.</p> <p>We are not averse to development on the street, there are some more aged properties and a number of bungalows occupying large plots so it is somewhat inevitable that they will attract the attention of developers. When done in a consultative way, in keeping with the style and character of neighbouring properties then disruption aside there is little to object to. This was the case with the ongoing development of number 11 Barncroft Road and number 2 before that.</p> <p>The persistence of development however is becoming tiresome and increasingly dangerous. There has been virtually no respite from full-scale demolition and rebuild in the last 5 years on the road, the volume of site traffic is significant (up to ten vehicles per day at number 11 currently) blocking both pavements along part of the road which is used by a number of parents walking children to and from Greenway School/Thomas Moore. My children have had more than one near miss from reversing van drivers pulling into neighbouring driveways to perform u-turns to avoid going down to the end of the cul-de-sac to turnaround.</p> <p>In respect to the proposal here, there has been no pre-emptive communication with neighbours, the plan to replace one bungalow with two properties is a typical and unnecessary development</p>

	<p>over-extension, the proposed dwellings are absolutely out of keeping with any property on the street in terms of both structural footprint and proposed building materials, are obtrusively scaled at three storeys apiece and are detracting from the preservation of open space that property design along the rest of the street looks to maintain.</p> <p>Other recent developments have been sympathetic to the common aesthetic whereas these proposals seem to be intentionally hostile.</p>
<p>Herts and Middx Wildlife Trust, Grebe House St Michaels Street St Albans AL3 4SN</p>	<p>Objection: Bat survey required before application can be determined. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are applied in the planning approval.</p> <p>The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would result in breaches of the legislation protecting bats and their roosts. Therefore there is a reasonable likelihood that bats may be present.</p> <p>ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.</p> <p>LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 (as amended) in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.</p> <p>Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey.</p> <p>In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.</p>
<p>19 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p>	<p>Other bungalows have been developed along the road, so it is not a surprise or an issue that this site is to be developed. I think that these developments have added to the road.</p> <p>The basis of my objection is that the proposed development is different to the rest of the houses along the road and threatens to change the</p>

	<p>character of the road.</p> <p>Over-development - replacing a bungalow with two large three-story houses, is an issue from a height and open space on the site perspective.</p> <p>Examples of modern buildings are shown in support of the application, but none are on this road! The design is out-of-keeping with the character of the road. The designs of the other houses recently built on the road are much better - tiled pitch roofs, brick and make much less visual impact than what we can see from the plans</p>
<p>2 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p>	<p>Our objection is to the excessive development of the plot, and that the plans are contrary to the Dacorum Core Policy CS12.</p> <p>CS12.c The three-storey height of the buildings will result in a loss of privacy, with potential noise transfer and disturbance. Although the Design and Access document states that the overall height does not exceed neighbouring properties, the creation of the third-storey terrace will clearly overlook 2 Barncroft's house and garden, and the proximity of the structure will result in a significant loss of light to the North-facing windows of 2 Barncroft.</p> <p>CS12.f The modern 'office' design of the dwellings, with Zinc-clad 'Roof Pods', cannot be said to "integrate with the streetscape character" of Barncroft Road the style and character of which is entirely vernacular.</p> <p>CS12.g The proposed dwelling is overbearing in scale, creates a visual intrusion, and loss of residential amenity to 4 Barncroft Road. The proposal does not respect adjoining properties in terms of scale and bulk and is contrary to the adopted Dacorum Core Policy.</p> <p>The Design and Access statement refers to an historically approved application. However, 4/00563/07/FUL reflected the existing building at 4 Barncroft, and was a much smaller, two-storey, pitched roof house with dormer windows, more consistent with the Barncroft Streetscape, and only 161sqm in size. The total floor area of the new development appears to be a significant multiple of the previous application and is an over-development of the site. (However, the exact size of the houses has not been provided.)</p> <p>Proposed amendments:</p> <ol style="list-style-type: none"> 1. If an office is required, it could be accommodated in one of the 4 proposed bedroom spaces or alternatively as a garden structure rather than a third- storey. 2. The dwellings might receive our support if the overall mass was reduced and they were redesigned as two-storey structures.

	<p>3. A three-storey design might be justified if the number of dwellings was reduced to a single dwelling as this would enable the building to be located centrally on the plot, providing breathing space between the development and neighbouring properties thereby minimising the over-looking of neighbouring properties.</p> <p>4. The isometric appears to show full height patio doors to the office (despite a desk being shown on plan). We would request that the windows to the 'home office' are cill height to prevent social access to the roof and the potential for the roof to be used as a party terrace thereby increasing the risk of overlooking, loss of privacy, noise and nuisance.</p> <p>5. The property adjacent to 4 Barncroft should be moved forward on the site so that the rear of the development aligns with the rear of 2 Barncroft rather than over-shadowing the rear garden as currently proposed.</p> <p>6. If a 3 storey form is considered acceptable in planning terms we would request: that the plan of both houses is mirrored so that the 3 storey elements relate to / overlook each-other rather than the established neighbours at no. 4 and no. 8 Barncroft.</p> <p>Additional information is required to fully consider the proposals:</p> <p>7. The m2 area of each house</p> <p>8. The plot ratio of each plot</p> <p>9. There is no key to the elevation drawings showing the materials</p> <p>10. A section through the building showing the height of windows to the roof terrace is required.</p> <p>11. There are errors on the submitted drawings - e.g. p.13 of the design access statement refers to trees and points to the building - it is unclear to what this refers.</p>
<p>6 Crossways Berkhamsted Hertfordshire HP4 3NH</p>	<p>Whilst in principal we don't object to the development, our property immediately adjoins the rear of the development. We are concerned that unless any further pruning is done sensitively (in addition to the two large trees already removed), and unless a suitable hoarding is erected, we will be directly exposed to the full impact of the works for however long they will take. As such we would ask for this to be taken into consideration, and would be happy to discuss plans to ensure we are not impacted.</p>
<p>17 Barncroft Road Berkhamsted Hertfordshire HP4 3NL</p>	<p>As a resident of Barncroft Road directly opposite the proposed planning application, I would like to object the the application on the basis that the application overdevelops the plot and that the style of the buildings proposed is not in any way in keeping with the residential look and feel of any of the properties on the entire road, including one recently built and one currently under construction. Those two properties are very much in keeping with the existing environment and aesthetic, this latest application is not.</p>

	<p>The height and boxy, squared-off style proposed is visually unattractive and most likely proposed to realise the maximum value for the developer with little regard for visual appeal and sympathy for the surrounding environment.</p>
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Please advise if there is a more formal way to object to this application and I will comply with that.

ITEM NUMBER: 5d

21/03021/OUT	Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow.	
Site Address:	Land To Rear Of 40 Windmill Way Tring Hertfordshire	
Applicant/Agent:	Mike and Lynda Farmes	Natalie Horner
Case Officer:	Daniel Terry	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Tring Town Council have provided a contrary view to the officer recommendation	

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**, subject to conditions.

2. SUMMARY

2.1 This application seeks outline planning permission for one new dwelling on land where permission has previously been granted outline permission (ref: 4/01783/18/OUT) for a single dwelling. All matters are reserved, meaning scale, appearance, layout, access and landscaping are not being considered at this stage. The submitted plans therefore provide an indicative layout and scale but these would not necessarily be the final layout and scale.

2.2 The application site lies within the built-up area wherein policy CS4 of the Core Strategy states that appropriate residential development is encouraged. This also complies with policy CS1 of the Core Strategy which seeks to focus the majority of new housing within existing towns and large villages.

2.3 The visual appearance, impact on residential amenity and highway safety and parking provision are matters that would be considered at the reserved matters stage, which would involve the submission of a further application.

3. SITE DESCRIPTION

3.1 The application site lies to the rear of No.40 Windmill Way and is understood to have historically been part of that property's rear garden. The site would instead have a frontage onto Christchurch Road to the east.

3.2 The site is currently occupied by a single detached garage and benefits from an access onto Christchurch Road towards the southern end of the plot. There is therefore an existing dropped kerb. Just outside of the site and running along the southern boundary is a public footpath leading behind to Osmington Place and behind the properties that front Windmill Way.

4. PROPOSAL

4.1 The application seeks outline planning permission for the demolition of the existing detached garage/store and the construction of a new dwelling. All matters are reserved and as set out above, indicative plans have been provided at this stage.

5. PLANNING HISTORY

Planning Applications

21/00857/OUT - Outline planning. Demolition of the existing detached, double garage and construction of a pair of semi detached dwellings with private gardens and off street parking.
WDN - 30th April 2021

4/01525/78 - Historic File Check DMS for Documents and Further Details
DET - 12th December 1978

4/00250/01 - Historic File Check DMS for Documents and Further Details
DET - 10th April 2001

4/01783/18/OUT - Demolition of double garage and construction of new chalet bungalow
GRA - 13th September 2018

4/00121/08/FHA - Replacement 2.2m rear gates
GRA - 10th March 2008

4/02357/02/FHA - Two storey side extension
GRA - 9th January 2003

4/00250/01/FHA - Construction of detached garage/store
GRA - 10th April 2001

21/00857/OUT - Outline planning. Demolition of the existing detached, double garage and construction of a pair of semi detached dwellings with private gardens and off street parking.
WDN - 30th April 2021

6. CONSTRAINTS

CIL Zone: CIL2

Pressure: MP

Parish: Tring 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 (Tring)

Residential Character Area: TCA5

Parking Standards: New Zone 3

Town: Tring

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 (2021)

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
CS13 - Quality of the Public Realm
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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; and
- The impact on highway safety and car parking.

Principle of Development

9.2 Policy CS1 of the Core Strategy states that market towns, such as Tring, will accommodate new development for housing, employment and other uses. Policy CS4 of the Core Strategy states that in residential areas appropriate residential development is encouraged. It is therefore considered that the principle of the development is acceptable.

9.3 The scheme would still need to be assessed against the other relevant policies in the Development Plan, however as set out above, all matters are reserved.

Quality of Design / Impact on Visual Amenity

9.4 Policies CS11 and CS12 of the Core Strategy generally state that development should respect the character and appearance of the site itself and the surrounding area. This includes matters such as density, important views and landscapes, layout, scale and use of materials for example. Policy CS13 adds that new development will be expected to contribute to the quality of the public realm by, inter alia, providing active frontages and natural surveillance.

9.5 The application site lies within the TCA5 Christchurch Road and Dundale Road Residential Character Area. This area is described as being a large, broadly low density area of mainly detached and semi-detached houses of a variety of ages and designs, based on Christchurch Road and Dundale Road and numerous roads and cul-de-sacs leading off from them. The Area Based Policies provide a number of Development Principles and for area

TCA5 this includes that the density of development should be compatible with the existing character.

- 9.6 As already set out above, the scale, appearance, layout and landscaping are not being considered as part of this application. Nonetheless, the local planning authority should be satisfied that the plot can comfortably accommodate a single dwelling. It is noted that permission has been granted previously for a single dwelling (ref: 4/01783/18/OUT) although the red-edge outline of the site was different in that it included a greater amount of the rear garden of No.40 Windmill Way, but did not include the grass verge adjacent to the footpath, which is now included as part of this current application. In area terms, excluding the access, the previous permission had a site area of 357.25sqm. Comparatively, the site area for this current application measures to be 411.45sqm.
- 9.7 This compares with other plot sizes within the vicinity as follows:
- Application site – 411.45sqm
 - Midway – 425.2sqm
 - Little Cladan (4 bedroom) – 397sqm
 - 41 Christchurch Road (pp to increase to 4 bedrooms) – 398.97sqm
 - 42 Christchurch Road (4 bedroom) – 765.67sqm
 - 43 Christchurch Road – 378.13sqm
 - 44 Christchurch Road – 385sqm
 - 46 Christchurch Road (3 bedroom) – 443.2sqm
 - 40 Windmill Way (4 bedroom) – 470.65sqm
- 9.8 The application site would therefore be larger than a number of plots nearby, including Little Cladan to the south and properties at the corner of Christchurch Road, Windmill Way and Mill View Road. There are some notably larger plots such as those on the opposite side of Christchurch Road and No.7 Sandon Close, however the application site would not appear notably small in size given the above comparisons. No.37 and No.39 are flats above shops and so have not been included as these would be at a much higher density. Where there is recent planning history, the number of bedrooms of each property has been provided for guidance purposes. At this stage it is not known how many bedrooms the application site will accommodate.
- 9.9 Therefore based on the above comparisons, and the fact that the LPA has previously granted outline permission for a single dwelling on a plot that is 54sqm smaller than this current application, it is not considered that the provision of one dwelling would result in overdevelopment. It would be necessary to include appropriate conditions that require details as to the reserved matters to be submitted for further consideration. At that stage a full assessment of those matters can then be carried out.
- 9.10. It is not considered that the existing garage building makes a positive contribution to the streetscene and the provision of a new dwelling would likely have a more active frontage onto Christchurch Road, by virtue of an access being provided and maintained. The provision of a dwelling in place of the garage would also contribute towards providing natural surveillance to the street. The boundary treatments would need to be considered as part of any future reserved matters application.
- 9.11 The proposal is therefore considered to be acceptable and there are no apparent reasons why the scale, layout, appearance and landscaping would not be acceptable, should an application for reserved matters be submitted. At this stage, the proposal is considered to

comply with policies CS11, CS12 and CS13 and complies with the Area Based Policies and NPPF in relation to visual amenity.

Impact on Residential Amenity

- 9.12 Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004) states that development should not have an adverse impact on the residential amenity of surrounding properties in terms of loss of light, outlook or privacy. Paragraph 130 of the NPPF adds that planning policies and decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.13 As set out already, the scale, layout etc. are not being considered at this stage. The impact on neighbouring properties cannot therefore be fully assessed at this stage, however the LPA should be satisfied that the plot can accommodate a single dwelling without unreasonable harm occurring to neighbouring amenity. In this regard, the applicant has provided indicative plans at this stage.
- 9.14 Based on the indicative plans, the nearest part of the dwelling would be approximately 24m away from the rear elevation of No.40 Windmill Way. This would be a sufficient distance for a rear-to-side elevation relationship, ensuring that the physical built form itself would not unreasonably affect outlook nor result in undue loss of light to the windows of the dwelling. The application site is located to the south-east of this neighbour and so realistically there will be some impact from loss of sunlight to the gardens of No.40 and No.38, due to the orientation of the sun. At this stage the plans are only indicative but they suggest a one and a half storey appearance with a ridge height of 6.2m. This height, with accommodation provided within the roofspace would not be dissimilar from other dwellings nearby, such as on the opposite side of the road and at the entrance to Mill View Road.
- 9.15 Although the indicative plans suggest only a small gap would be provided between the dwelling and shared boundary with No.38, it does not appear that the impact would be sufficiently harmful that the application could be refused for that reason. It should be noted that, as these are indicative plans, the layout and height etc. could be subject to change as part of any subsequent reserved matters application.
- 9.16 The other nearby property likely to be subject to material harm is No.42 Christchurch Road to the north-east. The garden of this neighbouring property measures to be 21.5m away from the proposed first floor windows, whilst the nearest part of that neighbouring dwelling measures to be 28.5m away. At these distances it is not considered that the proposal would result in undue overlooking and would not result in any worsening of privacy in light of the relationship that this neighbour has with No.7 Sandon Close. Again, the first floor windows are only indicative at this stage and could be subject to change.
- 9.17 Based on the information available, it is therefore considered that the proposal could have an acceptable relationship with neighbouring properties and so no concerns are raised in this regard.
- 9.18 With regard to the living conditions of the future occupiers of the development, the dwelling itself would occupy approximately 121.5sqm of the plot, meaning around 290sqm would be retained as land around the building. The main garden would be provided to the north-west of the dwelling and could be commensurate with the size of the dwelling, depending on how many bedrooms are proposed at the reserved matters stage. In particular and as already set out in the above section, the overall plot size and therefore the garden size would be appropriate for the location. The plans suggest indicatively that there would be a 1.8m perimeter fence. Whilst this may be acceptable to some of the boundaries, it is unlikely that

the LPA would support the entire boundary being enclosed, particularly the side which fronts the highway. Nonetheless the garden areas have potential to be private with appropriate boundary treatments, such as hedge planting for example. Similarly given the separation distances involved, it does not appear that a new dwelling in this location would be significantly overlooked so the windows in the new dwelling would likely have adequate outlook and privacy.

- 9.19 At this stage the plans are only indicative but they would suggest that a dwelling could be accommodated on the site without undue harm to neighbouring amenity, whilst still ensuring adequate living conditions to the future occupiers of the site. The scheme is therefore considered to accord with policy CS12 of the Core Strategy and with Saved Appendix 3 of the Local Plan.

Impact on Highway Safety and Parking

- 9.20 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF require development to provide safe and suitable access for all users. Parking provision should also be provided in accordance with the Council's Parking Standards SPD (2020). The NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.21 Again, the plans are only indicative and the access and layout arrangements are not being determined at this stage. The indicative plan suggests that a new vehicular access would be provided towards the middle of the site, onto Christchurch Road. This would also therefore involve the stopping up of an existing access. The Highway Authority were consulted on the previous application in 2018 and raised no objection, noting that this is an unclassified road subject to a 30mph speed restriction. In light of this it was noted that vehicles would not need to leave the site in a forward gear.

- 9.22 Although the access has indicatively been shown to be repositioned, it appears that this would not be an issue and would still provide adequate visibility in both directions, given its location on the outside of the bend in the highway. If planning permission is forthcoming, it would be necessary to impose a condition requiring further details of the access arrangements, as part of any reserved matters application, which would then likely involve consultation with the Highway Authority.

- 9.23 With regard to parking, the SPD sets out that the parking requirement is based on the number of bedrooms. Again this is unknown at this stage but the requirements are as follows:

- Two bed dwelling: 1.50 spaces
- Three bed dwelling: 2.25 spaces
- Four bed dwelling: 3.0 spaces

The indicative plan suggests that two parking spaces would be provided which would therefore be sufficient for a two or three bedroom dwelling. If a larger dwelling were to be proposed at reserved matters stage, then a further space would likely be required, however for the purposes of this application, it appears that the site could comfortably accommodate at least two parking spaces and so would likely be acceptable once detailed matters are being considered.

- 9.24 The Parking Standards SPD also requires new development to provide at least one electric vehicle charging point per dwelling. The indicative plan does not indicate where this would

be located and so this would also need to be conditioned, ensuring that details are provided prior to occupation of the building.

- 9.25 Insofar as highway safety and parking can be considered, it appears that the site could comfortably comply with these requirements. The proposal is therefore considered to comply with policy CS12 of the Core Strategy and with the Parking Standards SPD as far as this relates to an outline application, with the access and layout reserved.

Sustainable Design and Construction

- 9.26 Policy CS29 requires a number of criteria to be satisfied for all new development in accordance with the Advice Note 2016 and updated checklist on the website. A CS29 checklist has not been submitted. However, given the application is in outline with few construction or layout details for approval at this stage, it is considered that details can be deferred to a pre-commencement condition to be submitted concurrently with the first of the reserved matters.

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.27 As set out above, landscaping is a reserved matter. Nonetheless the Council's Tree Officer has been consulted on the likely impact on trees. It has been noted that there are 4 mature beech trees of high landscape value in the adjacent plot and that the new dwelling would likely be close to the root protection area (RPA) of those trees. The Officer has set out that the development could be acceptable subject to a condition requiring a tree survey and tree protection plan be submitted for approval.

Environmental Health

- 9.28 The Council's Environmental Health team have been consulted and note there is a low probability of any presence of ground contamination, but nonetheless consider it necessary to impose a condition which allows for any unexpected contamination, which would involve a requirement for the LPA to be notified.
- 9.29 Similarly there are no objections in relation to noise or air quality but informatives have been suggested in relation to constructions hours, dust and noise during the construction works.

Response to Neighbour Comments

- 9.30 The consultation process has resulted in a significant amount of objection. However, this is an outline application with all matters reserved, meaning that the access, layout, appearance, scale and landscaping are not matters being determined. As such the LPA could not reasonably refuse the application for reasons relating to those matters.
- 9.31 Concerns have been raised in relation to land ownership. Whilst the LPA does not partake in land ownership disputes, it needs to be satisfied that the land shown to be within the red-edge is within the applicant's ownership and/or that the correct notice has been served on the relevant land owner. For the purposes of this application, the LPA is satisfied that the land is within the ownership of the applicant and therefore the correct certificate has been signed on the application form.

Community Infrastructure Levy (CIL)

9.32 The proposal would be liable for CIL payments and being in CIL zone 2 has a rate of £196.65 per sqm. Exemptions may apply, such as in the case of self-builds, however this would need to be agreed with the Council's CIL team prior to any works starting on site in connection with this planning permission. Please see the Council's website for further information and contact details.

10. CONCLUSION

10.1 Paragraph 11 of the NPPF requires LPAs to apply a presumption in favour of sustainable development, which is particularly apparent where the Council's housing policies are out of date. Where the Council cannot demonstrate a 5-year supply of housing, significant positive weight should be attributed to housing schemes. The presumption in favour of sustainable development also asserts that schemes should only be refused where the adverse impacts would significantly and demonstrably outweigh the benefits.

10.2 The proposal would make a modest addition of 1 (one) to the Borough's housing supply and there would also be economic benefits from the construction of the development itself and the subsequent occupation of the dwelling, whose occupants would contribute to the local economy, for example through paying council tax etc. These benefits are attributed significant positive weight in the overall planning balance.

10.3 It is also a further material consideration in this instance that the LPA has previously granted outline permission for a single dwelling on a plot that was 54sqm smaller in size than is currently proposed. It is not therefore considered that the provision of one dwelling would amount to overdevelopment.

10.4 Furthermore, although there is significant opposition to this application, a number of the issues and concerns raised relate to matters which do not form part of this outline planning application and the application could not therefore be reasonably refused in relation to those reserved matters. There is nothing to suggest that a single dwelling at this site would not be acceptable in relation to those matters, as part of a subsequent application, and with regard to the relevant local and national planning policies. As such, it is concluded that the application for outline permission should be supported.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**, subject to conditions.

Conditions:

- 1. 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.

- 2. 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.

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

Location and Site Plan as Existing (001)

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

- 4. The details of access to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the dropped kerb and visibility splays to either side of the access along Christchurch Road. The development shall be constructed in accordance with the approved details.**

Reason: For the avoidance of doubt and to ensure a means of access to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 5. The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- hard surfacing materials, which shall include the access road;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;
- programme of management for the soft planting;
- proposed finished levels or contours;
- details of enclosure / screening of bin store locations;
- minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.).

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policies CS11, CS12 and CS13 of the Core Strategy (2013) and saved Policy 100 of the Dacorum Borough Local Plan (1991-2011).

- 6. The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policies CS11 and CS12 of the Dacorum Core Strategy (2013).

- 7. No development shall take place until details of proposed sustainability measures in the form of a completed CS29 Sustainability Checklist shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 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 154 and 157 of the National Planning Policy Framework (2021).

- 8. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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 174 of the National Planning Policy Framework (2021).

- 9. Prior to the commencement of the development hereby permitted details of the foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation and shall be thereafter retained.**

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 169 of the National Planning Policy Framework (2021).

- 10. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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).

- 11. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 12. 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 Core Strategy (2013) and to accord with paragraphs 174(e) and (f), 183 and 184 of the National Planning Policy Framework (2021).

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

Schedule 2

Part 1

Classes A, B, C and E

Part 2

Class A

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

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. Identifying Potentially Contaminated Material:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials.

If any other material is encountered that causes doubt, or which is significantly different, the applicant should contact the local planning authority.

3. 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. 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: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

5. 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.

6. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any further comments to make.
Parish/Town Council	The Council recommended REFUSAL on the grounds of out of keeping and overdevelopment. Concerns were raised about in respect of highways and the increase in size from the original 2018 application
Trees & Woodlands	On the adjacent plot of land there are 4 mature beech tree of high landscape value, all the subject of a Tree Preservation Order. The proposed development and or the working zone (during construction) is close to the root protection area (RPA). The removal of a twin stem sycamore (referred to a maple on the drawing) will in fact release the view of these fine beech trees behind them and so isn't an issue. The relationship between these large trees and the proposed house (i.e. ongoing, will the home owner have a reasonable relationship with the trees) is fair although they will cast significant shade during the mornings. A tree survey, tree protection plan to demonstrate that

	<p>construction can be undertaken without damage to the RPAs of these important trees is needed. If no other planning constraints exist this could be conditioned.</p> <p>Recommendation: No objection, subject to conditions</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Daniel,</p> <p>Having reviewed the documentation submitted with the above planning application, with particular consideration to and having considered the information held the by ECP team I have the following advice and recommendations in relation to land contamination.</p> <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. 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 or the migration of contamination from neighbouring sites, to be dealt with in an 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>

Informative: Identifying Potentially Contaminated Material

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different.

Informative:

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

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.

Please let me know if you have any questions.

Regards

Victoria Persen

(Graduate Environmental Health Technical Officer)

Town and Country Planning Act 1990

Application: 21/03021/OUT

Description: Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow.

Location: Land To Rear Of 40 Windmill Way Tring Hertfordshire

With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.

Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works

	<p>associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</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> <p>Kind regards</p> <p>Becky Prescott Trainee Environmental Health Officer Dacorum Borough Council</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
11	30	0	28	0

Neighbour Responses

Address	Comments
19 Christchurch Road Tring Hertfordshire HP23 4EE	<p>Planning Reference 21/03021/OUT Objection to planning application for construction of chalet bungalow on land to the rear of 40 Windmill Way, fronting onto Christchurch Road</p> <p>This proposed planning permission for a large chalet bungalow crammed onto the end of what was originally the end of a garden and garage is totally out of keeping with the area, there are no other such properties developed so close to the road anywhere near this location.</p>

	<p>The proposed house would be wider than nearby houses relative to the size of the plot thereby creating a density this would be out of keeping with neighbouring properties. In order to squeeze in this oversized property, the building has been proposed to be positioned close to the road making it overbearing and visually intrusive on such a prominent bend at the crest of the hill and would dominate the street scene. Even using the land that is currently public pavement and verges, the house would not have a proper front garden, and so has nothing to buffer the house from the street. This would be out of keeping with the character of the neighbourhood, which has extensive front gardens creating an open feel. The height and width of the proposed house, on such a small plot, would impact on the residential amenity of neighbours by creating overshadowing and loss of light that would detract from the enjoyment of their gardens and rear rooms. For neighbours opposite the new house, there would be problems with overlooking and loss of privacy, especially from the dormer windows.</p> <p>In an attempt to justify the large house, the current public grass verges and part of the pavement would be converted to private garden creating several problems. The existing grass verges would disappear behind a new perimeter fence running right to the edge of the current pavement next to the shops, and creating a narrow pavement corridor. The visual impact of this would be severe, damaging the green and open character of the crest of the hill and totally out of keeping with the verges that are present throughout this area including opposite to this development. It would hem in the shops and garages. The resulting street scene would be ugly, cramped and lacking in greenery, in a manner totally out of keeping with the open character of the surrounding neighbourhood. Furthermore, it would create a potential danger for pedestrians, as many children use this footpath on their way to schools both in Christchurch Road and the secondary school beyond and the perimeter fence along the pavement would block sight of cars moving out of the existing garages and proposed house's driveway.</p> <p>There would be almost no space for parking for the shops and for getting into the recreation ground and football ground, especially on match days. This would have a negative effect on these community amenities.</p> <p>Entering or exiting the properties with a vehicle will require a dangerous reversing manoeuvre due to the bend in the road, as there is insufficient space within the property's drive to turn cars around.</p>
<p>29 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I object to the revised plans of a large, 2 floor chalet bungalow on land to the rear of 40 Windmill Way. A 4-bedroom development is too large for the plot of land, so much so that the developer will convert the grass verge and part of the pavement in order to squeeze in a garden. This verge is used by pedestrians walking to the park and school. People also park on this corner to access the playing fields (e.g. for football) and the loss of the verge will make an already blind corner even more dangerous.</p>

	<p>Further, removing the verge will also introduce a high fence directly adjoining the pavement. This will fundamentally change the character of the road and surrounding area.</p>
<p>Hawthorns 1 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>We would like my objection noted to the latest Planning application to the rear of 40 Windmill Way, Tring, Herts.</p> <p>Although not in principle against the development if the plot and sympathetic to the very original design of a small Bungalow, we feel the last two attempts simply to be 'overbearing' given the size of the plot, it's position and the positioning of the 'access road' on a 'blind bend' in Christchurch Rd.</p> <p>The proposed house seems to be encroaching on the existing public space and walkways in Christchurch Rd and the proposed new fencing potentially obstructing views of traffic around this already busy point in the road around the shops area.</p> <p>Access to the local public park and playing fields and the access walkway to the latter could also be hampered given the fact a new driveway for two cars appears to be proposed.</p> <p>Generally we feel the development is pushing the boundaries (literally) in an unprecedented and totally unnecessary way, which is not in keeping with the surrounding area, appears to be overdevelopment of a small plot with an overbearing nature of design.</p> <p>Also uncharacteristic and out of keeping with the character of the neighborhood (no front garden, too close to road, etc).</p> <p>Albeit there is a general shortage of housing we feel this particular approach and attempt should be scaled down to fit the particular position of the plot and be safer as far as access for vehicles and particularly safe passage of pedestrians, older people and children along this focal point, shopping area and general public space.</p> <p>So therefore we feel it is important to stand up and object to the proposed plan in it's current form.</p>
<p>5 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>I object to these plans. I believe the proposal is completely out of character for the area and will be overly imposing on the street view. The dormer windows will directly overlook the gardens of Sandon Close and will adversely affect privacy and the enjoyment of the gardens in Sandon Close. There is also a possibility of losing privacy inside the homes too. This is unacceptable and unfair to the residents. Furthermore I understand these plans will reduce green space, which will have a negative impact in the appearance of the area. I also have concerns around reducing the width of the path, this will make it more dangerous for pedestrians due to visibility and it should be noted that many children use this route to school. I have further concerns about parking/traffic. This development is adjacent to a shop and hairdresser, and the vehicles parked already for these services can make the road</p>

	<p>difficult to navigate. This proposed development will only add to this problem. I believe this proposal is an overdevelopment for the plot, the residence proposed is far too large and out of keeping with the area.</p>
<p>32 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>This is a large house on a small plot. Typically houses in the area here are set back from the road a little to enable a clear vista for pedestrians and drivers using the road and pavement. This will be totally incongruous with the rest of the neighbourhood. We have environmental and social concerns given the damaging impact the development will have on the neighbourhood.</p> <ul style="list-style-type: none"> - residents' privacy in the surrounding houses will be compromised as the width of the house and dormer windows will be an intrusion. - the development will impede safe road crossing for pedestrians, specifically children on a bend which is already tricky to navigate. - At night, this is already a dark corner because of the protected trees and dark alleyway which leads to the park. This has always been a very safe area, but recent months have shown how easily it could become the opposite, as there have been two isolated incidents in the park requiring police investigation. It's more important than ever to ensure open and visible spaces remain so, in order to protect pedestrians and detract criminal activity. The open vista currently afforded by the green space and wider pavement, on the approach to the shops is essential in ensuring those walking alone at night feel (and are) safe. If this development happens, an additional dark, enclosed corner will be created on the other side of the new house, on its border with the shops. This will make this whole area of the road feel incredibly claustrophobic and potentially dangerous for those walking alone at night, or in darker afternoons during winter, as children walk home from school. <p>There is a street light on the pavement at the corner of this site, what are the plans for this light? Will it be removed, or moved to another location? The area is dark enough at night as it is.</p> <p>The pavement will be extremely narrow on a bend and will have the effect of creating a blind corner in traffic terms. Regardless of road crossing, the narrow width of the pavement could put pedestrians at risk if drivers unintentionally mount the pavement because of parking obstructions and lack of visibility.</p> <ul style="list-style-type: none"> - Access to the shops, community noticeboard and postbox. The shops here are a small and important hub for the immediate neighbourhood. They have grown in importance in recent years and through the pandemic too, offering a wider range of essential services than ever before. This development will impede access to the shops because of parking availability and will likely reduce passing trade as a result. - The pavement was developed only very recently because of the apparent need to park on match days. This development will remove parking capacity on match days, potentially forcing the parking onto neighbouring roads already struggling with parking issues.

	<p>- As this will become a parking hotspot, there is a risk to creating a traffic spot especially at peak times and when lorries/buses travel through, (or when the stores receive their deliveries and parcel collections.) This could have a nominal effect on emissions levels, will increase the risk of road traffic accidents, and increase noise disturbance/traffic noise as cars make difficult manoeuvres.</p> <p>Aside from the development visually looking out of place with everything else in the surroundings, the potential physical dangers in crossing the road, or walking alone at night, this development removes more green space from the community where public green space is already at a minimum. It also compromises the use or effectiveness of local community amenities.</p>
<p>Lydgate Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>I object to this revised plan. The planned house is too large for the plot and the planned parking is inadequate for the size of house. That therefore risks further reduction in parking around the shop and for users of the recreation ground, and thus increases the risk to road and pedestrian safety.</p> <p>I was also disturbed to discover that the width of the pavement and verge is going to be materially reduced through purchase. That in itself seems likely to increase the risk to children walking to school and other pedestrians by reducing space to get around parked vehicles.</p> <p>As I indicated in response to the last planning application in respect of this site, I would be content to see a small bungalow on the original plot (not with the verge/pavement reduced as appears to potentially happen. But not this second example of out of character, unsafe, over-development.</p>
<p>44 Christchurch Road Tring Hertfordshire HP23 4EH</p>	<p>We object to the recent application for building on the land to the rear of 40 windmill way.</p> <p>Our main concern about this development is the extra land that has been purchased will interfere with public footpaths. This is a well used footpath particularly with young families travelling to school and we are concerned about the safety of developing this area.</p> <p>This feels very out of keeping with the neighbourhood as the garden will come so close to the road. The original proposal of a bungalow minus the extra land purchased seems much more reasonable.</p> <p>We also would not like to see any of the green space changed as this will impact negatively on our environment.</p>
<p>41 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>As before, we did not object to the original chalet bungalow proposal but we have concerns over the size of the proposed property and the loss of the common land in front of the plot.</p> <p>The purchase of the land in front of the plot now sees the front of the proposed property only 2 metres from the reduced footpath.</p>

	This, we feel, is not in keeping with the local area.
<p>40 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I object to this planning application.</p> <p>A slide deck giving details, including diagrams and photos, is being sent to planning@dacorum.gov.uk and to the case officer by email. (NOTE : PLEASE SEE DOCUMENT TAB TO VIEW)</p> <p>The following is a summary of material planning considerations in this case:</p> <ul style="list-style-type: none"> - it is over-development to fit such a large house onto a small plot with significant constraints (ex-garden; very close / adjoining neighbours to front, back and side) - in attempting to justify the large house, the development would convert current public pavement and verges into private garden in a manner completely out of keeping with the character of the neighbourhood (damaging the open, green feel; making the resulting street scene ugly and cramped; making the resulting narrow pavement corridor potentially dangerous) - the proposed house would be completely out of keeping with the character of the neighbourhood (closer to the pavement than any other houses, with the tallest part the closest and at the crest of the hill on a prominent bend so particularly overbearing and visually intrusive; no front garden buffering house from street; no rear garden) - the proposed house would significantly damage residential and community amenity (severe loss of outlook - the house is square in front of our kitchen-diner which is our main family room, and includes a sheer wall; significant overshadowing; significant loss of privacy - with my family and the house's residents able to see each other's faces via the patio / bifolds facing directly at us, and no possible mitigation that would not make the loss of outlook and overshadowing worse, and no possible mitigation that would solve the problem of their patio / bifolds facing directly at and able to look into our children's bedroom; light disturbance; removal of car-parking for people using the shops and Miswell park). <p>Essentially, our grounds are that it would be an overdevelopment of the plot, leading inevitably to design and appearance of house and gardens that is out of keeping with the character of the neighbourhood and would negatively affect the amenity of residents; and that the proposed development would be severely visually intrusive to our us, and significantly impact our privacy and the enjoyment of our home.</p> <p>We've been trying to keep building our understanding of the context of planning in Dacorum. We've been reading various policy documents which seem pretty lengthy and complex, but I thought there are two additional issues which could be important to this case:</p> <p>Parking spaces</p> <p>In the recently adopted Parking Standards Supplementary Planning Document (linked below) Appendix A : Parking Standards Tables, suggests that a "4+" bedroom house (as proposed) in Accessibility Zone 3 (as Tring is) should have 3 parking spaces. The proposed</p>

design only has 2 spaces, which would lead to further pressure on street parking, exacerbated by the loss of street parking due to the larger dropkerb in the new proposal. The result would be that residents trying to access Miswell Park or the shops will find it harder to park, and that road safety as a whole would be reduced.

Visibility splays

Also related to road safety, the Hertfordshire Road Design Standards (linked below), section 2.3 on Visibility, suggests that there should be visibility splays on either side of the proposed driveway where it meets the footway. With the current proposals for a perimeter fence there would not be enough visibility of the pavement to ensure pedestrian safety when cars were exiting the new property.

I'm not sure if these are points that are of most relevance to the Highway Authority (Herts County Council), but they haven't commented online. Should we raise this with them or is this something that you would discuss with them as needed? (Separately I'll try to contact Highways regarding long-standing public use of/rights of way on the pavement and verges.)

There also seem to be a number of issues which have been raised in various forms already, either by neighbours or us, but where I think we now have a stronger understanding of the policies relating to our concerns about overdevelopment leading to inappropriate design and knock-on effects on the street and neighbourhood. I'm not sure how important it is that objections reference the right policies, but I thought it best to show that we've tried to consider all the issues properly:

Natural surveillance

The proposal would close in views, leading to loss of natural surveillance which could create potential opportunities for crime. In particular, we're concerned about the effect for a pedestrian at night going past what would become a dark street corner (the current street light is on what would become the property) with a sharp turn into the alleyway to Miswell Park and past a high fence line with no visibility round the corner. We've seen that a number of neighbours have made this point, and we think that it is contrary to Core Strategy Policy CS11(e) "incorporate natural surveillance to deter crime and fear of crime".

Access and safer footpath networks

The severe narrowing of the pedestrian footway resulting from the proposed development, hemming in with fences, and the removal of a pedestrian refuge (i.e. the grass) would all make it hard for buggies, wheelchairs and mobility scooters to pass pedestrians without forcing them into the road. During the COVID-19 pandemic, such verges were important for social distancing. Now, this area is heavily used at school drop-off and pick-up times as there are two schools just down Christchurch Rd, with many children on scooters and bikes using it. This appears contrary to Core Strategy Policy CS8 (b) "ensure good access for people with disabilities" and (d) "creating safer and continuous footpath and cycle networks".

Loss of green amenity space and green infrastructure

	<p>There seem to be a lot of policies relating to this. As defined by Local Plan A6.3 "this includes greens and verges, primarily of visual value". The proposed development, in losing these, appears contrary to the objectives of:</p> <ul style="list-style-type: none"> - Local Plan Appendix 1 Sustainability Checklist, point 12 "take opportunities to improve the street scene or appearance of the area"; - Core Strategy Urban Design Principles, point 4 "creating places with attractive environmental quality"; - Core Strategy Policy CS12(g) "respect adjoining properties in terms of: ... viii. landscaping and amenity space"; - Core Strategy Policy CS13(f) "contribute to the quality of the public realm by: ... (f) incorporating suitable trees, living walls and soft landscaping"; - Core Strategy objective 16.12 that "it is vital that the quality and integrity of the borough's green infrastructure network is maintained and improved at all spatial scales"; - Core Strategy CS26 "The Green Infrastructure Network will be protected, extended and enhanced"; - Dacorum Strategic Design Principle 8.2.5 "Retention of grassland on highway verges and the sowing of wildflowers to create meadows". <p>Cramping of the street scene The proposed (full height) front gable would extend to within just 1.4m of the footway, and the new perimeter fence would extend right up to the footway. This is totally out of character with all the neighbouring properties (which have considerable front gardens), and is contrary to Local Plan objective A3.1 "Proposals ... should respect the character of the surrounding area, and in particular there must be adequate space for the proposed development without creating a cramped appearance"; and Core Strategy Policy CS12(g) "respect adjoining properties in terms of: i. layout; iii. site coverage; iv. scale; vi. bulk".</p> <p>Design features of the proposed property Beyond those already flagged in our objection, there are a number of other features of the proposed design that are out of keeping with neighbouring properties, also contrary to Core Strategy Policy CS12(g):</p> <ul style="list-style-type: none"> i) No other house on Christchurch Road combines substantial width (14m) with a substantially protruding front gable (11m total depth); ii) No other house on Christchurch Road has this style of gabled dormers. <p>Our objection document sets out our concerns over overshadowing, loss of privacy and visual intrusion/impact on us personally, which for us personally are just as worrying as, or even more worrying than, the issues set out above. However, I think from my reading that those issues are seen as somewhat self-explanatory and/or common to all councils? So I've jotted down the notes above on other issues where there are Dacorum-specific objectives and principles.</p>
38 Windmill Way Tring	I disapprove of this development also due to how close the house will be to my fence line, it's really going to affect the privacy of my family and

<p>Hertfordshire HP23 4HH</p>	<p>children.Why does the applicant need it to have 2 floors which makes it overbearing.It will have a dramatic affect on the beautiful Trees along the path way which add security and privacy Hi I am very disappointed that another application is being made,this time a large chalet that sits on a small piece of land.I waited I long time to find a house on windmill way with a southern facing garden and now I find myself against horrendous designed buildings that the applicant keeps putting foward.The loss of light will affect me drastically and obviously the huge shadows this building will create are going to be vulgar.I also don't understand how the grass verge outside the front is going to be used?surly it's going to be a danger to the public with such a a small footpath especially on a blind bend and I am very surprised to learn that the applicant was allowed to purchase it! A 4 bedroom chalets is out of keeping with its surroundings and is an over development on such a small plot especially with the odd but of land that the public have a right to. Surly tring has had its fair share of new build houses being granted,why another one!</p>
<p>42 Christchurch Road Tring Hertfordshire HP23 4EH</p>	<p>The second floor front windows of the proposed house would look directly down onto our garden and patio area.</p> <p>The size of the proposed 4+ bedroom house is excessive for such a small plot.</p> <p>The front perimeter fence as shown on the plan, would cause a significant narrowing of the pavement adjacent to the shops, resulting in a potential danger for pedestrians. The fence would also block vision both for drivers on Christchurch Rd., and for vehicles using the hard standing in front of the shops. Also the loss of street parking for shop customers (caused by a new double width driveway) would very likely lead to an increase in pavement parking on what would become a narrower pavement area.</p>
<p>17 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>I object to this proposal as the planned building is to big and to high. The rear of property concerns me regarding privacy. The area is very busy and already quite dangerous regarding parking for people going to the shops, the footballers, spectators and dog walkers that bring their cars to park there. Children at school times use the nearby public footpath at school times and congregate at that area to cross the road. Even the improved pavement there won't really help if it becomes a driveway on a busy corner. The original plans for a single story bungalow is more than adequate if access is made safe.</p>
<p>7 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>We object to this application for the following reasons:</p> <ol style="list-style-type: none"> 1. The size of the proposed dwelling is large for the size of plot and it appears it will encroach on to the verges and pavement 2. We feel we would have loss of privacy as the dwelling would overlook our property due to the proposed height. 3. We don't find it acceptable to convert public grass verges to private land just to accommodate a large house. 4. The style of house doesn't appear to be in keeping with the neighbourhood 5. It could be a danger to other drivers and pedestrians to have a driveway come out on to a narrow section of footpath where the view

	could be obstructed by the fence and other drivers parked on the road.
68 Christchurch Road Tring Hertfordshire HP23 4EL	<p>Narrowing of pavement on a precarious bend in Christchurch Road which young children, 4 and above, use to go to Goldfield and Bishop Wood Schools.</p> <p>Over development of a small plot part of which practically extends to the footway at the front of proposed building.</p> <p>It would restrict parking facilities for community shop and recreation ground.</p> <p>The height of the proposed front fence i.e. 1.8m will make it dangerous for pedestrians i.e. children going to school and the elderly, to see cars coming from the proposed driveway.</p> <p>We are totally opposed to green verges and public footways being used for part of this development.</p> <p>If this should be passed we feel it would set a prescient for others to use public land for development.</p>
31 Windmill Way Tring Hertfordshire HP23 4HH	<p>As a parent that walks my child to school I feel losing the grass verge would cause safety issues. Many parents from Windmill Way and surrounding streets use this footpath with young children, bikes, scooters and pushchairs.</p> <p>It would increase people parking dangerously to use the local shop.</p> <p>Increased congestion.</p> <p>If they are trying to build on the grass verge, it shows the plot isn't big enough for what they are trying to achieve.</p>
30 Christchurch Road Tring Hertfordshire HP23 4EF	<p>This proposed property would be out of keeping with the local area: it is a large house on a small plot which would contrast massively to the existing properties, which would themselves be shadowed and have views blocked.</p> <p>The new property would be intrusive: due to the extremely close proximity of the edge of the proposed building to the boundary of land proposed in the application, there would be an heightened loss of privacy, not to mention how this would be overbearing.</p> <p>The overbearing nature of this development can be further seen by the 1,8-Metre high fence, which would hem in the surrounding area, in particular the neighbouring shops, and overall create a worse environment with respect to lost areas of greenery, and create a development completely out of character with the local area and surrounding properties.</p> <p>There is also the aspect of safety to be considered: vehicles exiting the two existing garages adjacent to the site, and the driveway of the proposed property itself, would be obscured from view by the fence, which, in combination with the reduction of the existing area of pavement and space for pedestrians, would pose a serious danger to be considered, especially considering that the development would be on the route many children would take to the two schools accessible from Christchurch Road, and not to mention the close proximity to the entrance to the park, which attracts its own high pedestrian traffic.</p> <p>The park, whose entrance is adjacent to, and would be impacted by,</p>

	<p>the proposed development, currently attracts many during football games on the football pitch in the north of the park. However, the parking amenity for this would be severely reduced by the development, cutting off much of the parking not only for the recreation ground, but also the aforementioned shops. This would negatively impact community amenity.</p> <p>It is for these aforementioned reasons why I am in objection to this plan.</p>
<p>24 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I strongly object to this planning application for the following reasons.</p> <p>I was unaware and disappointed to learn that an application had been made to purchase the area of land in front of the perimeter fence and was successfully completed. This is a valuable public footpath and extends the pathway to allow safe passage for all pedestrians using this footpath, in particular children.</p> <p>The proposed development is on a winding corner of Christchurch Road. Cars are often parked on this bend to allow customers to access the shop and hairdressers on Christchurch road. It is also close to a public footpath that leads to the Miswell recreational park and football pitch, which is used by a local football club for matches and training at the weekends and during the week. People using those facilities will also park on this bend and obstruct the existing footpath. The additional piece of land allows pedestrians to safely continue on the footpath.</p> <p>I have been living on Windmill Way since 2007 and this piece of land has been a public footpath for all that time and no doubt preceding that time. I would certainly have objected had I known it had been sold. I would like to request that this piece of land is protected as public footpath for the safety of all local residents that pass this way.</p> <p>The application proposes a 4 bedroom property with 2 parking spaces. This seems unrealistic as families grow and often require more than 2 cars and this would not allow for visitors to the property which means that any additional cars would seek parking either outside the property encroaching on the existing path and road thus causing an obstruction to pedestrians using the footpath or parking in neighbouring roads.</p> <p>The proposed building line of the development is extremely close to Christchurch Road and will make the footpath very narrow and unsafe particularly as this is a winding road and the development is proposed to be built on the corner.</p> <p>The proposed building line extends much farther than the existing line of commercial premises and is out of character with the local area. It will also be overbearing and imposing.</p> <p>In addition to this, the access to the property will be via a dropped kerb which would be right on the bend of the road, and extremely dangerous.</p> <p>The proposed building will impact on neighbouring properties in</p>

	<p>particular affecting their light and privacy.</p> <p>The proposal to erect a 1.8m perimeter fence which juts out onto the footpath will reduce visibility for road users and pedestrians alike and be constant danger.</p> <p>The development substantially encroaches onto the piece of land acquired and significantly reduces the size of the footpath available. This footpath is used frequently by children, on foot, scooters and bicycles on their journey to the 2 schools that are accessed via Christchurch road and poses a danger to those children</p> <p>In addition to this the size of the house compared to the very tiny garden that is proposed indicates that this land is being overdeveloped unnecessarily, particularly in view of the large housing development that is currently being built on Ickniel Way.</p>
<p>Osmington House Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>The proposed Chalet Bungalow appears too large for plot and it is disappointing that existing open green spaces can be fenced in to provide additional garden space including the loss of the wider footpath in this area which is regularly used by school children and public accessing the nearby recreational grounds. Parking for the Sports Fields on Match days and for the local shops will be lost and more congested at the bend in the road. The existing neighbouring properties will also be overlooked</p>
<p>Foxgloves Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>My concerns are -</p> <ul style="list-style-type: none"> - The house is too large for the plot and too close to the road, so not in keeping with other properties in the road. - The plan encroaches on to the verge and pavement, so narrowing the pavement, which will be a danger to all pedestrians, many of which are young children on their way to the 2 primary schools in Christchurch Road. - The fence around the property will restrict visibility for pedestrians and motorists on this bend in the road. - The future of the trees on the plot and to the left of the plot will be in jeopardy, as these will shade the planned property. <p>I fear that if this is allowed, more verges, pavements and trees could be lost to over development, when it is increasingly more important that they be kept to encourage more people to walk safely on footpaths.</p>
<p>22 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I object to the application submitted for permission.</p> <p>Since obtaining permission to erect a chalet bungalow on the land, the applicant has acquired a further parcel of land from the Crown. The revised application provides for the additional land to be built on.</p> <p>I object to the revised plans.</p> <p>The proposed development is on a winding corner of Christchurch Road, approaching the junction of Windmill Way and Mill View Road.</p>

Immediately adjacent to the development site is a footpath that leads to a football pitch. This pitch is used for 11-a-side matches on Saturdays and Sundays, as well as training sessions midweek. When the pitch is being used, those playing park their vehicles on the road and footpath of Christchurch Road, directly in front of the proposed development site and leading away from it. On 3 April 2021, there were 11 vehicles parked on this bend, partially obstructing the highway and the footpath. Photographs have previously been sent to the case officer and can be requested from me again if needed.

This has been the case since we moved into Windmill Way in January 2019. When the pitch is being used in this manner, it is necessary for pedestrians to walk on the additional plot of land acquired from the Crown in order to safely continue on the footpath.

I ask the local authority to consider the extent to which the public has a right of way and/or right of access over this strip/plot of land as acquired from the Crown, and to consider whether the land should be required to be made available for public use in this way.

The application provides for two car parking spaces. This is a 4-bedroom property and so, two spaces is the minimum required. However, there are no additional spaces left available for visitors to the property and so, any visitors would be required to block the small piece of remaining footpath left available to pedestrians, or the road, creating an obstruction.

In instances where football matches are being played, with participants unable to park directly in front of the development site, this risks vehicles being parked close to the Windmill Way / Mill View Road junction, or on the side of the road opposite the development site. Both pose dangers to road users and pedestrians alike.

Similarly, adjacent to the development site are commercial premises comprising a shop and a hairdressers. Again, both are frequented regularly with users parking on the road and/or footpath. The development site will remove the ability of users to park in this manner.

The building line of the proposed development is extremely close to Christchurch Road and will impede the use of the footpath by pedestrians. This is a winding road and the development is proposed to be built on the corner.

The building line is not consistent with the existing premises in my opinion. The plan shows how much further away from the road the commercial premises are, compared to the proposed building on this site.

It is proposed that access to the property be via a dropped kerb which would be right on the bend of the road, and extremely dangerous.

The properties on Christchurch Road are set back from the road itself, as are properties on Windmill Way and surrounding roads. This

	<p>property would be built far closer to the road than any others.</p> <p>The proposed property is out of character, overbearing and imposing.</p> <p>There will be undoubted impact on local residents, most notably those at 40 Windmill Way, and 38. The impact caused by the size of the proposed development on their access to natural light will be enormous.</p> <p>There is a proposal to erect a 1.8m perimeter fence. This will reduce visibility for road users and pedestrians alike.</p> <p>The development encroaches onto the land acquired from the Crown substantially, reducing the size of the footpath available. This footpath is used frequently by children, on foot, scooters and bicycles. The development poses a real danger to those children.</p> <p>I would invite the council to reject the application and to register public rights over the acquired strip of land for the reasons set out above.</p>
<p>The Gables Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>All other houses in this area are set back from the pavement with no fencing to the front elevation creating an open and safe environment for pavement users as they walk to the nearby school and access the shops and recreation grounds adjacent to the proposed development.</p> <p>The proposed high fencing blocks sight-lines to the garages on the right of the development for drivers using the garages, and pedestrians on the pavement, and also blocks visibility of pavement users to cars exiting from the development, and greatly reduces the visibility of oncoming traffic to drivers leaving the development.</p> <p>This presents a safety hazard both to pedestrians and other road users.</p> <p>The development will also significantly impact the availability of parking for those using the shops and recreation grounds. This also presents a safety hazard to other traffic on the road when attempting to enter or exit the property especially if others are parking nearby, which is currently a frequent occurrence, especially at weekends.</p> <p>The high fencing to the front elevation is severely out of keeping with all other houses in the area. Although there is very limited fencing opposite the propose development that is all to the side elevations and does not therefore limit sight-lines when entering or leaving the existing houses. A smaller and more appropriate development would not require this unsightly and hazardous fencing which is entirely out of keeping with the area.</p> <p>In general the problems I am objecting to all stem from the degree of over development inherent in these plans. A more modest development, set back from the pavement and small enough to allow parking to the side of the property would both look in keeping with all other property in the area and would avoid the dangerous blocking of</p>

	<p>sight-lines and restriction of safe parking adjacent to the property as well as preserving the ability of pedestrians, especially school children, to safely pass along the greatly narrowed pavement area.</p>
<p>1 Windmill Way Tring Hertfordshire HP23 4HQ</p>	<p>I have reviewed this proposed development and I have several serious concerns about the proposal.</p> <p>From looking at the proposal, it appears that the design of the development is completely out of character with other properties locally. There seems to have been a conscious effort to cram as much building on to the land as possible, which is not in keeping with any of the local properties. The vast majority of the houses in this street and all of the surrounding streets are set back from the road, with generous front gardens. This gives the area a feeling of openness and greenery. This proposal is in complete contrast to the other local properties. This proposal appears to have the building line extremely close to the pavement, on a sharp bend in the road.</p> <p>From the planning that has been submitted, it appears that some of the land being used in this proposal is actually public land, which cannot be right. It appears that the current green area next to the shops will be turned in to garden/driveway, with new fencing erected. This in itself will change the open nature of that part of Christchurch Road. In addition to that, and far more concerning, it appears that the proposal is intending to use the current public footpath, which has been in place for decades. The small grass verge on that corner of Christchurch Road has relatively recently been overlaid with tarmac, creating a very narrow and uneven addition to the pavement. It appears that this will now be the proposed new pavement. This is clearly not an acceptable proposal and this will create danger for pedestrians. By dictating the use of this narrow strip of pavement, it severely reduces to the width of the available pavement, forcing pedestrians close to the road on a sharp bend. The adverse camber on this strip of pavement will place vulnerable pedestrians (young children, parents with prams/buggies and the elderly) in additional danger and will only be worsened by the fact that the building line will force/intimidate the pedestrians closer to the kerb.</p> <p>I also have concerns about the design of the building line/driveway and the lack of vision afforded to the driver when manoeuvring. The current proposal will put them into direct conflict with pedestrians and other road users. With the building line on one side and a high fence on the other, the driver will have insufficient vision of the pavement to ensure that they are able to adequately see pedestrians, particularly children (there are two schools situated on Christchurch Road). Of additional concern is that with this development being situated on a sharp bend, there will be conflict with other road users. Although the road is designated as having a 20 mph limit, the vision on this bend is very poor and I frequently witness drivers speeding and/or failing to keep within their designated lane on the bend. With a driveway entering so close to this bend and with such poor visibility, it will undoubtedly put other road users in danger. This will only be compounded by the amount of vehicles using/stopping outside the shops next to the proposed development.</p>

It is accepted that every area has to go through changes/alteration to existing buildings and new developments, but I do not believe that this proposal is in anyway sympathetic to the local community or in keeping with the existing properties.

I was also a little concerned that there does not appear to have been any notices erected informing residents of the proposed development, which I understand is part of the planning process.

I have reviewed this proposed development and I have several serious concerns about the proposal.

From looking at the proposal, it appears that the design of the development is completely out of character with other properties locally. There seems to have been a conscious effort to cram as much building on to the land as possible, which is not in keeping with any of the local properties. The vast majority of the houses in this street and all of the surrounding streets are set back from the road, with generous front gardens. This gives the area a feeling of openness and greenery. This proposal is in complete contrast to the other local properties. This proposal appears to have the building line extremely close to the pavement, on a sharp bend in the road.

From the planning that has been submitted, it appears that some of the land being used in this proposal is actually public land, which cannot be right. It appears that the current green area next to the shops will be turned in to garden/driveway, with new fencing erected. This in itself will change the open nature of that part of Christchurch Road. In addition to that, and far more concerning, it appears that the proposal is intending to use the current public footpath, which has been in place for decades. The small grass verge on that corner of Christchurch Road has relatively recently been overlaid with tarmac, creating a very narrow and uneven addition to the pavement. It appears that this will now be the proposed new pavement. This is clearly not an acceptable proposal and this will create danger for pedestrians. By dictating the use of this narrow strip of pavement, it severely reduces to the width of the available pavement, forcing pedestrians close to the road on a sharp bend. The adverse camber on this strip of pavement will place vulnerable pedestrians (young children, parents with prams/buggies and the elderly) in additional danger and will only be worsened by the fact that the building line will force/intimidate the pedestrians closer to the kerb.

I also have concerns about the design of the building line/driveway and the lack of vision afforded to the driver when manoeuvring. The current proposal will put them into direct conflict with pedestrians and other road users. With the building line on one side and a high fence on the other, the driver will have insufficient vision of the pavement to ensure that they are able to adequately see pedestrians, particularly children (there are two schools situated on Christchurch Road). Of additional concern is that with this development being situated on a sharp bend, there will be conflict with other road users. Although the road is designated as having a 20 mph limit, the vision on this bend is very poor and I frequently witness drivers speeding and/or failing to keep within their designated lane on the bend. With a driveway entering so close to this bend and with such poor visibility, it will undoubtedly put

	<p>other road users in danger. This will only be compounded by the amount of vehicles using/stopping outside the shops next to the proposed development.</p> <p>It is accepted that every area has to go through changes/alteration to existing buildings and new developments, but I do not believe that this proposal is in anyway sympathetic to the local community or in keeping with the existing properties.</p> <p>I was also a little concerned that there does not appear to have been any notices erected informing residents of the proposed development, which I understand is part of the planning process.</p>
<p>1 Mill View Road Tring Hertfordshire HP23 4ER</p>	<p>I am objecting for the following reasons.</p> <ul style="list-style-type: none"> - The proposed properties are completely out of keeping with the local neighbourhood. They are a visual intrusion - completely out of keeping with the area and will make a massive change to view, light, appearance and feel of the neighbourhood. They would overlook several properties, create loss of privacy and reduce light. - They would be very different and visually intrusive from several directions. They are not pleasing visually and are overdevelopment of a very small plot. They are overbearing and will result in a loss of light in that area - The proposal increases the road safety risk in an area that is used heavily by pedestrians and cyclists and that has recently had traffic calming measures introduced. This is on a route to two schools and the town centre. I have seen several near misses on the bend where the properties are proposed and the house opposite has had their wall hit several times. Reduction in pavement, visual obstruction due to the proximity of the fences and increase in traffic will increase the risk to pedestrians and road users. Parking will be a dangerous manouvre on that bend. This looks like inadequate parking as cars will be emerging on the brow of the hill right on the bend <p>I strongly object to this development</p>
<p>43 Christchurch Road Tring Hertfordshire HP23 4EJ</p>	<p>The proposal is not in keeping with the character of road / street, the build is far too but fir the plot, it also takes away some public spaces too</p>
<p>Frogs Leap Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>The preposed development is out of keeping with existing properties ,is too large for the plot and is reducing parking for the shops and football teams using the recreation ground. If there has to be a property it should be smaller with more parking.</p> <p>The proposed 4 bedroom house could easily have 3 or 4 cars when occupied making parking even worse. The proposed site is on a bend and access would dangerous.</p>
<p>38 Osmington Place Tring</p>	<p>I strongly object to this plan. This new plan is once again overdevelopment on such a small plot. To</p>

<p>Hertfordshire HP23 4EG</p>	<p>justify this the current grass verge will be converted to private garden, this is totally out of keeping with the surrounding area. The pavement will become very narrow which is a danger to the many school children and parents who use this route. The perimeter fence will block views of cars moving out of the garages and indeed the new house itself. There will be almost no space left for people visiting the two local community shops to park. Users of the recreation ground also park on the road here so there will be a negative effect on several community amenities. The height of the house and proximity to the pavement will be overbearing and visually intrusive on such a prominent bend. I also think allowing a grass verge to be sold off to a developer goes against the current environmental thinking of being bee friendly and encouraging more wildlife. I also fear the developers will want to have work done to the lovely beech trees that are very close to this plot.</p>
<p>54 Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>Please see objection in documents tab</p>
<p>34 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>Please see objection letter in documents tab</p>
<p>10 Windmill Way Tring Hertfordshire HP23 4HQ</p>	<p>This application infringes too far on the pavement which is regularly used by school children and the public to walk to school and access the convenience stores next to the property.</p> <p>The property is too large for the space allocated and therefore not in keeping with its surroundings.</p>
<p>Midway Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>Dear Mr Terry This is a 2nd edition of my earlier email set out to make clear we are objecting to the plans 21/03021/OUT which would allow a building that takes no account of the open plan style, legally set out in the 1986 covenant for a number of named houses in Christchurch Road. Colin Briant</p> <p>Midway, Christchurch Road, Tring, HP23 4EF</p> <p>Dear Sir,</p> <p>My wife and I live next door to the proposed chalet bungalow and wish to pass on some comments objecting to these plans.</p> <p>Essentially the proposed house would not be in keeping with the rest of Christchurch Road, where the houses and bungalows are in open plan style and built back from the road.</p> <p>We are subject to a restrictive and perpetual covenant (See footnote below) that legally prevents us from having any means of enclosure in front of the building line. Any trees/ vegetation which are not part of a planting scheme must be less than one metre high.</p> <p>This produces a sense of open and green space at the front of the</p>

houses.

The intention to fence off what is now a public grass verge by a 1.8 metre fence is completely out of character with the rest of Christchurch road.

The plan to build a four plus bedroom house on this plot would be achieved by the tallest part jutting forward almost to the footpath which would be would be very dominating.

The path between our house and the proposed house is the route to the park with its football pitch and many cars are regularly parked along this part of the road. For the sake of safety, people park partly on the path, which is currently adequately wide.

Access to the garage by the shops would be obscured by the proposed 1.8 fence, increasing the risk of injuring pedestrians.

Signed Colin & Janet Briant

Footnote: The Open Plan Covenant of Neighbouring Houses

There is a restrictive and perpetual covenant dating from July 1986, on all houses in the Osmington Place development. This includes Midway on Christchurch Road, its neighbour Little Claddon and the other named houses on Christchurch Road.

Clause 5a declares the area in front of the building line "...shall forever remain open plan".

It then stipulates "No gate, wall, fence, hedge, screen or structure or means of enclosure shall be erected or planted or put up and no trees shrubs or vegetation of any kind shall be grown above one metre (in the area in front of the building line)other than in accordance with a tree planting scheme....."

The proposed 1.8 metre fence fronting Christchurch Road is therefore quite out of keeping with the open plan restrictions legally imposed on neighbouring houses.

Agenda Item 5e

ITEM NUMBER: 5e

21/02968/FHA	Part single storey, part two storey front, side and rear extension.	
Site Address:	Greenbanks Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA	
Applicant/Agent:	Mr and Mrs Barraclough	Mrs Rebecca Flood
Case Officer:	Natasha Vernal	
Parish/Ward:	Aldbury Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary views from Aldbury Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED subject to conditions.

2. SUMMARY

2.1 The site is located within the Rural Area, wherein the principle of extensions to existing dwellings is acceptable in accordance with Policy CS7 of the Core Strategy.).

2.2 The proposed development is considered to be acceptable in design terms, given that the works do not detract from the character and appearance of the street scene, the Aldbury Conservation Area or surrounding countryside & Chilterns AONB. 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 sunlight / daylight, overlooking or overshadowing. Sufficient private amenity space would be provided for future occupiers of the site in line with the relevant policies.

2.2 Given all of the above, the proposal complies with Paragraphs 176, 197, 199, 201 and 202 of the National Planning Policy Framework (2021), Policies CS7, CS11, CS12, CS24 and CS27 of the Dacorum Borough Core Strategy (2013), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, Saved Policy 120 and Saved Appendices 3 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

3.1 The site is occupied by a two storey detached dwelling located on the southern side of Toms Hill Road in the Aldbury area of Tring. The site is situated within the area of archaeological significance, Rural Area, Aldbury Conservation Area, Chilterns Area of Outstanding Natural Beauty. The surrounding area is predominately residential in character.

4. PROPOSAL

4.1 This application seeks full householder permission for the construction of part single storey, part two-storey front, side and rear extension.

4.2 It is noted that a previous application (reference: 21/00517/FHA) was refused at the site for the following reason (in italics):

“The proposed two storey side / front extension by virtue of its mass, bulk and scale would be an incongruous addition to the surrounding area. The proposed development would not preserve or enhance the character and appearance of the Aldbury Conservation Area. The proposed scheme therefore fails to comply with Policies CS11, CS12 and CS27 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004), Sections 12 and 16 of the NPPF (2019), Saved Policy 120 of

the Dacorum Local Plan (2004) and Section 72 of The Planning (Listed Building and Conservation Areas) Act (1990).”

4.3 Amended plans were received on 13th September 2021 addressing the concerns raised from the Conservation Officer by scaling down the development by setting the front dormer into the existing roof slope, setting back the front projection in line with the existing front projection, reducing the scale of the hipped roof dormer and providing street scene plan.

5. PLANNING HISTORY

Planning Applications (If Any):

21/00517/FHA - Two storey side and front extensions
REF - 21st April 2021

Appeals (If Any):

6. CONSTRAINTS

Area of Archaeological Significance: 29
Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Aldbury Conservation Area
Parish: Aldbury CP
RAF Halton and Chenies Zone: Green (15.2m)
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
Rural Area: Policy: CS7
Small Village: Aldbury
Parking Standards: New Zone 3
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 (2021)
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
CS7 – Rural Area
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns AONB
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
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; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within the designated Rural Area wherein small-scale development is acceptable in accordance with Policy CS7 of the Core Strategy (2013), provided it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside.

9.3 Policy CS7 fails to define what constitutes 'small-scale development.' Furthermore, whilst Saved Policy 22 of the Local Plan (2004) offers qualitative criteria with which an assessment of the above policy can be made, this policy is partially inconsistent with the NPPF, and as such, little weight is attributed to this policy.

9.4 Given all of the above, the definition of 'small-scale development' is taken to reflect a matter of planning judgement, made using a case by case approach.

9.5 The existing garage would be demolished. The proposed two storey side extension would extend approximately 4.3 metres from the existing side elevation and be set down from the original roof ridge by 0.3 metres. The proposed development at ground floor would not extend beyond the principal elevation however would extend approximately 1.3 metres from the existing rear elevation. At first floor level the proposed extension would not extend beyond the existing front or rear elevation. The proposal would be set back from the side boundary by approximately 1 metre.

9.6 Given the scale and height of the proposed extension, the proposed development can reasonably be considered to reflect 'small-scale development.' The key issue of consideration to the application is therefore whether the proposal is acceptable in terms of its impact on the Aldbury Conservation Area which has been considered in the following section of the report.

Impact on the Aldbury Conservation Area

9.7 Paragraph 197 of the NPPF (2021) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 of the NPPF outlines 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. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.8 The site is located within Aldbury Conservation Area (a heritage asset), whereby development is expected to preserve and enhance the character and appearance of the surrounding area, in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004) and the National Planning Policy Framework (NPPF) (2021).

9.9 The Conservation Officer was consulted and raised no objections to the proposal however it was noted that the roof of the side extension should be set back or in line with the existing front projection and the hipped roof front dormer should comprise a shed or mono-pitch roof.

9.10 With further discussions with the agent, amended plans were received addressing the concerns raised from the Conservation Officer by setting the side extension back and in line with the existing front projection, reducing the scale of the hipped roof dormer comprising a shed roof and providing existing and proposed street scene plans.

9.11 The Conservation Officer has been re-consulted and raised no objections to the proposal subject to a matching materials condition, noting that the proposed extension to Greenbanks considered to preserve the character and appearance of the Aldbury Conservation Area in accordance with policy CS27.

9.12 In light of the comments provided by the Conservation and Design Officer, no harm has been identified to the Aldbury Conservation Area as the proposed works are considered to be sympathetic to the existing dwelling, protecting and conserving the integrity, setting and distinctiveness of this designated heritage asset. In comparison to the previous refused scheme under LPA ref: 21/00517/FHA, the proposed scheme through design, scale and positioning are considered sympathetic to the Aldbury Conservation Area.

9.13 Taking the above policies into account, the proposed development is considered acceptable in principle. In accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004), Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 197, 199, 201 and 202 of the National Planning Policy Framework (NPPF) (2021).

Quality of Design / Impact on Visual Amenity

9.14 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.15 The surrounding area is characterised by detached dwellings in a variety of design and roof form, many of which show alteration / extension.

9.16 The proposal would comprise pitched roofs including the insertion of a front dormer which would be set in approximately 1 metres from the flank walls and is considered modest in scale.

9.17 The proposal development would feature brickwork and cedar cladding to be in keeping with the existing dwelling. However, a materials to match condition is required to ensure no adverse impacts on the Aldbury Conservation Area. The proposed fenestration would be in keeping with the existing fenestration.

9.18 Although some elements of the proposed development would be visible from the public realm, the proposal would be set back from the public highway by approximately 15 metres and therefore the proposal would be less prominent when viewed along Tom Hill Road. Furthermore, the proposal is considered to harmonise with the existing dwelling and the surrounding street scene. Therefore, it is not considered to result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area.

9.19 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

Area of Outstanding Natural Beauty (AONB)

9.20 In terms of the Chilterns AONB, Core Strategy (2013) Policy CS24 and Local Plan (2004) Policy 97 seek to conserve the special qualities of this area and ensure that materials used for developments fit the traditional character of the area. Additionally, Paragraph 176 of the NPPF (2021) states that great weight should be given to conserving landscape and scenic beauty in the AONB.

9.21 The surrounding area is rural in character with pockets of residential development concentrated towards the south east. The area is predominantly characterised by large detached two storey dwellings.

9.22 It is considered that the proposed use of materials and sympathetic design of the development will not have an adverse impact on the character or appearance of the surrounding properties or its wider setting of the Chilterns AONB. The proposal therefore complies with Policy CS24 of the Core Strategy, Policy 97 of the Local Plan (2004) and the NPPF (2021) in that regard.

Impact on Residential Amenity

9.23 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.24 It is noted that formal objections were received from the neighbouring property at Old Rectory Cottage objected on the grounds of the scale of development not in keeping within the existing dwelling or the Aldbury Conservation Area.

9.25 The proposal would be sited approximately 21 metres from Old Rectory Cottage and with the amendments provided, the proposal would not extend beyond the existing dwelling. Although fenestration is proposed to face towards Old Rectory Cottage, these views are similar to those existing windows at first floor. Given the sufficient separation distance of 21 metres between the subject property and Old Rectory Cottage, it is not identified that the proposal would have detrimental impacts on loss of sunlight / daylight, overlooking or overshadowing. Regarding the design of development, these matters have been addressed in the impact on Aldbury Conservation Area and quality of design / impact on visual amenity assessment.

9.26 Formal comments were received from the adjacent neighbouring properties at Ridgways and Trinity supporting this application.

9.27 The proposed development would be sited approximately 1 metre from the common boundary with the neighbouring property at Trinity. The proposed two-side extension would not extend beyond Trinity's front elevation and no side fenestration is proposed to face towards this property. The neighbouring property at Trinity does not benefit from side windows and therefore the proposal would not result to overlooking or overshadowing. Given the orientation between the subject property and Trinity, it is unlikely that the proposal would have a significant impact on loss of sunlight / daylight, overlooking or overshadowing.

9.28 It should be noted that the neighbouring property at Ridgeways benefit from a two storey side extension, chimney and provision of vehicular access granted under LPA ref: 4/00005/90/FUL.

9.29 The proposed development would be on the opposite side of the existing dwelling and would be sited approximately 8 metres from the common boundary with Ridgeways. Furthermore no fenestration is proposed to face towards Ridgeways. Given the orientation between the subject property and Ridgeways, it is not identified that the proposal would have a significant impact on loss of sunlight / daylight overlooking or overshadowing.

9.30 Although views of the surrounding properties front and rear gardens would be possible, these views are similar to the existing windows at first floor. Therefore, it is unlikely that the proposal would have a detrimental impact on overlooking.

9.31 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

9.32 There would be no changes to the existing access, nor any changes that would affect the adjoining highway. In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 3-bedroom dwelling is 2.25 spaces.

9.33 The existing dwelling comprises three bedrooms, as a result of the proposed development there would be four bedrooms and would therefore require 3.0 off-street parking spaces. The proposed development will not result to a shortfall of parking spaces as this four bedroomed detached dwelling has a sufficient area of hardstanding located to the frontage that can accommodate at least two vehicles. In addition, the proposed scheme introduces a new garage which would accommodate at least one internal parking space. Furthermore, there are local public transport routes situated in close proximity to the application site.

9.34 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

Other Material Planning Considerations

Aldbury Parish Council

9.35 Aldbury Parish Council were consulted and raised an objection stating the following (in italics):

This application is a modification of the earlier plan: Ref 21/00517/FHA (refused) and does nothing to address the previously expressed concerns of the Parish Council. The 2-storey side extension would increase the flank elevation to slightly below the height of the existing roof ridgeline and extend it by approximately 1/3rd of the current length. This would substantially reduce the current gap between this and the adjacent property, presenting a larger continuous built frontage to the detriment of the conservation area and the character of Toms Hill. This proposal does not meet the criteria laid out in the Aldbury Conservation Area Character Appraisal which is on the Dacorum Borough Council's planning website (page 36)

"1.9 Setting and Views: The setting of the conservation area is very important and development which impacts in a detrimental way upon the immediate setting and longer views into and from the conservation area will be resisted."

9.36 Amended plans were received on 13th September 2021 addressing the concerns raised from the Conservation Officer by scaling down the development by setting the front dormer into the existing roof slope, setting back the front projection in line with the existing front projection, reducing the scale of the hipped roof dormer and providing street scene plan. Aldbury Parish Council were re-consulted but the amendments did not satisfy their concerns and they still objected on the grounds scale of development impacting the Conservation Area.

9.37 Overall, the proposal allows visual reading of the existing elevation and is considered to harmonise with the existing dwelling and the Conservation Area.

Historic Environment

9.38 The site is situated within an area of archaeological significance. Historic Environment were consulted and raised no objections to the proposal noting that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

Response to Neighbour Comments

9.39 It is noted that formal objections were received from the neighbouring property at Old Rectory Cottage objected on the grounds of the scale of development not in keeping within the existing dwelling or the Aldbury Conservation Area. However, the matters raised have been addressed in the impact on residential amenity assessment.

Community Infrastructure Levy (CIL)

9.40 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. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

10. CONCLUSION

10.1 The proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene, the residential amenity of neighbouring occupants, the Aldbury Conservation Area or surrounding countryside & Chilterns AONB. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS7, CS10, CS11, CS12, CS24 and CS27 of the Core Strategy (2013) and Paragraphs 176, 197, 199, 201 and 202 of the NPPF (2021).

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Case Officer Check List	Officer Check/Comments
Has the consultation letter/site notice/advert period expired?	Yes
Was a site notice posted and if so, was the date entered into Uniform?	Yes
Is the Article 35 Statement included?	Yes
Is the CIL box ticked/un-ticked in Uniform?	Yes
Are all plans, documents, site photographs and emails saved to DMS?	Yes
If applicable, please give the reason why the application is overtime.	DMC
Does the application involve the demolition of any buildings that are currently in use?	Yes
Is there a Legal Agreement?	No
Has the Uniform Legal Agreement box been filled in?	N/A
Is a copy of the agreement on DMS (both redacted and non-redacted versions)? Has the agreement been published on the website?	N/A

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:**
 - PA211-04
 - PA211-05
 - PA211-06
 - PA211-1250

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. 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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Conservation & Design (DBC)</p>	<p>Greenbanks is a mid 20th century detached brick built property with gabled concrete tile roof, the roof continues down with a monopitch over the existing single storey front projection. There is a flat roof garage to the side. Greenbanks is set back from Toms Hill Road with an attractive front garden setting and sits alongside other circa mid 20th century detached properties, also set back from the road, there are good sized gaps between the properties.</p> <p>A previous application for 2-storey front and side extensions to Greenbanks was refused.</p> <p>The 2-storey side extension is set down slightly at the eaves and its roof is set back slightly from the existing roof slope, the bulk of the extension is increased by it being set forward of the main wall line and in line with the front projection but this is not considered harmful enough to refuse. Clarification is needed on the following:</p> <p>Regarding the window of the en-suite to the front elevation, is this going to be set in to the proposed roof slope?</p> <p>The elevation plans seems to show the roof of the side extension projecting forward further than it does on the side elevation, ideally the roof should not come any further forward than the existing front projection and if anything be slightly set back.</p> <p>The hipped dormer proposed to the front elevation would, in my view, suit a shed / monopitch roof better - this would correspond to the existing roof form.</p> <p><u>Further comments received on 7th October 2021</u></p> <p>Greenbanks is a mid 20th century detached brick built property with gabled concrete tile roof, the roof continues down with a monopitch over the existing single storey front projection. There is a flat roof garage to the side. Greenbanks is set back from Toms Hill Road with an attractive front garden setting and sits alongside other circa mid 20th century detached properties, also set back from the road, there are good sized gaps between the properties.</p> <p>A previous application for 2-storey front and side extensions to Greenbanks was refused.</p> <p>The 2-storey side extension which will occupy the position of the</p>

	<p>existing single storey flat roofed garage is set down from the ridge and eaves of the main property and therefore does have some level of subordinate relationship with the host property. Unfortunately the perceived bulk of the extension is increased by it being set forward of the main wall line (of the 2-storey part of the house) and it is acknowledged the flank elevation will be a more visible element within the street scene – but this is not considered to be completely out of character with this group of mid 20th century properties along this part of Toms Hill Road.</p> <p>The plans have now been clarified / amended showing the window of the en-suite will be set in to the roof slope of the extension and the roof of the extension comes no further forward than the existing. The front dormer has been reduced in size and looks to be a more proportionate element on the front roof slope.</p> <p>On balance the proposed extension to Greenbanks is considered to preserve the character and appearance of the Aldbury Conservation Area in accordance with policy CS27 and the conservation based policies within the NPPF, recommend approval.</p> <p>If approved a condition requiring external materials to match existing is recommended.</p>
Parish/Town Council	<p>Aldbury Parish Council Object</p> <p>This application is a modification of the earlier plan: Ref 21/00517/FHA (refused) and does nothing to address the previously expressed concerns of the Parish Council. The 2-storey side extension would increase the flank elevation to slightly below the height of the existing roof ridgeline and extend it by approximately 1/3rd of the current length. This would substantially reduce the current gap between this and the adjacent property, presenting a larger continuous built frontage to the detriment of the conservation area and the character of Toms Hill. This proposal does not meet the criteria laid out in the Aldbury Conservation Area Character Appraisal which is on the Dacorum Borough Council's planning website (page 36)</p> <p>"1.9 Setting and Views: The setting of the conservation area is very important and development which impacts in a detrimental way upon the immediate setting and longer views into and from the conservation area will be resisted."</p> <p><u>Further comments received on 7th October 2021</u></p> <p>21/02968/FHA Part single storey, part two storey front, side and rear extension. Greenbanks Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA The Parish Council Objects based on the fact that the revised plans do not address any issues and that previously submitted objections were not addressed.</p>

Historic Environment	Due to the fact that the dwelling is modern in date, the proposal is partly over an existing garage and its size, in this instance only, we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make upon the proposal.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	3	0	1	2

Neighbour Responses

Address	Comments
Old Rectory Cottage Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA	<p>The current application is a modification of the earlier plan: Ref 21/00517/FHA: which was refused because it did not meet the requirements for development in a Conservation Area. These included (i) the lack of subordinate character of the side extension and (ii) the need to respect established building lines.</p> <p>In the new plan the width and profile of the side extension is unchanged from the previous plan at more than one third of the width of the existing house. The ridge height has been only marginally reduced so overall the extension appears almost the same size as before when viewed from the road. This does not seem to us to meet the requirement of being subsidiary to the main house.</p> <p>There is an established building line along the principle elevation of Greenbanks which matches the principle elevation of Trinity. The previous plan was criticised by the Planning Officer because it came forward of this line. In the present proposal the front wall of the new bedroom 1 is in front of this line, the gable window is further forward and the garage has been brought forward in front of its present position. The overall effect of this is to encroach on the open space of Toms Hill Road.</p> <p>Because of the above issues and the comments previously made by the Planning Officer, we think the plan as it stands is inappropriate for the Aldbury Conservation Area and we wish to register our objection.</p> <p><u>Further comments received on 4th October 2021</u></p> <p>We previously objected to this proposal because it is too large and too far forward. Both of these issues were referred to in the Conservation comments which accompanied the previous refusal.</p> <p>Although some minor amendments have been made to the previous</p>

	<p>plan we see no change to the overall size and location despite the recommendation of the Planning Officer. We therefore continue to have the same objections to this plan on the grounds that it is unsuitable in the Conservation Area.</p>
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Agenda Item 5f

ITEM NUMBER: 5f

21/02796/FHA	Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension.	
Site Address:	1 The Orchard Kings Langley Hertfordshire WD4 8JR	
Applicant/Agent:	Ben Sterling	
Case Officer:	James Gardner	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary views of Kings Langley Parish Council	

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The application site is located within the large village of Kings Langley wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, the principle of appropriate residential development (which includes the extension of existing dwellings) is acceptable.

2.2 The limited scale and the relatively innocuous design of the extension is such that there would be no adverse impacts on the streetscape character or heritage assets (i.e. Church House and the Kings Langley Conservation Area), thereby complying with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy, and Policies 119 and 120 of the Dacorum Local Plan.

2.3 Having given consideration to the relationship between the proposed development, it is not considered that it would have a significant impact on the residential amenity of surrounding dwellings, complying with Policy CS12 of the Dacorum Core Strategy.

3. SITE DESCRIPTION

3.1 The application site is occupied by a bungalow believed to date from the 1960s. It is constructed of brick with a pitched roof clad in concrete tiles. Generous gardens are located to the front and rear of the dwelling. An area parking, which includes a concrete garage and hardstanding, is located within the rear garden.

3.2 The surrounding area is characterised by two-storey semi-detached dwellings from the same period. The rear boundary of the application site is adjacent to, and contiguous with a Grade II listed building (Church House) and the Kings Langley Conservation Area.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of the existing garage, a reduction in land levels within the rear garden by a maximum of 1.4 metres, the construction of an 8 metre single-storey rear extension with a pitched roof, and the formation of a new access and hardstanding.

5. PLANNING HISTORY

Planning Applications (If Any):

21/02317/LDP - Rear extension 4m deep - 7.5m wide - 2.5m eaves height and 4m total height.
GRA - 8th July 2021

21/02319/HPA - Single storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.5m.
PNR - 8th July 2021

21/02320/UPA - Additional storey to match existing building. 4 windows to front, 2 to rear. Full height with additional storey will be 7.8m
PAG - 9th August 2021

4/02037/19/FUL - Demolition of existing dwelling and outbuildings and construction of two 4-bedroom semi-detached dwellings.
GRA - 27th January 2020

4/01847/18/OUT - Demolition of exiting bungalow and garage and replace with four (or three) 2-bed dwellings
REF - 13th December 2018

4/00436/18/OUT - Demolition of existing bungalow and garage. Replace with four two-bed Dwellings.
REF - 2nd July 2018

4/03283/17/HPA - Single-storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 2.4m
PNR - 1st February 2018

4/03282/17/HPA - Single-storey rear extension measuring 5m deep with a maximum height of 4m and a maximum eaves height of 2.4m
PNR - 1st February 2018

Appeals (If Any):

4/01847/18/OUT - Development Appeal
- 14th August 2019

4/00436/18/OUT - Development Appeal
- 15th April 2019

6. CONSTRAINTS

Area of Archaeological Significance: 42 (adjacent)
CIL Zone: CIL2
Kings Langley Conservation Area (adjacent)
Former Land Use (Risk Zone):
Large Village: Kings Langley
Listed Building, Grade: II, (adjacent)
Parish: Kings Langley CP
Residential Area (Town/Village): Residential Area in Town Village (King Langley)
Parking Standards: New Zone 3
EA Source Protection Zone: 2
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 (2021)
Dacorum Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Core Strategy

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
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality

Dacorum Local Plan

Policy 119 – Development affecting Listed Buildings
Policy 120 – Development in Conservation Areas

Supplementary Planning Guidance/Documents

Accessibility Zones for the Application of Car Parking Standards (2020)

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 heritage assets;
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 large village of Kings Langley, wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, appropriate residential development is acceptable in principle/

Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should preserve attractive streetscapes, avoid large areas dominated by car parking, integrate with the streetscape character and respect adjoining properties in terms of, amongst other things, layout, site coverage, scale, height, bulk and materials.

9.4 Saved Appendix 7 of the Dacorum Local Plan provides design guidance on house extensions. In particular, it states that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design, and external finishes.

Design / Impact on Street Scene

9.5 The application proposes the construction of an 8 metre rear extension and reductions in the adjacent land level so as to facilitate the provision of a lower ground floor. The ridge height of the extension would be in the region of 5.4 metres when measured from the new land level; however, its maximum height vis-à-vis the original land level would be approximately 4 metres. It would also be lower than that of the main roof of the bungalow.

9.6 Whilst the extension is large, there are two points to consider:

- The application site benefits from an extant permission (21/02319/HPA) for development with an almost identical visual impact.
- The application site benefits from an extant permission (4/02037/19/FUL) for the demolition of the existing bungalow and the construction of two semi-detached dwellings, the scale of which far exceeds that being proposed as part of this application.

9.7 The application before Members differs from 21/02319/HPA in that it is seeking consent to reduce the land levels in the garden in order to construct a lower ground floor; demolish the existing garage and the construction of a new vehicular access on the frontage with an associated hardstanding.

9.8 It is submitted that the impact of the extension on the street scene will not be materially different to the scheme approved under 21/02319/HPA, the changes in levels being largely imperceptible from street level outside the confines of the application site.

9.9 It is understood that from the application form that the extension is to be constructed from matching materials. Nonetheless, should Members be minded to grant planning permission, it is recommended that a condition requiring the use of matching materials be included with the decision notice.

9.10 The provision of the hardstanding on the frontage will result in the removal of some soft landscaping; that is to say, two flowerbeds and a section of lawn. There would also be a requirement to remove a small section of the low wall which currently encloses the front garden. A sufficient area of soft landscaping is, however, shown as being retained, ensuring a satisfactory visual appearance.

Amenity Space

9.11 The construction of the extension will result in the loss of private amenity space to the rear of the dwelling. Limited guidance is provided within Appendix 7 of the Dacorum Local Plan:

'A reasonable private garden/amenity space should remain following the construction of the extension...'

9.12 The total area of private amenity space retained to the side and rear of the dwelling following construction of the extension would equate to approximately 150m².

9.13 The only area of questionable utility is located immediately to the rear of the extension; however, this is limited in extent and, on balance, it is not considered that this would prejudice the overall functionality of the amenity space.

9.14 Further, it should be noted that, as already outlined above, the applicant has permission to implement a scheme, which would have an identical impact on the existing amenity space.

Impact on Heritage Assets

9.15 The application site is located outside but adjacent to the Kings Langley Conservation area, the rear boundary being contiguous with it, and the Grade II listed Church House – a former brewery maltings.

9.16 The statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to listed buildings and their settings. Furthermore, Section 72 of the same act requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. These are matters of considerable importance and weight, having the force of statute behind them.

9.17 Paragraph 199 of the NPPF outlines 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. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

9.18 Policy CS27 of the Dacorum Core Strategy is an overarching heritage policy which seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and, if appropriate, enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. This is supported by saved Policies 119 and 120 of the Dacorum Local Plan, which relate specifically to development affecting listed building and conservation areas. Specifically, Policy 119 states that:

'Every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.'

9.19 Policy 120 states that development proposals outside a conservation area which will affect its character should be carried out in a manner which preserves or enhances the established character of appearance of the area.

9.20 It is clear that, given the close relationship between the application site and Church House, any development in the rear garden is likely to affect its setting. At present, there is an existing utilitarian garage in the garden of the application site - located directly next to the listed building. The garage is proposed to be removed and therefore this is considered to represent a modest planning gain. The extension itself would be of such a scale and make use of such materials that it is not considered that it would adversely affect the character or appearance of the listed building. A gap in excess of 5 metres would be retained between the extension and the listed building, thereby avoiding any adverse effects – e.g. enclosure etc - to its character or appearance. The Council's Conservation and Design Officer has had sight of the plans and commented that '*The proposed alterations would have a nominal impact on the setting of the listed building and conservation area. As such we would not object.*'

9.21 As already alluded to above, the existing garage does not positively contribute to the area. Owing to its limited scale it is acknowledged that the garage is not prominent within the conservation area. This notwithstanding, unlike an impact on the street scene, it is not, strictly speaking, necessary for unsympathetic development to be visible from public vantage points in order for it to be considered harmful (although greater weight may be given to harmful development which is more prominent). In this case, the use of corrugated metal sheeting for the roof of the garage and what appears to be concrete panels for its walls is not considered appropriate to the context. Therefore, in isolation, it is submitted that its removal can be considered an enhancement. The effect of the proposed extension does, however, need to be considered in conjunction with the removal of the garage. The extension would increase built form across the site and would undoubtedly be visible from within the conservation area. The extension would be constructed from similar materials to that of the existing bungalow and, indeed, similar materials to the other dwellings located within the close. It would also be seen within the context of a residential area in village, where built development, including extensions to residential dwellings, is not an uncommon occurrence. The Conservation and Design Team have commented that they would like to see further information to ensure that the lowering of the garden level would not impact on the structural stability of the gable of the adjacent listed building. The applicant has subsequently updated the site plan to indicate that the garden levels will be reduced to the same level as the garage. Furthermore, it is no longer proposed to reduce ground levels of the undeveloped area of land immediately adjacent to the gable.

9.22 Accordingly, taking into account the limited scale of the garage, which is not constructed from materials sympathetic to its context, and the greater scale of the extension constructed from more appropriate materials, it is considered that proposal would have a neutral effect on the conservation area.

Conclusion

9.23 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Area and the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, pursuant to Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which, it is accepted, is a higher duty. It is concluded that no harm would be caused to character and appearance of the Conservation Area, the overall effect being neutral. Furthermore, it is not considered that there would be harm to the setting of the listed building, as a sufficient gap has been retained between the extension and

9.24 The design and appearance of the proposal is considered acceptable in heritage terms. No harm would be inflicted upon heritage assets and therefore the proposal is considered to accord with Policy CS27 of the Core Strategy (2013) and Policies 119 and 120 of the Dacorum Local Plan (2004).

Impact on Residential Amenity

9.25 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.26 The proposed extension includes windows on the eastern and western elevations, serving two bedrooms and one bathroom in the roof space.

9.27 The windows on the eastern elevation would face the front elevations of Flint Cottage and no. 2 The Orchard. There would be a separation distance of between 23 and 24 metres between the flank elevation of the extension and the front elevation of the aforementioned properties. Neither the Core Strategy nor the saved policies of the Local Plan specify a minimum separation distance for where the flank elevation of one dwelling faces the front elevation of another. Guidance in back-to-back or front-to-back separation distances is provided in Appendix 3:

The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.

9.28 Given that front and rear elevations will generally contain more habitable windows than side elevations, it is not unreasonable to conclude that a reduced separation distance could be considered acceptable in other scenarios. A lack of a specified separation distance means that whether a particular development is acceptable hinges on compliance with the general provisions set out in Policy CS12; that is to say, that development avoid loss of privacy. The term 'loss of privacy' is not itself defined and is thus open to interpretation. Furthermore, the opening sentence of Policy CS12 does not state that development must avoid loss of privacy. Instead, it uses the less onerous word 'should', tacitly acknowledging that there may be times when a loss of privacy, however it is defined, may be acceptable. In this instance, the separation distance between windows meets or exceeds that required for a back-to-back or front-to-back spatial relationship. On this basis, notwithstanding the application site occupying a higher land level, it is considered that there would be no significant loss of privacy and, accordingly, the development would comply with Policy CS12 of the Dacorum Core Strategy.

9.29 Consideration has also been given to the impact of the extension on no. 3 The Orchard. The positioning of the bedroom window on the western elevation for the larger of the two bedrooms at Raised Ground Floor level is such that it could afford unacceptable levels of overlooking to the windows on the rear elevation of no. 3. Accordingly, should planning permission be granted, it is recommended that a condition requiring this window to be permanently fitted with obscure glazing and fixed shut below 1.7 metres from finished floor level be included. It is not considered that the positioning of the window serving the smaller of the two bedroom would, owing to the oblique angle, result in any significant harm in terms of loss of privacy. Accordingly, no condition need be applied to restrict this window.

9.30 In terms of loss of daylight and sunlight, there are a couple of factors which militate against this:

- The application site occupies a lower ground level.
- The extension is of single-storey construction with a roof that slopes away from the boundary.
- The extension is set in from the boundary.

9.31 It is also a material consideration that the applicant has consent (see 21/02319/HPA) to construct an extension of an identical depth and height (from natural ground level) to that proposed as part of this application. The changes to land levels in order to create a lower ground floor would not adversely affect the occupiers of the adjacent dwelling.

9.32 The applicant has subsequently provided additional plans to demonstrate that the proposed development would not result in a breach of the 45-degree in respect of the nearest ground floor window of no. 3 The Orchard. Therefore, it is not considered that there would be any appreciable loss of sunlight and daylight.

9.33 The development is therefore considered to comply with Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

9.34 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

9.35 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

Highway Safety / Capacity

9.36 The application includes the formation of a new access to the highway, the details of which have been reviewed by the Highway Authority, who have raised no objections subject to the inclusion of conditions and informatives.

9.37 Given the relatively modest increase in size, it is unlikely that there would be any tangible impact on the local highway capacity.

9.38 Accordingly, the development is considered to comply with Policy CS12 of the Dacorum Core Strategy and Policy 51 of the Dacorum Local Plan as far as highway safety and capacity are concerned.

Parking

9.39 The Parking Standards Supplementary Planning Document was formally adopted on 18th November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.40 Section 6 of the Parking Standards Supplementary Planning Document states that:

The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.

....

Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.

9.41 For dwellings with four bedrooms, the Parking Standards SPD requires the provision of 2.4 spaces (3 where these are allocated). Drawing no. *PP1 – Proposed Parking* shows that a total of three policy compliant car parking spaces are to be provided. It is recommended that a planning condition requiring the provision of these parking spaces prior to first occupation of the extension be included with any grant of planning permission.

9.42 As a result, the development provides sufficient parking in accordance with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.43 There would be no implications.

Ecology

9.44 Policy CS29 of the Core Strategy states that development should minimise impacts on biodiversity and incorporate positive measures to support wildlife.

9.45 The proposals are not accompanied by a Bat Survey; however, based on the drawings submitted, it does not appear as though any works to the main roof of the dwelling are proposed.

9.46 There is a small pond within the front garden of the application site. Hertfordshire Ecology have been contacted for comment as there is the possibility that Great Crested Newts could be present. In response, they have stated that:

'We've got no records of amphibians in the vicinity. That doesn't mean they are not present, of course. The garden is well maintained and the pond itself will remain. I do not consider a survey is necessary or justifiable in this instance. An informative should suffice:

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.'

9.47 Accordingly, should Members be minded to approved the application, it is recommended that the informative above be included with the decision notice.

9.48 Given the relatively limited extent of amenity space to the front and rear of the site, both of which appear to be relatively well maintained, and the site's location within an urban area, it is not considered that the site is sensitive from an ecological point of view.

9.49 The development is therefore considered to accord with Policy CS29 of the Dacorum Core Strategy.

Community Infrastructure Levy (CIL)

9.50 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 (CIL) was adopted in February 2015 and came into force on 1 July 2015.

10. CONCLUSION

10.1 The principle of residential development is acceptable in this location.

10.2 Regard has been had to the impact of the proposed development on the setting of the Grade II listed Church House and the Kings Langley Conservation Area. In summary, the proposal is not considered to cause harm to these heritage assets. As such, there is no need for any public benefits to be demonstrated.

10.3 The design of the extension would not result in harm to the streetscape character.

10.4 Consideration has also been given to the potential impact of the development on the residential amenity of neighbouring dwellings. In the case of Flint Cottage and no. 2 The Orchard, their distance from the application site (in excess of 23 metres) is such that there would be no significant adverse impacts in terms of visual intrusion, overlooking or a loss of sunlight and daylight. With regard to no. 3 The Orchard, subject to the inclusion of a condition requiring the bedroom window within the roof space of the extension to be obscure glazed and non-opening below 1.7 metres from finished floor level, it is not considered that there would be any significant loss of privacy. Further, the limited scale of the extension is such that daylight and sunlight would not be significantly affected.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

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:**

PP1 - Proposed Parking (received on 21/09/21)

PP1 - Proposed Parking (received on 09/09/21)

Proposed Elevations (received on 16/07/21)

Proposed Floorplans (received on 16/07/21)

Location Plan 45 Degree Rule (received on 07/10/21)

Proposed Rear Elevation 45 Degree Rule (received on 07/10/21)

Street Scenes Front (received on 07/10/21)

Street Scenes Side (received on 07/09/21)

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).

4. **The window serving the smaller of the two bedrooms at Raised Ground Floor level, as shown on the Proposed Floor Plan (received on 16/07/21), in the western elevation of the extension hereby permitted shall be non-opening below 1.7 metres from finished floor level and permanently fitted with obscured glass (minimum of Level 3 on the Pilkington Scale) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of no. 3 The Orchard in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

5. **Prior to the first use of the extension hereby permitted the vehicular access and parking areas shall be completed and thereafter retained as shown on drawing number PP1 (received on 21/09/21). Arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway concurrently with the access being brought into use.**

Reason: To ensure satisfactory access into the site, a satisfactory level of parking and to avoid extraneous material or surface water from impacting the highway, in accordance with Policies CS12 and CS31 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

Informatives:

1. 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.
2. 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.
3. 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.

4. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended 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 County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
5. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
7. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The site is a bungalow. It is of lesser interest. There have been a number of applications on the site. The site is located adjacent to the conservation area and a listed building.</p> <p>The proposed alterations would have a nominal impact on the setting of the listed building and conservation area. As such we would not object. External materials, hard and soft landscaping subject to approval.</p> <p>It would be recommended that either additional information be provided to ensure that the lowering of the garden would not impact on the structural stability of the gable of the adjacent listed building as part of the works to lower the garden level or a condition should be imposed. This could form a test pit to check the depth of foundations and ensure</p>

	<p>that this would not be a concern.</p> <p>Recommendation No objection. External materials hard and soft landscaping subject to approval. The foundation issue should be addressed ideally prior to determination.</p>
Environmental And Community Protection (DBC)	<p>The proposed development is not for a change in land use and will not involve significant ground works. It is, however, close to land with a potentially contaminative land use history and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Parish/Town Council (04/08/21)	The Council objects to this application as it contains no provision for car parking
Conservation & Design (DBC)	Following the submission of additional information we would have no further comment to add and no objections to the scheme.
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>1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number PP1 to a maximum of 5.4 metres in accordance to HCC Highways, Dropped Kerbs: Terms and Conditions. The new dropped</p>

kerb must be divided from the neighbouring existing dropped kerb by one full raised kerb (2 risers must not meet.. Prior to use appropriate arrangements shall be made for surface water 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 Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension at 1 The Orchard, Kings Langley. The Orchard is a 30 mph unclassified local access route that is highway maintainable at public expense. This response is following amendments made by the applicant in relation to prior additional requested by HCC Highways.

The proposal includes a new dropped kerb and off street parking space for one dwelling. The dropped kerb must not be built greater than 5.4 metres (4 dropped kerbs and 2 risers) and must be constructed by a contractor chosen by HCC Highways - see condition 1 and informative 1 above. The new hardstanding is only big enough for one vehicle and must be deemed appropriate by the local planning authority whom are in charge of parking.

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be

	<p>collected and disposed of on site.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Interim</p> <p>The proposal is for the removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension at 1 The Orchard, Kings Langley. The applicant has now included plans which illustrate a new parking area fronting the dwelling. This is not enough information to make a formal recommendation for the site. The applicant will need to provide HCC Highways with the size of the parking area and the width and location of the dropped kerb on detailed plans (different from that previously presented). The dropped kerb will need to be illustrated on plans for the new parking area and must not be greater than 5.4 metres in width (4 dropped kerbs and 2 risers) as per HCC Highways dropped kerbs: Terms and conditions. Once these plans have been provided, then HCC Highways can make an informed recommendation on the site.</p>
Parish/Town Council (22/09/21 – Reconsultation)	<p>The Council OBJECTS to this whole application on the grounds that by virtue of its size / bulk it would result in a serious over-cramping of the site, be out-of-keeping with neighbouring properties and will exacerbate problems with parking and access.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
13	3	0	3	0

Neighbour Responses

Address	Comments
<p>10 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>I would object to this proposal as due to the different roof levels of the proposal it appears obvious that this is yet another attempt on the part of the applicant to overdevelop the site, and that instead of one dwelling there will be an application to make the rear extension a separate dwelling.</p> <p>Which is probably why there is no provision for parking at the front of the existing bungalow which would have to become the only garden for that part of the site.</p> <p>In view of the lack of parking and obvious reason for the new rear extension bearing in mind the myriad previous applications which show a desire to cram as much development on a small site as possible to maximise profit for the applicant I would urge rejection of this application as it would be out of keeping with the existing dwellings in the road.</p> <p>Either of the last 2 applications granted are in keeping</p>
<p>4 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>Dear Sir</p> <p>We have considered the latest alternative design and application for Number 1 The Orchard WD4 8JR.</p> <p>From the proposal and drawing myself Neighbours and friends view this is a two dwelling application looking at an ugly and unsightly roof line.</p> <p>We are still of the opinion that the previous application for a pair of Semi-Detached built in brick was in keeping with all the other dwellings in the Orchard should be pursued.</p> <p>There is no mention of the out line plans of Parking and Landscaping which is also very important to us.</p>
<p>3 The Orchard Kings Langley Hertfordshire WD4 8JR</p>	<p>Dear Sir,</p> <p>As you are aware Mr Stirling is continually putting in plans for this site. At present you have a planning notice fixed to the fence of this property for the removal of the roof and an additional story added.</p> <p>His new proposal is not in keeping with the existing houses. He also proposes to excavate the rear garden to a probably depth of 1.4 metres at the boundary fence with my property number 3 The Orchard. There is no mention of how he plans to support the hillside when he has removed this ground. Heavy rain could cause this land to slip if not properly supported.</p> <p>It would be useful if you could visit the site to see the problem this proposed excavation will cause.</p>

ITEM NUMBER: 5g

21/01961/FHA	Replacement fence and gates.	
Site Address:	Moorings 13 Anglefield Road Berkhamsted Hertfordshire HP4 3JA	
Applicant/Agent:	Mr Alex Verbeek	Mrs Amy Harman
Case Officer:	Heather Edey	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Contrary views of Town Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The installed replacement fencing, associated piers and electric gate are considered to be acceptable, noting that these additions are not considered to detract from the character and appearance of the streetscene or surrounding area. Whilst the replacement fencing is considered to be more visually prominent than the existing fencing, (i.e. by reason of its material finish), consideration is given to the fact that the untreated wood finish of this addition would weather over time, therein softening the visual appearance of this addition.

2.2 Given the scale and nature of the development, it is not considered that the replacement fencing, associated piers and electric gate adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), 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 a large two storey detached dwellinghouse, with single storey attached garage, situated off Anglefield Road within a designated residential area of Berkhamsted. The property is positioned set back from the highway and sited on ground levels that rise and slope away from Anglefield Road.

3.2 The property originally comprised a single dropped kerb and driveway, with associated front and side wooden fencing, front steps and gate. Under previous planning application 4/01015/19/FHA, consent was granted to regrade and extend the existing driveway and install an additional dropped kerb, to create a new carriageway drive. In order to facilitate these works, consent was also granted under this previous planning consent for the construction of a new retaining wall, fence, steps and gate and for the removal of a number of trees to the front of the site.

4. PROPOSAL

4.1 Whilst carrying out the works approved under application 4/01015/19/FHA, the existing boundary fencing was damaged, and as such, the applicant installed replacement fencing to the

front and side of the site, with associated rendered piers and new electric gate. The replacement fencing has been positioned in the same location as the original fencing, and comprises the same height, (i.e. measuring 1.9m high). Planning permission is sought for the retention of these additions.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01015/19/FHA - Construction of new driveway, dropped kerb to highway, new fence and brick retaining wall and foundation with steps and Gate.

GRA - 5th July 2019

4/01762/12/FHA - Two storey rear extension and small infill to first floor side

GRA - 17th December 2012

Appeals (If Any):

6. CONSTRAINTS

CIL Zone: CIL1

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

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

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

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 (2021)

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 (2020)
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; and
The impact on highway safety and car parking.

Principle of Development

9.2 The site is situated within a designated residential area of Berkhamsted, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) 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 in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 In light of the above policies, the proposed development, (i.e. the retention of replacement fencing, associated piers and electric gate), is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.4 The NPPF (2021) states that planning policies and decisions should ensure that new development is 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.

9.5 The site falls within the BCA12: Shootersway Character Appraisal Area wherein front enclosures are considered acceptable, provided they maintain the defined character of the area.

9.6 Planning permission is sought for the retention of the replacement fencing installed to the front and side of the site, and associated render piers and wooden electric gate.

Replacement Fencing

9.7 The Parish Council were consulted on the scheme and initially raised objection to the proposed replacement fencing, considering the new fencing to be an obtrusive addition to the streetscene by reason of its location, scale and height. However, given that the replacement fencing has been positioned in the same location on the site as the original fencing and comprises the same 1.9m

height, (as evident in the comparison photos submitted by the agent under reference Appendix A), the Parish Council have removed their objections to the scheme in this regard.

9.8 Whilst the same in terms of their scale, height and positioning, there are minor design differences between the original and replacement fencing. Whilst both fences are of close boarded timber construction, the original fencing comprised small gaps along the top and was externally finished in dark blue/purple paint. In comparison, the replacement fencing comprises an untreated wood external finish, whilst failing to comprise the small gaps along the top.

9.9 By virtue of its material finish, the replacement fencing is considered to be more visually prominent in the streetscene than the original fencing. The replacement fencing would however weather overtime, therein enabling the fence to appear more in keeping with the untreated wood finish of enclosures within the immediate area, (i.e. as evident at neighbouring properties 8 and 10 Anglefield Road), and softening its visual appearance.

9.10 Whilst the replacement fencing is currently noted to be more visually prominent in the streetscene, (i.e. by reason of its material finish), it is not considered that this addition significantly detracts from the character and appearance of the streetscene. Furthermore, it is not considered that a refusal of the replacement fencing could be sustained in design terms, noting that front enclosures are encouraged within the immediate area and noting that the visual appearance of the replacement fencing would soften overtime as the fence weathers.

Associated Piers and Electric Gate

9.11 The applicant also constructed a new wooden electric gate with associated piers, externally finished in white render.

9.12 Given the scale and positioning of the new piers, (i.e. noting that they comprise a height in keeping with the original fencing), it is not considered that these additions appear overtly prominent or visually overbearing within the streetscene. Furthermore, whilst it is noted that these additions have been externally finished in render, this material finish is considered to be acceptable, noting that it harmonises with the character and appearance of the main house, and is in keeping with the external render finish of neighbouring properties, (i.e. 10 Anglefield Road). Consideration is also given to the fact that similar style piers, (i.e. 1m high piers finished in external render), could be constructed on the site without requiring formal planning consent.

9.13 Whilst removing their objections to the replacement fencing and associated piers, the Parish Council have raised objection to the new electric gate, considering the gate to be a visually intrusive addition to the streetscene.

9.14 Whilst set below the height of the replacement fencing, by reason of its design, the height of the new electric gate increases to just over 1.9m at the centre. Given that the photos submitted in support of the application evidence that the original gate matched the height of the original fencing, (i.e. measuring 1.9m high), the new electric gate measures slightly higher than the original gate.

9.15 Whilst slightly greater in height than the original gate, the new electric gate has been positioned in the same location on the site, set back from the highway and the line of the replacement fencing. Taking this into account, it is not considered that the new gates appear visually overbearing or visually intrusive when viewed within the streetscene. Furthermore, noting that there are examples of similar style gates within the immediate area, (i.e. at Holmedene, 14 Anglefield Road), it is not considered that the new electric gate detracts from the character and appearance of the streetscene.

9.16 Given the above assessment, the replacement fencing, associated piers and electric gate are considered to be acceptable in design terms and in terms of their impact on visual amenity. As such,

these works accord with the NPPF (2021), Policies CS11 and CS12 of the Core Strategy (2013) and the BCA12: Shootersway Character Appraisal Area document.

Impact on Residential Amenity

9.17 The NPPF (2021) outlines the importance of the planning system 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.

9.18 Given the scale, nature and positioning of the development, it is not considered that the proposal adversely affects the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. As such, no concerns are raised in this regard.

Impact on Highway Safety and Parking

9.19 The NPPF (2021), Policies CS8 and CS12 of the Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe access and sufficient parking provision for current and future occupiers.

9.20 The proposal does not involve any changes to the existing parking arrangements or generate the requirement for any additional off-street car parking provision to be provided. As such, no concerns are raised in this regard.

9.21 The proposal does not involve any changes to the existing site access. The Highways Authority were however consulted on the proposal, (i.e. given that the development is within close proximity of the adjacent highway), and raised no objection to the works, noting that the new additions 'directly mimic that of previous structures which caused no highway issues.' As such, the development is not considered to generate any highway or pedestrian safety concerns.

Response to Neighbour Comments

9.22 No neighbour comments or objections have been received. The Berkhamsted Citizens Association Townscape Group have however raised the following objections to the scheme:

- Impact on Streetscene – the proposed development fails to integrate into the streetscape, creating a solid boundary that was not there before, blocking view of the property which is out of keeping with the character of Anglefield Road.
The retrospective nature of the application

9.23 The developments' impact on the streetscene has been considered in more detail during an earlier section of the report. However, given the scale and nature of the new additions and noting the character of Anglefield Road, (i.e. noting that front enclosures are welcomed in this area), it is not considered that the development detracts from the character and appearance of the streetscene.

9.24 Whilst concerns have been raised to the retrospective nature of the application, this is not a material planning consideration and as such, can not be factored into an assessment of the current scheme. The key issues of consideration to the application relate solely to whether the proposal is acceptable in accordance with national and local planning policy.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The installed replacement fencing, associated piers and electric gate are considered to be acceptable, noting that these additions are not considered to detract from the character and appearance of the streetscene or surrounding area. Whilst the replacement fencing is considered to be more visually prominent than the existing fencing, (i.e. by reason of its material finish), consideration is given to the fact that the untreated wood finish of this addition would weather over time, therein softening the visual appearance of this addition.

10.3 Given the scale and nature of the development, it is not considered that the replacement fencing, associated piers and electric gate adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), 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).

11. RECOMMENDATION

11.1 It is recommended 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:**

**Location Plan
4648-PO1 Rev E
Planning Statement**

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	The proposal is for retrospective planning permission for a replacement fence and gates at Moorings, 13 Anglefield Road, Berkhamsted.

	<p>Aglefield Road is a 30mph unclassified local access route that is highway maintainable at public expense.</p> <p>The replacemebt fence and gates have been built in the same location to that of the previous fence and gates but no planning permission has been sought for their construction. Although normally gates are required to be set back 5.5 metres, they're in the same location, (if not further back), than that of the previous gates. Therefore, for this application, HCC Highways would not wish to restrict a grant of permission for this application owing to the new fence and gates directly mimic that of previous structures which caused no highway issues.</p>
Parish/Town Council	<p>Objection</p> <p>The proposed location, style, scale and height of the fencing and gates are obtrusive and are a feature out of character with the surrounding streetscene and is disrespectful to the character of the neighbouring properties. The Committee also requested that the original access is reinstated.</p> <p>CS11, CS12</p>
Parish/Town Council	<p>Objection</p> <p>The previous application approved in 2019 did not mention the proposed large gates to access the driveway. The Committee maintained its objection as the proposals set an unwelcome and obtrusive precedent in an otherwise pleasant streetscene which the Committee wishes to preserve.</p> <p>CS12</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	1	0	1	0

Neighbour Responses

Address	Comments
Stonycroft 9 Shrublands Road	I write on behalf of the Berkhamsted Citizens Association Townscape Group, of which I am Chairman.

<p>Berkhamsted Hertfordshire HP4 3HY</p>	<p>The Group wishes to object to this application on two counts:</p> <p>1 The development does not integrate with the streetscape, in that it creates a solid boundary which was not there before and blocks the view of the house, which is rare in Anglefield Road. The Group fails to see why the occupants require such 'privacy and security' in a pleasant and quiet residential road. The trend towards being 'cut off' does not fit with a friendly community; and is not justified in the access statement.</p> <p>2 The application is retrospective.</p> <p>On a general point, the Group does not favour the trend toward large fencing and gates where no safety reasons are given, nor can be justified.</p>
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6. APPEALS UPDATE

6.1 PLANNING APPEALS LODGED

Planning appeals received by Dacorum Borough Council between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/04010/FUL	W/21/3277285	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
2	20/00946/FUL	W/21/3277540	58-60 High Street, Berkhamsted	Written Representations
3	20/04015/FUL	W/21/3277915	74 Brook Street, Tring	Written Representations
4	4/01278/18/FUL	W/21/3278371	Units 1 & 2 Richmond Square, Hicks Road, Markyate	Written Representations
5	21/00441/OUT	W/21/3278280	Land SW of Frindles, Cheverells Green, Markyate	Written Representations
6	20/02360/FUL	W/21/3278634	Rosemary Cottage, 126 High Street, Northchurch	Written Representations
7	21/01885/FHA	D/21/3279267	25 Georgewood Road, Hemel Hempstead	Householder
8	20/01843/FUL	W/21/3279289	93-95 High Street, Markyate	Written Representations
9	21/01313/RET	D/21/3279451	28 George Street, Berkhamsted	Householder
10	21/00701/FUL	W/21/3279608	Land At 28 Hall Park, Berkhamsted	Written Representations
11	21/01653/FHA	D/21/3280113	43 Green Lane, Bovingdon	Householder
12	21/01354/RET	D/21/3280282	18 Dinmore, Bovingdon	Householder
13	21/01463/FHA	D/21/3280746	36 College Close, Flamstead	Householder
14	21/01236/FHA	D/21/3280747	The White House, Potten End Hill, Water End	Householder
15	21/01366/ROC	W/21/3281296	Wagon And Horses, London Road, Flamstead	Written Representations
16	21/03074/TEL	W/21/3281978	Land At Green End Road, Hemel Hempstead	Invalid 3 rd party appeal
17	21/01696/FHA	D/21/3282270	Honeysuckle Barn,	Householder

			Birch Lane, Flaunden	
18	20/01370/MFA	W/21/3282461	Bank Mill, Berkhamsted	Written Representations
19	21/02373/UPA	D/21/3282662	Arewa, Shootersway Lane, Berkhamsted	Written Representations
20	21/01801/FUL	W/21/3283492	Land R/o 34 Great Road, Hemel Hempstead	Written Representations
21	21/03109/FHA	D/21/3284123	25 Beaumayes Close, Hemel Hempstead	Householder

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/03103/FUL	W/21/3267910	3 Curtis Road, Hemel Hempstead	Written Representations
	Date of Decision:		18/06/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3267910			
	Inspector's Key conclusions:			
	<p>I am satisfied that the dwelling's form and appearance would be broadly compatible with the mix of buildings near to the site, but its siting to the rear of No 3 and lack of a street frontage would be in marked contrast to the usual pattern of development along Curtis Road. The position of the garden to the front of the dwelling and its small size relative to the building would also be at odds with the long rear gardens that are characteristic within this area. The dwelling would be of much greater height and overall scale than the existing garage on the site and other outbuildings that I observed to the rear of nearby properties, and would in part be visible including from Curtis Road along the proposed driveway. I accept that it would not be prominent in the street scene, but its presence would be jarring and it would diminish the spaciousness on the site that currently makes a positive contribution to the character and appearance of the area.</p> <p>The development would be a discordant addition that would be detrimental to the character and appearance of the area.</p> <p>Given the close proximity of these windows to the boundary, and particularly those within the deeper rear projection to No 3, I consider that the resulting overlooking would be significant and intrusive, and the garden would not provide suitable private open space for use of the dwelling as sought by Appendix 3 of the DBLP.</p> <p>The proposal would fail to provide acceptable living conditions for future</p>			

<p>occupiers of the development with regard to privacy, outlook and the provision of amenity space.</p> <p>The narrow width of the access would result in vehicles passing immediately alongside No 3A which is set on the boundary with the site and No 3 which includes windows facing the access. I consider that vehicles passing at such close proximity would be highly noticeable, and even in low numbers would result in undue noise and disturbance that would be intrusive and harmful to the living conditions of the occupiers of these dwellings.</p> <p>I conclude that adequate provision for the storage and collection of waste has not been demonstrated.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/03345/FUL	W/21/3268444	Flaunden Stables, Flaunden	Written Representations
Date of Decision:			25/06/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3268444				
Inspector's Key conclusions:				
<p>The appeal proposal would contain two dwellings that would be constructed of large proportions. In particular, the development features large projecting gables and a significant height that would conflict with the more traditional forms of architecture that are a feature of the immediate vicinity.</p> <p>In addition, the proposal features detached garages. Therefore, in conjunction with the proposed dwellings, there would be a relatively long built frontage. This means that the more open character of the surrounding area would be eroded due to the increase in built form and that the character of gaps between buildings with views of the countryside beyond would be eroded.</p> <p>The proposed development would have much greater proportions which would render the proposed dwellings incongruous. In addition, the proposed development would be prominent due to its positioning adjacent to the road. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area.</p> <p>The erection of two new detached dwellings, including garages, would mean that the surroundings of the Chapel would appear to have a more developed and built up character. This would therefore erode the generally open character that surround existing buildings in Flaunden, including the Old Chapel. This gap is not identified in any CA appraisal, or subject to a formal designation. However, this space is a prominent and significant part of the CA.</p> <p>The traditional character of the surrounding area would be eroded, as well as the historical significance of the Old Chapel. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/03246/FUL	W/21/3268586	2 Cemetary Hill, Hemel Hempstead	Written Representations
	Date of Decision:	25/06/2021		
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3268586			
	Inspector's Key conclusions:			
<p>Due to the proximity of development to the existing houses, views from the existing dwellings would be possible into the garden and the dwelling. This would mean that occupiers of the proposed development would not benefit from appropriate levels of privacy.</p> <p>Whilst the windows of the side elevation would be either small or could be fitted with obscured glazing, the larger form of the neighbouring dwellings would remain readily apparent giving the impression of being overlooked.</p> <p>Furthermore, owing to the relatively short garden associated with the proposed development, residents would not benefit from appropriate levels of outlook. In particular, the boundary treatments and pergola would restrict outlook to an unacceptable degree.</p> <p>The amount of space that would be available for residents to undertake outdoors recreation would also be limited owing to the size of the garden. Whilst the size of the dwelling means that it is unlikely to be occupied by families, the restricted garden size would limit the residents from undertaking the full range of recreation activities, as well as household activities such as the drying of washing. The living conditions of residents would be further diminished as refuse and materials for recycling might need to be stored within this area. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of the development.</p> <p>The proposed development would also reduce the level of privacy experienced in the garden owing to the proximity between the proposed development to the existing garden, which would further reduce the useability of space. Views would also be possible of rear elevation windows, which would add to the general character of being overlooked. I therefore conclude that the proposed development would erode the living conditions of the occupiers of neighbouring properties.</p> <p>Whilst the proposed development would be of a different form to other dwellings within the vicinity, the proposal would retain the form of the existing building. Given this and the variety of buildings that are present within the surrounding area, this would ensure that the development would not appear to be incongruous.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/02060/LDP	X/20/3261710	Parker House, Maylands Avenue,	Public Inquiry

			Hemel Hempstead	
	Date of Decision:		05/08/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261710			
	Inspector's Key conclusions:			
	<p>The main issue is whether the deemed refusal by the Council was well-founded, based on a position that it had refused the application for prior approval 4/01588/19/OPA by a decision notice dated 23 August 2019 (disputed by the appellant) with the consequence that none of the events specified in paragraph W(11) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) have occurred.</p> <p>The document sent by the Council on 23 August 2019 very clearly refuses the prior approval application made. It identified the prior approval application made, with associated reference and date, and said "the application is refused" on the first page with the "reasons for refusal" given on the second page.</p> <p>Accordingly, I find that the only reasonable way for the appellant to have understood the document was as formal notification of refusal. While the appellant disagrees with the reason given for refusal, and indeed is of the opinion that it was a reason that it was not possible for the Council to give ('outwith of the statutory scheme'), it does not alter the fact that the document contained a clear refusal of the prior approval application within the statutory period and it was open to the appellant to challenge it.</p> <p>In the absence of a successful challenge against it, I consider that the 23 August 2019 document has the status as what it says it is, namely a refusal, and it is not within the scope of this appeal on the LDC application to revisit the reason for that earlier, unquashed, decision. The fact that the Council did not use its discretion to require further information from the appellant under paragraph W(9) of the GPDO before it sent the decision is of no consequence in this context, and it does not affect my finding.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/00228/FHA	D/21/3273077	102 Scatterdells Lane, Chipperfield	Householder
	Date of Decision:		31/08/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3273077			
	Inspector's Key conclusions:			
	<p>The proposed garage would be physically and visually separated from the host dwelling. Given the level of that separation, I consider that the proposed garage cannot be considered an extension to the dwelling. Therefore, for the purposes of Green Belt policy, it would constitute a new building and would comprise inappropriate development in the Green Belt.</p> <p>As a result of its size, including a footprint of 6 metres by 7 metres, and</p>			

	<p>height, and by virtue of introducing additional built form into the locality, the proposed garage would impact upon the spatial and visual openness of the Green Belt to a greater degree than existing development at the appeal site. Although the impacts would be localised, the sense of openness, an essential characteristic of the Green Belt, would be harmed.</p> <p>I observed a number of outbuildings in the front gardens of properties along this stretch of Scatterdells Lane. These vary in size, and while I do not have the full details of all of these buildings before me, they nevertheless contribute to the character and appearance of the area. Given this context, the proposed garage would not appear as an incongruous addition to the area.</p>
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/00339/ROC	W/20/3254243	Bovingdon Airfield, Chesham Road, Bovingdon	Written Representations
	Date of Decision:		16/07/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254243			
	Inspector's Key conclusions:			
	<p>The proposal here is for the market stalls to occupy the whole of the NW-SE runway lying SE of the main runway. Additionally the proposal seeks to lift the restriction on where cars may be parked within the application site, presently restricted by plan 4308 to the main runway, perimeter road, and land to the SE of the NW-SE runway.</p> <p>The parish council suggest that an increase in the trading area along with an increase in the parking area will inevitably lead to more visitors and exacerbate the problem further. Whilst I accept in general terms that an expansion of the market and available parking is likely to lead to more visitors, the anticipated effects are not quantified.</p> <p>The existing permission contains no meaningful traffic management measures save for requirements and prohibitions relating to the use of particular access points. In the absence of any evidence, I am not satisfied that the expansion of the trading area has itself resulted in a significant increase in market-related traffic. Taken together, therefore, the expansion of the permitted car parking area to serve the market coupled with the enforceable provisions of the TMP requiring proper traffic management and marshalling to enable safe and efficient parking at the site would, in my</p>			

<p>judgement, considerably ameliorate the situation rather than harmfully exacerbate it. Therefore, subject to requiring adherence to the TMP and associated matters by condition, I am unable to support the Council's first reason for refusal on the grounds of adverse highways impacts.</p> <p>The Council's second reason for refusal concern litter accumulation and some anti-social behaviour, coupled with off-site parking along the roadside. Again these concerns relate to the existing situation and there is no evidence as to the extent to which such matters are expected to be exacerbated as a result of a permitted extension to the market trading area. The problems appear largely to stem from the traffic delays which, as I have noted above, are acknowledged by some local residents to be a consequence of the current level of parking provision on the site which the application seeks to expand.</p> <p>I am unable to insist on a Litter Management Plan covering land outside the site which is not within the appellant's control, but I do accept that the existing LMP may require revisiting in the light of the expanded trading area to address the waste capacity at the site and to allow consideration of whether the cleaning operations should be brought forward from the following day, which is a concern stated by local residents as allowing litter to escape from the site prior to the cleaning taking place.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/01126/FUL	W/21/3268495	Land at Laurel Bank, Hemel Hempstead	Written Representations
Date of Decision:			03/08/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3268495				
Inspector's Key conclusions:				
<p>The proposed development would result in the loss of part of the open space, however, the evidence before me is not indicative that the development would result in a loss of space where outdoors recreation by the public might take place. In addition, whilst a section of the space would be removed, a large proportion would be retained to the side of the proposed development. This would ensure that the more open character of this section of Laurel Bank is retained post development.</p> <p>Although the proposed development would be of a bungalow, the remainder of Laurel Bank contains houses constructed to varying designs and proportions. In addition, the neighbouring streets contain a variety of house types, including bungalows. Laurel Bank also contains several, single-storey detached garages. In result, the proposed development would not appear to be incongruous given that it would be viewed against a backdrop of varying buildings.</p> <p>In addition, the dwellings in Laurel Bank, when taken as a whole, are set back from the highway by varying amounts. In result, the proposed development would not erode the character of the area.</p>				

	<p>In addition, owing to the road layout and the pattern of existing development, the proposed bungalow would be relatively well-screened, particularly from those vantage points further away from the site. This lack of prominence would mean that the proposal would not be unduly strident.</p> <p>I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/00964/FUL	W/20/3256852	Highlands, Kings Road, Berkhamsted	Written Representations
	Date of Decision:		20/08/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256852			
	Inspector's Key conclusions:			
	<p>In line with the comments of the previous Inspector, no one has a right to a view, but outlook from neighbouring dwellings near to a development should not be unduly obstructed or unacceptably harmed by overbearing or visually dominant development. The plans for the proposed new house have been substantially reduced compared to the appeal scheme, dropping the height of the main 2 storey section and reducing the rear wing to a single storey. In re-assessing the impact on outlook following these changes, I take into account that there are high hedges on the key boundaries, but note that their retention at current heights cannot reasonably be guaranteed in the longer term.</p> <p>On the uphill side there are clear views from the first floor windows of 10 Oxfield Close over the top of the existing hedge so that the new house would be highly visible. The combination of the difference in ground levels, the relatively low height of the proposed new dwelling and the wide separation distance means, however, that this revised proposal would not be overly dominant on views from that property.</p> <p>The most significant impact would be on the rear elevation and garden of No 65, which would look directly towards the new side wall. The lowered height and reasonably narrow width of this part of the structure, together with the separation distances between the wall and No 65's main accommodation would, however, be sufficient to limit any impact on that property's outlook to acceptable levels. The new wall would occupy only a minor section of the overall outlook from No 65 and would not be overly dominant on those views. As the impacts on other Kings Road houses would be less than that on No 65, those would also be acceptable.</p> <p>I conclude in respect of the main issue that the proposal would not unduly or unacceptably affect living conditions at neighbouring properties in terms of the impact on outlook.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/01754/MFA	W/21/3268082	Land off Tring Road,	Written

		Wilstone	Representations
	Date of Decision:	25/08/2021	
	Link to full decision:		
		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3268082	
	Inspector's Key conclusions:		
	<p>The development plan therefore seeks to direct new residential developments to larger settlements, which would contain the full range of services and facilities that residents would require, such as education and healthcare. In consequence, the development would conflict with the Development Plan given that the residents would need to travel to other settlements in order to access the full range of services that they are likely to require.</p> <p>However, the harm arising from this is not of a large degree as whilst Wilstone is not a big settlement, it does benefit from some services and facilities that are in walking distance of the appeal site. In addition, whilst not extensive, Wilstone also benefits from a bus service. Therefore, residents would be able to use some services in the village and would also have an alternative to private cars for some potential journeys.</p> <p>The proposed development would be for 28 dwellings. The development is therefore of a relatively large size, although in the context of the scale of the existing settlement, the proposal would not represent a disproportionate extension to the settlement. In addition, the proposal would include areas of open space, which would reflect the site's more rural surroundings. These would assist in ensuring that the development would not appear significantly disproportionate.</p> <p>I therefore conclude that the proposed development would not be sited on the most suitable site for a residential development, albeit the level of harm would be limited. The development would therefore conflict with Policies CS1, CS2 and CS7 of the Core Strategy.</p> <p>The proposed development would result in an extension of the village. This would mean that the more open character of the appeal site would be eroded due to its change from a field to a more urban setting. In addition, the development would feature dwellings arranged in patterns that would contrast with the more common predominantly linear form of the settlement. In consequence, the development would conflict with the character and appearance of the surrounding area. This would amount to harm.</p> <p>Whilst the appeal site has previously been used for agriculture, the site's lack of prominence means that the loss of this activity would not have a significant effect of the area's character. These features, when combined, mean that the proposed development would not appear significantly divergent from the surrounding area.</p> <p>The erosion of the area's character would be relatively small. Although of a more modern design, the proposed dwellings would be viewed against a varied backdrop, which includes dwellings in Wilstone of differing ages,</p>		

styles and proportions. In result, the proposed development would not appear significantly discordant in this context.

Therefore, whilst the proposal would result in harm to the character and appearance of the vicinity, this harm would be of a moderate level due to the immediate context relating to the surroundings of the appeal site and the design and layout of the scheme before me. However, the development by reason of the presence of such harm would result in a breach of Policies CS1, CS10 and CS20 of the Core Strategy.

The proposed development includes a Sustainable Urban Drainage System. Therefore, the development is unlikely to have an adverse effect upon flood risk.

The evidence before me indicates that the Council cannot demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework are invoked. This states that planning permission should be given for a development unless the benefits are significantly and demonstrably outweighed. This is referred to as the 'tilted balance'.

In this instance, the benefits of the development are 28 additional new dwellings. Of these dwellings, half could be secured for occupation on affordable tenures. In result, this would represent a reasonably sized contribution towards the provision of housing within the vicinity. I give this a significant amount of weight. In addition, the proposed development would generate some economic benefits arising from the construction process and support of local facilities, albeit these benefits would be of a limited amount.

However, I can only give the harm to the character and appearance of the surrounding area a moderate amount of weight due to the limited effects arising from the design and positioning of the development and a limited amount of weight to the harm arising from the location of the development. Therefore, having applied the 'tilted balance', I conclude that the harm arising from the development does not significantly and demonstrably outweigh the benefits.

I am conscious of the steps being taken by the Council to address the lack of a five-year housing land supply. However, at this juncture there is not one in place and therefore the appeal should be determined with reference to the 'tilted balance'. In result, the harm arising from the development is not significantly and demonstrably outweighed.

No.	DBC Ref.	PINS Ref.	Address	Procedure
5	20/03101/FHA	W/20/3265856	13 Chambersbury Lane, Hemel Hempstead	Householder
	Date of Decision:		21/09/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265856			
	Inspector's Key conclusions:			

	<p>Notwithstanding that the patio as built is a more significant structure than approved, the depth of the new rear extension constructed under 4/01652/19/FHA means the patio is set back away from the neighbours' windows and this reduces the degree of overlooking. Further, the tops of the neighbours' ground floor windows roughly align with the tops of the fencing (1.8m above terrace level) that is part of the development and which provides privacy from those using the terrace. This is broadly the same as the conventional relationship between a neighbour's windows and the fencing along the shared boundary, and does not result in an unacceptable degree of overlooking onto the ground floor windows of properties either side of the appeal property or into their gardens. The officer's report says the patio facilitates views back towards neighbours' first floor windows. However, I note that the terrace is broadly in line with internal ground levels and there are commonly views when stepping out into any garden back towards elevated windows in neighbouring houses. In this case the depth of the second storey rear extension serving the appeal property increases the distance. Within this context, the degree of mutual overlooking is not unusual and is acceptable.</p> <p>While the development is clearly visible when viewed from neighbouring properties, I have seen nothing to persuade me that there are any significant enclosing or other visually deleterious effects resulting from it. Despite the depth of the terrace, it remains modest in comparison with the lengths of the neighbouring plots.</p> <p>Further, while the gardens slope down and away from the properties, I note that the fencing drops to a lower level beyond the end of the patio so as to acceptably reduce the visual dominance of the boundary treatment.</p> <p>Accordingly, the development does not cause harm to the living conditions of neighbours at Nos 11 and 15 as regards overlooking and outlook.</p>
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/03612/FUL	W/21/3276964	103 Bathurst Road, Hemel Hempstead	Written Representations
Date of Decision:			23/06/2021 (Invalid appeal)	

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/00090/RET	W/21/3275075	Gable End, 1	Written

			Threefields, Sheethanger Lane, Hemel Hempstead	Representations
	Date of Decision:		30/06/2021	

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/00253/FHA	D/21/3274448	8 Dammersey Close, Markyate	Householder
	Date of Decision:		30/06/2021 (Invalid appeal)	

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	21/03074/TEL	W/21/3281978	Land At Green End Road, Hemel Hempstead	Written Representations
	Date of Decision:		02/10/2021	

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00268	C/21/3278485	Silver Birches, Nettleden Road North, Little Gaddesden	Written Representations
2	E/20/00388/CO NSRV	C/21/3279423	28 George Street, Berkhamsted	Written Representations
3	E/21/00312/NPP	C/21/3282334	Land At Church Road, Little Gaddesden	Written Representations
4	E/21/00312/NPP	C/21/3283466	Land At Church Road, Little Gaddesden	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/20/00023/MU LTI	C/20/3249358	Haresfoot Farm, Chesham Road, Berkhamsted	Hearing
	Date of Decision:		18/06/2021	
	Link to full decision:			

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3249358>

Inspector's Key conclusions:

I saw at the site visit that the location of building 6 is in the heart of the former farmyard, where it is largely enclosed from the surrounding agricultural land by other built development, which prevents it from having any undue impact. Even if buildings 3 and 4 had not been developed further, this part of the yard would have been shielded from open views by the original buildings. Although building 6 appears to be higher than the buildings it replaced, views of it are very limited and I consider that it is causing no appreciable harm to the openness of the Green Belt.

Building 6 is therefore also limited infilling on previously developed land and as it too does not have a greater impact on the openness of the Green Belt than existing development it can consequently be considered as 'not inappropriate' in Green Belt terms, with reference to paragraph 145(g) of the Framework. I therefore conclude that buildings 3, 4 and 6 are not inappropriate development.

The Framework encourages the growth and expansion of businesses in rural areas. The appellants have explained how their business is well positioned not only to make good use of this former farmyard, which has already largely diversified away from agriculture, but also to support a number of film production studios sited in the local area. I therefore consider that, subject to conditions, planning permission should be granted for buildings 3, 4 and 6.

Building 5 amounts to a significant area of new built footprint. However, Buildings 3, 4, and 6 stand as a group which is largely contained within the established farmyard and building 5 is visually well related to this development.

I have already concluded that buildings 3, 4 and 6 can remain and consider that, although building 5 occupies a significant volume, it has, along with the others, the appearance of a typical agricultural building and does not, in my opinion, detract from the character of the wider area.

I do, however, take a different view in respect of the metal storage containers and the area on which they are located and the more open land to the south of building 6 and to the north of buildings 7 and 8. These areas spread beyond

buildings 4, 5 and 6 into previously open land and, as with the storage racks, bring an industrial character into the agricultural fields around the former farm

yard and would consolidate development between buildings 6 and 8.

The use of this land for non-agricultural storage would again be inappropriate development and its use for anything other than access to the buildings would,

I consider, be harmful to the openness of the Green Belt and the character of the surrounding countryside.

The appellants have agreed to remove building 1 and this requirement will

	<p>therefore be retained in the notice.</p> <p>I consider that this prominent area [Area B] of external storage, which extends into the open land to the north east and is highly visible from the public footpath, is harming both the character of the countryside and the openness of the Green Belt.</p> <p>I consider that although [Building 8] has had its original cladding removed, the frame is original; and, on its own, does not constitute a new building. The appeal on ground (d) in respect of it consequently succeeds and the requirement to demolish this section of it will be removed from the notice. It should however be noted that, should it be considered expedient, that Council might nevertheless be able to take enforcement action against the addition of the external cladding.</p> <p>Although not yet complete, building 7 covers a sizeable footprint of land that was previously undeveloped. It is agreed that it represents inappropriate development in the Green Belt. I consider that the possible needs of the business for this building do not been demonstrated to amount to the very special circumstances needed to outweigh the harm caused by this building and planning permission will not be granted for it.</p> <p>No particular lesser steps have been suggested and the appeal on ground (f) fails.</p> <p>The time for the reinstatement of the land would be likely to run into the winter months and, to allow sufficient time for any replanting, a further 4 months would be reasonable. The appeal on ground (g) succeeds to this extent and I will vary the notice accordingly.</p> <p>Note: The above appeal was ‘Part Allowed and Part Dismissed’.</p>
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6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/20/00421/COL	C/20/3264483	Bovingdon Airfield, Chesham Road, Bovingdon	Written Representations
	Date of Decision:		16/07/2021	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254243	
	Inspector’s Key conclusions:			
	This constitutes an appeal against an enforcement notice issued by the Council directed at the use of a field adjoining the runway, the so-called			

<p>'radar field', for use as overspill car parking for the adjacent market. The lawful use of the Radar Field is for agriculture, and the notice alleges an unauthorised material change of use of the land from that use to use as a car park associated with the adjacent market site, together with the associated laying of hard core. The appellants contend that the site reverts to its lawful agricultural use between its car parking uses, but do not contend that the matters alleged in the notice have not occurred.</p> <p>The Council's photographs show some laying of hard core at the entrance and exit to the site, and rutting of the land by vehicle tyres, but not of such a significant scale as to preclude the resumption of the lawful agricultural use of the land between the Saturday car parking uses. Thus I do not consider that the change of use was a permanent one at the time of issuing the notice, but that the change took place temporarily on each occasion that the site was used for car parking.</p> <p>The Council do not allege that the site is in itself used for the purposes of the holding of a market (whether by the setting up of market stalls on it or by ancillary activities such as car parking). This being the case, I do not find that the use alleged in the notice is precluded from taking place for more than 14 days a year by the terms of Class B, which states that the permission conferred is for 'the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of the holding of a market'.</p> <p>As it is not said by the Council to have exceeded 28 days, I find that the temporary uses of the appeal site for the purpose of car parking have occurred with the benefit of the permission conferred by the Order, and thus no breach of planning control had occurred at the time the notice was issued.</p> <p>Therefore the appeal on ground (c) succeeds in relation to both aspect of the allegation, and consequently the notice will be quashed.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	E/19/00398	C/20/3257704	Land Off Upper Bourne End Lane Adj. Wayside, Hemel Hempstead	Written Representations
Date of Decision:			16/09/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3257704				
Inspector's Key conclusions:				
<p>The enforcement notice is clearly directed at a material change of use of the site.</p> <p>Even though the use specified within the description of the alleged breach is '<i>pig breeding enterprise</i>' the Council have stated that the pigs are bred and kept as pets or to show rather than for the production of food and that therefore the use is not agricultural.</p>				

There is no dispute that pigs are kept and grazed on the land. The appellant has confirmed that some pigs are kept as pets and some have been sold for meat production. In my experience you're considered to be a pig keeper even if you keep a pig as a pet and all pig keepers have to follow the same regulations with regards to registering them with the Animal and Plant Health Agency (APHA). Moreover, I have no doubt that even pigs kept as pets or used for breeding purposes, to produce pigs to be sold as pets, would eventually be sold for food production. In addition, in my experience farmers enter some of their livestock in 'shows' as well as the animals being used for food production and breeding.

In any case, even if the pig breeding enterprise does not fall within the definition of agriculture it does not mean that there has been a material change of use. Whether a business or activity amounts to a material change of use is a matter of fact and degree, amongst the considerations being whether there is a change in the character of the use of the land.

The number of pigs kept on the land is small and the appeal site is relatively restricted in size. Nevertheless, some smallholdings that are treated as an agricultural use can also be small in size and undertaken as a hobby. The visual impact of the use is similar to that of an agricultural smallholding. There is little evidence before me to indicate that the activities, comings and goings associated with this pig breeding enterprise have materially different characteristics and impacts compared to an agricultural use.

Based on my observations and the evidence before me, in my judgement, the use of the appeal site as a pig breeding enterprise has not, on the balance of probability, resulted in a material change of use of the land.

It is open to the Council to issue a fresh enforcement notice, if they consider that the site is in use for purposes other than as a pig breeding enterprise and/or attacking the operational development, should they consider it expedient to do so.

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	E/20/00311/NAP	C/20/3265857	13 Chambersbury Lane, Hemel Hempstead	Written Representations
	Date of Decision:		21/09/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265857			
	Inspector's Key conclusions:			
	Notwithstanding that the patio as built is a more significant structure than approved, the depth of the new rear extension constructed under 4/01652/19/FHA means the patio is set back away from the neighbours' windows and this reduces the degree of overlooking. Further, the tops of the neighbours' ground floor windows roughly align with the tops of the fencing (1.8m above terrace level) that is part of the development and which provides privacy from those using the terrace. This is broadly the same as the conventional relationship between a neighbour's windows and the			

	<p>fencing along the shared boundary, and does not result in an unacceptable degree of overlooking onto the ground floor windows of properties either side of the appeal property or into their gardens. The officer's report says the patio facilitates views back towards neighbours' first floor windows. However, I note that the terrace is broadly in line with internal ground levels and there are commonly views when stepping out into any garden back towards elevated windows in neighbouring houses. In this case the depth of the second storey rear extension serving the appeal property increases the distance. Within this context, the degree of mutual overlooking is not unusual and is acceptable.</p> <p>While the development is clearly visible when viewed from neighbouring properties, I have seen nothing to persuade me that there are any significant enclosing or other visually deleterious effects resulting from it.</p> <p>Despite the depth of the terrace, it remains modest in comparison with the lengths of the neighbouring plots.</p> <p>Further, while the gardens slope down and away from the properties, I note that the fencing drops to a lower level beyond the end of the patio so as to acceptably reduce the visual dominance of the boundary treatment.</p> <p>Accordingly, the development does not cause harm to the living conditions of neighbours at Nos 11 and 15 as regards overlooking and outlook.</p>
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6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00444/NAP	C/21/3274933	Plot 1, Cupid Green Lane, Hemel Hempstead	Written Representations
Date of Decision:			20/07/2021	

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	E/20/00388/CO NSRV	C/21/3279423	28 George Street, Berkhamsted	Written Representations
Date of Decision:			21/07/2021 (invalid appeal)	

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 03 October 2021)

APPEALS LODGED IN 2021	
PLANNING APPEALS LODGED	51
ENFORCEMENT APPEALS LODGED	5
TOTAL APPEALS LODGED	56

APPEALS DECIDED IN 2021 (excl. invalid appeals)	TOTAL	%
TOTAL	49	100
APPEALS DISMISSED	25	51.02
APPEALS ALLOWED	14	28.57
APPEALS PART ALLOWED / PART DISMISSED	2	4.08
APPEALS WITHDRAWN	8	16.33

APPEALS DISMISSED IN 2021	TOTAL	%
Total	25	100
Non-determination	1	4
Delegated	21	84
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	3	12

APPEALS ALLOWED IN 2021	TOTAL	%
Total	14	100
Non-determination	0	0
Delegated	10	71.43
DMC decision with Officer recommendation	1	7.14
DMC decision contrary to Officer recommendation	3	21.43

6.10 UPCOMING HEARINGS

None.

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	19/02588/MFA	W/21/3275429	Lilas Wood Wick Road Wigginton	tbc

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 18 June 2021 and 03 October 2021.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 18 June 2021 and 03 October 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/20/00421/COL	C/20/3264483	Bovingdon Airfield, Chesham Road, Bovingdon	Written Representations
	Date of Decision:		16/07/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3254243			
	Inspector's Key conclusions:			
	The question of reasonableness is concerned with whether it reasonably appeared to the Council that a breach of planning control had arisen at all. This does not require a high degree of certainty on the part of the Council,			

<p>but a breach must be at least reasonably apparent.</p> <p>It may sometimes be the case that, as appeared here to the Council, hardstanding is laid in order to facilitate a permanent change of use and not, as I have found here, primarily in order to safeguard the underlying residual use of the land. The facts of the case here appear to give reasonable scope for different views about that. Similarly on the '14 day rule' point. The Council have not actually alleged that the land is used for the purposes of holding a market, but their allegation raises an association with the market use. To suggest that the 'associated' car parking use falls within the 14 day restriction of the Order is in my view, as I have explained, erroneous, but I would not go so far as to say that it is an unreasonable position to take given the obvious functional connexion that here exists.</p> <p>Therefore I do not consider that the Council have behaved unreasonably resulting in unnecessary expense that would warrant a costs award in this case.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/02060/LDP	X/20/3261710	Parker House, Maylands Avenue, Hemel Hempstead	Public Inquiry
Date of Decision:			05/08/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261710				
Inspector's Key conclusions:				
<p>Much of the applicant's costs submissions, and appeal submissions, are concerned with disputing the Council's interpretation of a planning permission which had led it by notice dated 23 August 2019 to refuse a prior approval application. The applicant also disputes that such a refusal was made in law, but I have found in my decision on the appeal that the above notice did indeed refuse prior approval.</p> <p>Even were the applicant correct that the Council had behaved unreasonably in the way it came to its decision on the prior approval application, including as to when and how it applied for legal advice, the remit of the costs application before me is confined to the appeal against failure to determine the LDC application.</p> <p>I do not accept that the Council failed to communicate sufficiently.</p> <p>The applicant says that the Council also acted unreasonably during the appeal as it hadn't sufficiently dealt with the issue of whether its 23 August 2019 notice was materially similar to the 'purported refusal' letter in the <i>Dunnett</i> case¹. However, the Council dealt comprehensively with that issue in written submissions and orally at the inquiry.</p> <p>I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.</p>				

