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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 13 JANUARY 2022 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 Douris
Councillor Williams
Councillor Hollinghurst
Councillor Stevens
Councillor Tindall

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) 21/03989/FUL - Demolition of 31 residential garages and construction of 4 no. dwelling houses - Garage Court, Dione Road, Hemel Hempstead, Hertfordshire (Pages 6 - 23)
- (b) 21/03396/FUL - Demolition of existing chalet bungalow and garage. Construction of 4 no. detached three-bedroom dwellings and associated car parking and landscaping. - Middle Oak Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EQ (Pages 24 - 52)
- (c) 21/04277/FUL - Demolition of existing outbuilding and construction of new 4 bedroom dwelling, with new access and associated works - Land Adjacent To Finch Cottage Tower Hill Chipperfield Kings Langley Hertfordshire (Pages 53 - 78)
- (d) 21/03912/ROC - Variation of Condition 4 (Vehicle Parking) and Condition 8 (Approved Plans) Attached to Planning Permission 19/03033/FUL (Partial Demolition of a semi-detached cottage, garages and outbuildings and construction of 3 detached dwellings)- The Orchard, Alexandra Road, Chipperfield (Pages 79 - 90)
- (e) 21/03938/ROC - Removal of Condition 6 (Ventilation Strategy) attached to planning permission 21/00142/FUL (Demolition of existing dwelling and construction of a pair of semi-detached dwellings) - Woodley, 37 Chesham Road, Bovingdon (Pages 91 - 106)
- (f) 21/02671/FUL - Rebuilding, to the same shape and form, a completely burned down single bedroom house, and constructing a single storey extension, to form a new two-bed house. - 18 Nash Green Hemel Hempstead Hertfordshire HP3 8AA (Pages 107 - 116)

6. APPEALS UPDATE (Pages 117 - 130)

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Agenda Item 5a

ITEM NUMBER: 5a

21/03989/FUL	Demolition of 31 residential garages and construction of 4 no. dwelling houses	
Site Address:	Garage Court, Dione Road, Hemel Hempstead, Hertfordshire	
Applicant/Agent:	Mr Ian Johnson	Mr Ian Morrison
Case Officer:	Martin Stickley	
Parish/Ward:	Hemel Hempstead (No Parish)	Highfield
Referral to Committee:	The application is referred for the consideration of the Development Control Committee as the site is owned by the Borough Council.	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4 of the Dacorum Borough Core Strategy (2013)).

2.2 This application is a re-submission of a previously approved scheme (see 20/03819/FUL) with a slightly re-configured layout. This is because Dacorum Borough Council (DBC) have been unable to purchase all of the land required (see 'garage and access retained' on Drawing 0100). The amended scheme has resulted in some minor changes to the proposal, including: the re-positioning of Plots 3 and 4, alterations to the car parking layout and the loss of some landscaping.

2.3 Four new dwellings are proposed to be located on land currently occupied by terraces of domestic garages, which originally served existing nearby residential properties. Over time, the garages have become either disused or underused, and this application offers the opportunity to create high quality affordable housing in their place, improving the local environment and security through new landscaping and increased natural surveillance.

2.4 The redevelopment of this site provides the Council, as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. The Council's affordable housing studies have identified a strong need for new, family-sized homes for local people. As such, and given that the development would be located in a sustainable location (being near to local facilities and public transport linkages), the proposal is in accordance with Policies CS1, CS4, CS17 and saved Policy 10 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site relates to several blocks of garages situated at Dione Road within the urban boundary of Hemel Hempstead and the residential area of Highfield (HCA20). The access road is between Nos. 99 and 101 Saturn Way. The site is an irregular shaped plot (L-shaped) with an area of approximately 0.21ha. The site is relatively flat but there is a slight decrease in level in the western section of the site, towards Hyperion Court. Beyond the northern boundary lies the Nicky Line, which is enclosed by a dense belt of trees that provides a significant green corridor. This area, to the north, is designated 'open land'.

3.2 The Highfield residential area is a large New Town neighbourhood comprised mainly of housing from the typical 1960's. However, there are also subsequent developments from later periods, for example, a similar garage redevelopment at Mimas Road around 75m to the west (approved in 2009). The area is characterised by its regular, angular spatial layout, which features a high incidence of amenity greens and landscaping. Design is varied throughout the Highfield area but parts do have distinct identity and character. In terms of the Heights (known as the 'Planets' area), the character is somewhat traditional with plain gabled, pitched roofing with typical stock brickwork.

4. PROPOSAL

4.1 Planning permission is sought for the demolition of 31 garages and the construction of four residential units (2 x 2-bedroom and 2 x 3-bedroom) with associated parking areas and gardens. The shape of the site limits the spatial layout and consequently the houses have been split into two blocks (pairs) of semi-detached houses. This application forms part of a Planning Performance Agreement (PPA) that encompasses seven garage sites.

5. PLANNING HISTORY

20/03819/FUL

Demolition of 31 residential garages and construction of 4 no. dwelling houses

Granted (22/02/21)

6. CONSTRAINTS

Ancient Woodland: Ancient & Semi-Natural Woodland

CIL Zone: CIL3

Former Land Use (Risk Zone):

Open Land: Highfield

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

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

Residential Character Area: HCA20

Smoke Control Order

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Policy Guidance (2021)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Dacorum's 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
CS9 - Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17- New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29- Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies) (1999-2011)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 57 - Provision and Management of Parking
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 1 - Sustainability Checklist
Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents

Area Based Policies: HCA20 (Highfield) (May 2004)
Manual for Streets (2010)
Planning Obligations (April 2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Affordable Housing (January 2013)
Parking Standards (November 2020)

9. CONSIDERATIONS

Main Issues

9.1 The key considerations relating to this application include:

- The principle of development;
- The quality of residential development and living conditions of existing and future residents;
- Highway safety and car parking; and
- Any other material planning considerations.

The Principle of Development

9.2 The application site is located within the residential area of Hemel Hempstead. It is not an allocated housing site and is a 'windfall site'. Dacorum's Core Strategy directs residential development to the towns and established residential areas (see Policy CS4). The Area Based Policy HCA20 (Highfield) highlights that there is scope for the redevelopment of garage blocks, however, only if alternative provision is made for displaced vehicle parking.

9.3 The proposal would contribute to the Borough's housing stock (in accordance with Policy CS17). As such, and given that the development would be located in a sustainable location, the proposal is in accordance with Policies CS1, CS4 and CS17. Saved Policy 10 of the Local Plan, encourages the effective and efficient use of urban land. Considering this, there is no compelling objection to the principle of the proposed development.

Quality of Residential Development / Living Conditions

9.4 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable. Policy CS12 states that development should avoid visual intrusion, loss of light and loss of privacy to neighbours. Paragraph 130 (f) of the National Planning Policy Framework (henceforth referred to as the 'Framework') requires development to create safe, inclusive and accessible places that promote health and well-being and a high standard of amenity for existing and future users.

9.5 HCA20 identifies a number of development principles for the area. These include:

“Design: Should respect the characteristics and architectural themes of nearby and surrounding development. Alternative designs may be acceptable in cases where a clear distinction in design can be drawn from nearby and surrounding development, for example on sites clearly separated from other dwellings. Such alternative designs are unlikely to be acceptable on infill plots for single dwellings.

Type: All types of dwelling are acceptable.

Height: In most cases, should not exceed two storeys. Three-storey development may be permitted where adjacent to buildings of a similar or greater height, dependent on its impact on the character and appearance of the area.

Size: Small to medium sized dwellings are acceptable.

Layout: Development proposals are strongly encouraged to make use of the existing layout structure as a basis for new layouts. The feature of dwellings grouped around landscaped amenity greens is encouraged. Prevalent building lines should be followed. Spacing in the medium range (2 m to 5 m) is expected.”

Layout / Residential Amenity / Living Conditions

9.6 The proposed layout is considered acceptable. The gardens are adequately sized, varying from around 12.8m x 8m for Plots 1 and 2 and 12m x 5m for Plots 3 and 4. It should also be noted that Plots 1 and 2 have small side gardens. Regarding private amenity space, the proposal therefore complies with saved Appendix 3 of the Local Plan. The proposed spatial layout has regard for the existing units fronting on to Saturn Way and Hyperion Court in terms of avoiding amenity issues such as adverse privacy, sunlight and daylight implications. There is one first-floor flank window on Plot 4 that would give rise to overlooking. An obscure glazing condition would be imposed if this application is approved to counter this. No other windows would result in significant overlooking issues.

9.7 Plots 3 and 4 would be situated behind the rear gardens of 101 and 103 Saturn Way. This is a similar relationship to the approved scheme, which was sited behind the gardens of Nos. 105 and 107. The flank wall of Plot 4 would be clearly visible from the gardens and rear windows of these neighbouring properties. The proposed buildings have been set in from the site's boundary to provide a separation distance of approximately 21.5m. In terms of scale, the proposed buildings are not excessively tall or bulky. As such, there would be limited implications in terms of visual intrusion on these neighbouring properties.

9.8 The proposed new dwellings would not infringe upon the 25-degree line taken from any of the nearest ground-floor windows on neighbouring properties. It is considered that the roof form, height and siting of the new buildings would ensure that the development would not adversely affect daylight and sunlight from reaching neighbouring properties. The scheme complies with the Building Research Establishments 'Site layout planning for daylight and sunlight: a guide to good practice'.

9.9 The buildings are located to the north of Saturn Way. It is therefore unlikely that there would be severe loss of sunlight to these neighbouring gardens. Turning to the neighbours on Hyperion Court, the proposed structures would be some 50m away. The land level drops slightly as you move towards these neighbours, but the distance between the buildings would provide an acceptable buffer, mitigating impacts on residential amenity.

9.10 In terms of demolition and construction, if this application is approved, these are aspects that would be controlled by Environmental Health. Various informatives shall be added regarding construction hours, etc.

Quality of Design

9.11 The immediate area (i.e. Saturn Way and Hyperion Court) consists of 1960's housing with modest architectural detailing. The area is not located within an area of any special planning control in terms of design. Amendments to the architectural detailing have been introduced during the planning process such as façade treatment along the party walls. Additional elements, such as chimneys, have been included to add visual interest to the elevations and help the development assimilate with existing design features in the area. Overall, it is considered that the design approach respects the appropriate vernacular scale and design of the Highfield character area.

9.12 The proposed external materials comprise red brick, roof tiles, aluminium windows, timber doors and timber effect cladding. The drawings highlight that some of the materials are still to be confirmed e.g. the roof tiles. Therefore, it is necessary to condition details of materials if the application is approved.

9.13 The proposal would provide a high quality living environment for future occupiers and would not result in significant adverse impacts on the neighbouring properties. The quality of residential development and the impact on the living conditions is considered acceptable in accordance with the aforementioned policies.

Impact on Trees

9.14 There are a number of trees within close proximity to the site that must be considered. The submitted Arboricultural Report (ref: S231-J1-IA-1) identifies that no trees of significant landscape value or amenity would be detrimentally affected by the development. Dacorum's Trees and Woodlands Department have reviewed this document and raised no objections to the proposed works.

9.15 The drawings found in the Appendices of the Arboricultural Report illustrate the root protection areas of the trees and measures to protect them during the preparation, demolition, construction and

landscaping phases (see S231-J1-P1 Rev 2, S231-J1-P2 Rev 2 and S231-J1-P3 Rev 2). These details would be conditioned if the application is approved.

9.16 Due to the location of the trees, it is unlikely that the proposed properties would be significantly overshadowed or suffer from unacceptable levels of daylight. Taking the above into account, it is concluded that there would be a limited impact on existing vegetation in accordance with saved Policy 99. Four new trees would be provided (see Proposed Site Plan) in accordance with Policy CS29. These trees would be secured by a landscaping condition.

Parking and Highway Safety

9.17 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. The Parking Standards Supplementary Planning Document (SPD) provides policy guidance for the amount of parking provision required for new developments. It highlights the following (per residential unit) in this area:

2 bedroom dwellings – 1.5 allocated spaces or 1.2 unallocated spaces
3 bedroom dwellings – 2.25 allocated spaces or 1.8 unallocated spaces

9.18 The proposed layout provides eight allocated spaces (two per unit) and two visitor spaces (total of ten). This meets the parking standards for allocated spaces and provides two additional spaces for visitor parking. The proposal is therefore deemed acceptable in this regard.

9.19 The SPD requires the provision of electric vehicle charging points. As these are not illustrated on the drawings, details will be conditioned if the application is approved.

9.20 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the Framework states, '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 Hertfordshire County Council as the Highway Authority have assessed the highway impacts and raised no objection to the proposals. They consider the existing access and proposed layout appropriate in terms of highway safety and manoeuvrability for larger vehicles e.g. fire tender and refuse vehicles.

9.22 In summary, the proposed parking and access arrangements are considered acceptable and policy compliant.

Other Considerations

Loss of Garages

9.23 HCA20 states that the redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking. The widths of the existing garages are generally unsuitable for modern vehicles except motorcycles. Therefore, the only vehicles displaced would be those informally parked in the garage court area.

9.24 It appears a number of the residents at Hyperion Court park their cars at the ends of their gardens. These properties benefit from pedestrian access rights on to the garage block but do not have vehicular access rights. The area of hard standing to the rear of these properties would be retained but it is likely that it would be needed for the manoeuvring of vehicles.

9.25 Dacorum's Verge Hardening Team were contacted to determine whether there is scope to provide parking areas in the vicinity. They investigated this and highlighted concerns from Trees and Woodlands, who stated that providing parking bays in the surrounding area could affect root protection zones of existing trees. Other suggestions for parking areas were dismissed, as some of the bays would be very close to the corners of junctions, and could ultimately result in highway safety issues when exiting onto the carriageway.

9.26 It is considered that if any vehicles are displaced by the proposals, there would only be a limited number. There are no parking restrictions on many of the surrounding streets and although residents have highlighted parking difficulties, it is considered that on balance the redevelopment of the site and the provision of four affordable units would outweigh a slight increase in on-street parking. It must also be noted and emphasised that planning permission was granted for the removal of these garages only 10 months ago.

Landscaping

9.27 The proposed site plan details planting at the fronts of the properties, which should help to soften the visual impact and create an attractive development. The boundary treatment (1.8m timber fencing) and surfacing materials (block paving and bound gravel) are considered acceptable. Full details of landscaping would be requested by condition if the application is approved.

Ecology

9.28 An Ecological Survey and Bat Report has been submitted to the Local Planning Authority as part of the application submission. No significant concerns are raised by the conclusions of the reports. They have highlighted that no further surveys are required but recommended that the late discovery protocol be followed should bats be discovered. This would be added as an informative if the application is approved. An informative relating to nesting birds shall also be added.

9.29 The report also highlights that any lighting as part of the development does not increase and negatively affect local bat populations, particularly along the woodland edge and the Disused Railway (Nickey) Line. Details of any external lighting would therefore be secured as part of the landscaping condition.

Refuse

9.30 Developers are expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste (see Dacorum's 'Refuse Storage Guidance Note').

9.31 The site plan indicates where bin storage for the properties is located. These areas are proposed to the sides/rear of the properties and would be visually obscured from the surrounding area. The refuse collection point is located to the southeast of the site. No concerns are raised regards this.

Community Infrastructure Levy

9.32 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £197.24 per square metre is applicable to this development. This will increase to £196.06 as of 1 January 2022.

9.33 Depending on the tenure of any affordable housing units, these may be exempt from the payment of CIL. It is recommended that any exemption requirements are discussed with the CIL

team prior to the submission of the proposals and that relevant paperwork is completed expediently upon any issue of planning permission.

Contamination

9.34 The Environmental and Community Protection Team have confirmed that they have no objection to the proposed development. However, it is judged that the recommendation for an intrusive land contamination investigation is made. It is recommended that two conditions be included in the event that permission is granted.

Drainage

9.35 The drainage strategy comprises of unlined permeable paving for car parking areas with an outflow into the proposed network. It is noted that surface water drainage calculations have been provided to support to scheme and ensure sufficient storage has been provided for the 1 in 100 year plus climate change event. Based on the information, the Lead Local Flood Authority have confirmed that the site can be adequately drained, raising no objection subject to the inclusion of a final drainage scheme condition.

Response to Neighbour Comments

9.36 Only two objections have been received. The concerns raised have been discussed previously in this report. However, there are several other points raised that will be discussed in turn below.

Structural Damage

9.37 A resident on Saturn Way has raised concerns that, if approved, the construction of the proposed properties would require heavy construction vehicles. These may cause vibration and subsequent damage to their property. Furthermore, concerns are raised over potential damage should a construction vehicle make contact with their house. Considering the limited scale of the development, it is not felt reasonable to include a construction management plan condition. If any damages are caused by the Council, they, or their contractor, would be liable to repair/pay for the damages caused.

Rear Access

9.38 Another resident, on Hyperion Court, has objected due to the loss of parking at the rear of their property. They have highlighted the importance of having rear access to their property. It should be noted that all of the existing properties will retain their rear access. As shown on the proposed site plan, a new and improved pathway (bound-gravel) will be provided.

Crime / Anti-Social Behaviour

9.39 One residents raised concerns over crime and anti-social behaviour in the garages. The existing area does not benefit from a great level of natural surveillance and is poorly lit. It is considered that the provision of new housing would introduce natural surveillance to this area. In turn, this should help to deter/decrease crime and anti-social behaviour.

10. CONCLUSION

10.1 The site is located within the residential area of Hemel Hempstead. Under Policies CS1, CS4, CS17 and Saved Policy 10, there is support for residential development in such locations. In particular, saved Policy 10 encourages effective and efficient reuse of urban land. The principle of development is therefore acceptable.

10.2 The scheme was previously approved albeit with a slightly different layout. No concerns are raised with regards to the amended layout, nor the scale and design of the proposed dwellings. No significant adverse impacts are identified with regards to residential amenity. The impact on trees would be limited.

10.3 The redevelopment of this garage site would provide the Council, as a provider of housing, with the opportunity to complement the existing housing stock in the area and to meet its own objective of providing affordable housing. Therefore, the proposal is considered policy compliant.

11. RECOMMENDATION

11.1 It is recommended 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. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment and Drainage Strategy reference M03001-04_FR05 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:**

- 1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames surface Water sewer.**
- 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 3. Implement drainage strategy to include permeable paving and attenuation tank.**
- 4. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting contributing area plan.**
- 5. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.**
- 6. Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.**
- 7. Maintenance and management plan for the SuDS features.**

Reason: 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).

- 3. (a) The Local Planning Authority is of the opinion that the Preliminary Investigation Report submitted at the planning application stage (Document Reference: RSK Preliminary Risk Assessment 1921152-08(00) May 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental**

risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

- 4. Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

- 5. 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. Please do not send materials to the Council offices. Materials**

should be kept on site and arrangements made with the Planning Officer for inspection.

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).

- 6. 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).

- 7. No construction of the superstructure shall take place until full details of external lighting and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- any external lighting; and**
 - soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
 - minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).**

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 three 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).

- 8. The window at first-floor level in the southern flank of Plot 4 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).

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

**DBC-IW-DIO-00-DR-A-0010
DBC-IW-DIO-00-DR-A-0100 (Revision P3)
DBC-IW-DIO-XX-DR-A-2203**

DBC-IW-DIO-XX-DR-A-2204
S231-J1-IA-1
S231-J1-P1-v2
S231-J1-P2-v2
S231-J1-P3-v2

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
3. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
4. 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.
5. This should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
6. As per Agenda Item 14 (Page 3 of 6) of Cabinet dated 16th September 2014 (Update on Garage Disposal Strategy), all of those residents who currently rent a garage in a block earmarked for disposal will be offered an alternative garage. The Garage Management Team will wherever possible, offer a garage to rent in another garage site owned by Dacorum Borough Council in the vicinity of the development site.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Trees & Woodlands	I've provided comments for this site previously (20/03819/FUL), which was granted. I'm not entirely sure why comments are required again as it seems little has changed although they would be similar.
Hertfordshire Ecology	See previous comments on 20/03819/FUL.
Environmental And	With reference to the above planning application, please be advised

<p>Community Protection (DBC)</p>	<p>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.</p> <p>Construction Hours of Working - (Plant & Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 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>Affinity Water - Three Valleys Water PLC</p>	<p>Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.</p>
<p>Thames Water</p>	<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 strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such</p>

	<p>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.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Hertfordshire Highways (HCC)	<p>This response is an interim response owing to some concerns regarding permeable block paving being used within the highway network. The site is located down Dione Road where garages are currently located. The highway network extends to just before the "New semi-mature tree" on drawing number DBC-IW-DIO-00-DR-A-0100. Within this drawing it shows part of the highway network as permeable block paving which is not currently adopted by HCC. An amended plan would put this right by illustrating the highway boundary and not suggesting works within the adopted highway network. Once this has been completed then HCC Highways can provide a recommendation.</p> <p><u>Further comments</u></p> <p>From the plans it looks like it should be all good now.</p>
Lead Local Flood Authority (HCC)	Please see comments on original scheme (20/03819/FUL).
Environmental And Community Protection	Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be

(DBC)	<p>necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is on land which has been previously developed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed end use to the presence of any contamination means that the following planning conditions should be included if permission is granted. Please note condition 1 acknowledges existence of an adequate phase 1 report.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully</p>
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	<p>completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
<p>Forestry Commission Office Santon Downham Brandon</p>	<p>Thank you for consulting the Forestry Commission on the Planning Application. As a Non Ministerial Government Department we provide no opinion supporting or objecting to a application. Rather we are including information on the potential impact that the proposed</p>

IP27 OTJ	<p>development would have on the adjacent ancient woodland (Yew Tree Wood). Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed.</p> <p>It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 175 amended July 2018).</p> <p>The Preliminary Ecological Assessment for the proposed development includes on page 20, section 7.3, the Government policy of a 15 metre buffer to protect the ancient woodland. The proposed design indicates that plots 1, 3 and 4 are outside the buffer zone, but plot 2 is within the buffer zone. It is hoped that this is taken as a material consideration when the Council makes its decision.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
36	2	0	2	0

Neighbour Responses

Address	Comments
11 Hyperion Court Hemel Hempstead Hertfordshire HP2 5PB	<p>Currently, Hyperion court has approximately 5 parking spaces out front and several out back where the garages are. Removing the space around the garages would in fact remove very necessary and important space for the residents of this area. I myself struggle with arthritic hands, have had carpal tunnel done on both hands and have asthma - it is very important to have access to my home through my back gate where I park my car as I struggle to carry many heavy things over a distance. Myself and my daughter suffer from mental health issues including but not limited to anxiety and depression. This is exasperated by the lack of privacy in our garden already as neighbours can easily see in from their windows, adding more housing close by further reduces privacy of the area. The plans do not show a detailed outline of what is being done for current residents to keep their space out back and be able to park. The neighbouring road of Saturn way is already hazardous due to curb parking along the already thin and winding street, and adding more cars to this will only cause further issues. Furthermore, the area of Dione road is frequently used by cars and trucks to turn around including the bin trucks - this could also cause issue to them and thus issue to the residents of Hyperion court. Also the addition of houses would increase the noise pollution for the area, could increase anti social behaviour and overcrowd and already overcrowded area. Housing has already been constructed down the</p>

	<p>road where garages originally were so it seems unnecessary to build further housing which never gets filled due to high rent prices and thus the impact on the environment from building would not be countered by economic income of people living in the newly constructed housing. The back area of Hyperion court (Dione road) has a lovely woodland area which houses many animals, the construction would not only disturb the wildlife (another environmental impact which is negative) but would create a visual intrusion.</p>
<p>101 Saturn Way Hemel Hempstead Hertfordshire HP2 5PD</p>	<p>With the road width of Dione Road being approx 4 M and the kerb width being approx 0.5 M to the outside wall of my property, I am concerned about potential structural damage to the property with the vibration of heavy vehicles constantly using this narrow road during construction. As the width of heavy commercial vehicles is approx 2.5 M there will not be too much room for error as the angle for entry when reversing from Saturn Way is very tight. In addition, I am very concered to the damage should heavy vehicle make contact with my house. Should this happen and even greater concern would be the safety of the occupants as the site of the house in question is the main living area.</p> <p>Due to the above concerns, I advise I object to the proposed development of Dione Road</p>

Agenda Item 5b

ITEM NUMBER: 5b

21/03396/FUL	Demolition of existing chalet bungalow and garage. Construction of 4 no. detached three-bedroom dwellings and associated car parking and landscaping.	
Site Address:	Middle Oak Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EQ	
Applicant/Agent:	Mr Oliver East	Greg Basmadjian
Case Officer:	Daniel Terry	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	1. Call-in by Councillor Adeleke 2. The Parish Council has provided a contrary view to the officer recommendation	

1. RECOMMENDATION

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

2. SUMMARY

- 2.1 The proposal represents a form of infilling in a village which accords with the Framework and recent appeal decisions relating to Green Belt development. Although the proposal is at a slightly higher density than the neighbouring site 'Garden Scene', the proposal represents optimal and efficient use of land, which is particularly important given the Council's lack of a 5-year housing supply. The proposal is considered to accord with policies CS5 and CS6 of the Core Strategy in this regard.
- 2.2 The scale, design and layout of the development is acceptable and respects the site, streetscene and local area, including the Chipperfield Conservation Area in which the site sits. The proposal is considered to comply with policies CS11, CS12 and CS27 of the Core Strategy.
- 2.3 The proposal would result in some limited harm to the neighbouring dwelling Thistle do from overlooking, however this is not considered to be so significant that it would warrant refusal of the application. The proposal therefore accords with policy CS12 of the Core Strategy.
- 2.4 The proposal would provide two parking spaces to each dwelling. Across the site as a whole, this is a shortfall of one space in accordance with the Parking Standards SPD. However it is not considered that this shortfall of one space would have a significant impact on highway safety, nor would the impact on the local highway network be severe.

3. SITE DESCRIPTION

- 3.1 The application site lies on the northern side of Chapel Croft and is approximately 0.15 hectares in size. It comprises an existing dwelling known as Middle Oak which is accessed from the north along a private track.
- 3.2 To the east of the site is an access track and parking area, formerly associated with the shop and garden centre but now being given over to a housing scheme for 15 dwellings.
- 3.3 The site lies within the Metropolitan Green Belt and Chipperfield Conservation Area. An existing mature oak tree lies in the south-eastern corner of the site.

4. PROPOSAL

- 4.1 Full planning permission is sought for the demolition of the existing dwelling and for the construction of 4 detached dwellings. Each dwelling would have a floor area of 181sqm and the site as a whole would be divided into 4 broadly equal parcels.
- 4.2 Parking for 2 vehicles would be provided to the front of each dwelling.
- 4.3 Please note that the dwelling marked on the plans as 'The Bungalow' has been referred to as Thistledo for the purposes of this report.

5. PLANNING HISTORY

Planning Applications (If Any):

20/03586/TCA - Works to Oak Tree
Raise No Objection - 9th December 2020

4/00076/00/FHA - Double garage
Granted - 9th March 2000

4/01201/97/FHA - Roof conversion, extension and alterations
Granted - 15th October 1997

Appeals (If Any): None relevant to this site.

6. CONSTRAINTS

CIL Zone: CIL2
Chipperfield Conservation Area
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Chipperfield CP
RAF Halton and Chenies Zone: Green (15.2m)
Small Village: 3
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 (July 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
CS5 - Green Belt
CS6 - Selected Small Villages in the Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Chipperfield Village Design Statement (2001)
Chipperfield Conservation Area Character Appraisal & Management Proposals (2009)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The impact on the openness of the Green Belt;
The quality of design and impact on visual amenity;
The impact on designated heritage assets;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

- 9.2 The application site lies within the Metropolitan Green Belt wherein Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. It does however state that small-scale development will be permitted, for example, buildings for the uses defined as appropriate in national policy.
- 9.3 Policy CS6 further adds that, within Chipperfield, proposals for limited infilling with affordable housing for local people will be acceptable, provided that it is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and that it retains and protects features essential to the character and appearance of the village. It must be noted however that local planning policies must be considered in terms of their consistency with the NPPF and in this regard, limited infilling in villages does not need to comprise of affordable housing in accordance with the NPPF.
- 9.4 Paragraph 149 of the National Planning Policy Framework (NPPF) (2021) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are however a list of exceptions to inappropriate development and this

includes e) limited infilling in villages. The NPPF does not define what is meant by 'limited infilling', however paragraph 8.34 of the Core Strategy states:

"Infilling is defined as a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include back-land development, either in the form of plot amalgamation or tandem development. Infilling will only be permitted where it is limited in scale...The term 'limited' refers to development which does not create more than two extra dwellings.' This definition in the Core Strategy is not considered to be entirely consistent with the language of the NPPF.

- 9.5 Whilst the word 'infilling' implies that there needs to be a gap in a frontage, appeal decisions have proven that this does not need to be the case. An appeal decision for a site in Brickett Wood (St Albans City & District) confirmed that the demolition of one existing building and the erection of 9 dwellings amounted to limited infilling in a village (ref: APP/B1930/W/20/3249093). The Inspector stated:

"In the absence of either a nationally or locally prescribed definition for limited infilling, I must fully consider the specific circumstances to hand, including the site's relationship to existing adjoining developments and the nature and size of the proposed development itself, in order to assess whether or not the proposal would represent limited infilling."

- 9.6 Whilst the Core Strategy does provide a definition of limited infilling, this is not consistent with the language of the NPPF as set out above. The proposal involves the demolition of one existing dwelling on site and the provision of 4 detached dwellings (a net increase of 3). The site is within the defined village envelope as shown on the Proposals Maps and is surrounded by existing built form to all sides. This includes the 'Garden Scene' permission for 15 dwellings to the east and north-east, currently being constructed.

- 9.7 The site would be divided into 4 broadly even parcels with two of the dwellings having a frontage onto Chapel Croft, whilst the other two dwellings to the north would have an access onto a track that serves the existing dwelling, as well as the neighbouring properties to the north of the site 'The New Bungalow', 'Elm Cottage' and 'Keymers'. Therefore, although the proposal in spatial terms would create a tandem arrangement, this would not be described as back-land given that the dwellings would respond to two different frontages. This is further confirmed by the fact that each pair of dwellings would be served by their own access.

- 9.8 Therefore, in light of the above, it is considered that the proposal would amount to limited infilling within a village and would therefore comply with paragraph 149 of the NPPF. In turn, the proposal is considered to comply with policies CS5 and CS6 of the Core Strategy and the development is therefore acceptable in principle.

Impact on the openness of the Green Belt

- 9.9 As the proposal is acceptable in principle, some Inspectors in recent appeal decisions have found that schemes would subsequently be considered to preserve openness. However, it should be recognised that the development of the site to provide four dwellings will inevitably have some impact on the visual aspects of 'openness'. For the reasons set out above, the site would represent a form of infill development with existing built form located to all sides. The site lies fairly centrally within Chipperfield itself and therefore in the wider context of the Green Belt, the site is considered less sensitive in visual and spatial terms. In other words, the site is not located in a sensitive edge of settlement location.
- 9.10 In light of the above, it is not considered that the proposals would materially harm the openness of the Green Belt. The development would be contained within the existing

boundaries of the site and development here would not prejudice the wider Green Belt land designation. The proposals would not result in unrestricted sprawl and would not conflict with the aims and purposes of the Green Belt set out in the Framework.

Quality of Design / Impact on Visual Amenity

- 9.11 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.12 Paragraph 125 of the NPPF states that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:
- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
 - b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
 - c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 9.13 The Chipperfield Village Design Statement (2001) provides a number of design guidelines relating to the scale, design, height, use of materials etc. which should be adhered to for development in the village. This includes that proposals should avoid a deep floor plan in order to reduce the bulk of the roof and that buildings should be designed in such a way as to reduce the appearance of the bulk and to fit into their site and surroundings.
- 9.14 The Garden Scene site to the east/north-east is stated as having a density of 20 dwellings per hectare (dph) in the officer report to the Development Management Committee (4/00658/19/MFA). The application site at Middle Oak has a site area of 0.15 hectares and the proposals would have a density of 26.6 dwellings per hectare. This would therefore be at a higher density than the adjoining site. However, it should be noted that the Garden Scene development included two wide access tracks and as such, if these were to be removed from the calculations, the Garden Scene development would be at a higher density than 20dph.



Fig A: Proposed Site Layout Plan - snippet (4/00658/19/MFA)

- 9.15 As shown on the above snippet from the Garden Scene development, the proposals at Middle Oak would have a similar layout and positioning to buildings at the front of the adjoining site and so would therefore assimilate well with its surroundings in spatial terms.
- 9.16 When looking at the wider context of the Chipperfield settlement, each plot would be considered reasonable in size and akin to plot sizes found locally, including in Croft Lane and the neighbouring Garden Scene development. As an example, the plot sizes would be larger than that of Plot 2 of the Garden Scene development shown in the above snippet. Therefore, although the shortest length of any garden would be 9.6m (Plot 1), it is not considered that the proposals would appear cramped, given the width and depth of each plot and in light of the above comparison with the Garden Scene development. The proposal would therefore be considered to make optimal use of the site and provide housing, which is a matter that should be attributed significant weight in the absence of the LPA being able to demonstrate a 5-year supply of housing.
- 9.17 The dwellings would be two storey in height, with accommodation provided within the roofspace. Dwellings to the east and south-east are predominantly two storey in height, whilst dwellings to the west along Chapel Croft are predominantly single storey in height, although there are exceptions to this such as Pantiles and Trevone House which are two storey. In the wider settlement context, it is therefore considered that two storey dwellings would be appropriate and would not therefore look out of character, given the amount of surrounding two storey built form.
- 9.18 In design terms, each pair of dwellings would have a slightly different appearance through the use of materials and front gable sizes. This follows pre-application advice from the Council which sought to avoid a pastiche appearance. As such, plots 1 and 4 would be akin, as would plots 2 and 3. Each pair would respond to a different frontage and as such, you would not see the same dwelling in the same 'streetscene'. Moreover, the two dwellings

fronting Chapel Croft would largely be in line with the existing neighbour to the west, whilst the two dwellings located to the north would largely be located on the footprint of the existing house. Whilst the layout of each site is considered acceptable, the garden depths are a minimum of 9.6m-10.6m (measured at their shortest points) and so it is considered appropriate in this instance to remove permitted development rights for extensions under Class A.

- 9.19 With regard to landscaping, the oak tree on the corner is considered important and should be retained at the request of the Council's Tree Officer. An appropriate planning condition should therefore be imposed, ensuring its protection both during construction and in the longer term. Details of the soft and hard landscaping should also be secured by condition to ensure an acceptable appearance and provision of soft landscaping such as new planting. The submitted plan suggests that there would be space at the front of each plot for some soft landscaping so that the front of each site isn't dominated by car parking. Although the front of each plot would be given over to parking, this is typical along Chapel Croft with parking being provided to the front of each property. In light of the need to protect the tree on site and retain a sufficient quantum of soft landscaping, it is considered necessary in this instance to remove permitted development rights for hardstanding under Part 1 Class F.
- 9.20 The proposal is therefore considered to be acceptable in design and visual terms, subject to conditions, and therefore accords with policies CS11 and CS12 of the Core Strategy, and adheres to the guidance and principles of the NPPF.

Impact on Designated Heritage Assets

- 9.21 The application site lies within the Chipperfield Conservation Area wherein policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Paragraph 199 of the NPPF requires local planning authorities to give great weight to the asset's conservation and the more important the asset, the greater this weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.22 Saved Policies 119 and 120 of the Dacorum Borough Local Plan state 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 a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building; and new developments or alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.
- 9.23 It is however recognised the Saved Policies 119 and 120 are not entirely consistent with the language of the NPPF as they do not go on to identify the level of harm and the fact that this would need to be weighed against the public benefits of a scheme. These policies are otherwise considered to be consistent with the aims of national policy and can be given significant weight in decision making.
- 9.24 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses, as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 9.25 Also of relevance is the Chipperfield Conservation Area Character Appraisal which identifies the site as lying within 'Area 4'. The Appraisal states that the houses in Area 4 represent an eclectic assortment of styles that capture the changes in suburban house types through each decade of the C20th.
- 9.26 The nearest listed buildings appear to be Rose Cottage and Tytherton Cottage located approximately 40m to the east of the application site along Chapel Croft. The dwellings could therefore be seen as part of the same streetscene to anyone travelling along Chapel Croft. That being said, the two dwellings which front Chapel Croft would be set back in their plots by a suitable distance that is consistent with other properties along Chapel Croft, which includes the provision of parking to the front and appropriate building materials which would be secured by condition. These above factors, in addition to the separation distances separating the sites, means that the proposals would not be considered to adversely affect the setting of the listed buildings. The setting of the listed buildings is that of being located close to the village core and in close proximity to the highway. The proposals at Middle Oak would not affect this setting.
- 9.27 There are other listed buildings located farther east of Rose Cottage and Tytherton Cottage, however given that the proposals would not materially affect the setting of these two listed buildings, it is not considered that any harm would be caused to the significance of these other listed buildings or their setting.
- 9.28 With more specific regard to the Conservation Area, the proposals would, as set out above, respect the typical layout, height and use of materials used locally throughout the Chipperfield Conservation Area. It is also noted that the Conservation and Design Officer has raised no objections in this regard. Whilst the development is considered acceptable, it is acknowledged that Plots 1 and 2 are more sensitively located in relation to the Conservation Area and as such, it is considered appropriate to remove permitted development rights for rooflights to these two plots. This would ensure the LPA can enact careful control over the use of rooflights to the front roof slopes which face Chapel Croft.
- 9.29 The proposals would therefore be considered to respect the site, streetscene and local area and as such, would not result in material harm to the character or appearance of the Conservation Area. As such, the proposal is considered to comply with policy CS27 of the Core Strategy, saved policies 119 and 120 of the DBLP, the Chipperfield Conservation Area Character Appraisal and complies with the Framework in this regard.
- 9.30 As the proposals would preserve the setting of the listed buildings and would preserve the character and appearance of the Conservation Area, the Council has discharged its statutory duty under Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.31 Should Members conclude that the proposals would result in harm to the Conservation Area, it would then be appropriate to assess this harm against the public benefits of the scheme. Public benefits would exist, in economic terms, from the construction of the development itself and the subsequent occupation of the dwellings, whose occupiers would contribute towards the local economy, such as through paying council tax or by using local services and facilities, such as supermarkets etc. The proposals would also make a modest addition to the Borough's housing supply which as set out above, is a benefit to be attributed significant weight in decision making.

Impact on Residential Amenity

- 9.32 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.33 Paragraph 130 of the NPPF adds that proposals should create 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.
- 9.34 The nearest neighbour to the west is Thistledo, a single storey dwelling. Planning permission was granted twice in 2015 for alterations/extensions to this neighbouring dwelling under ref: 4/01366/15/FHA and ref: 4/02719/15/FHA. The first of these planning permissions related to a single storey rear extension which involved a new kitchen being created at the rear of the dwelling and the former kitchen becoming a study with a new window in the side elevation. There are two other windows in the side elevation facing the application site and these serve a utility room and WC respectively.

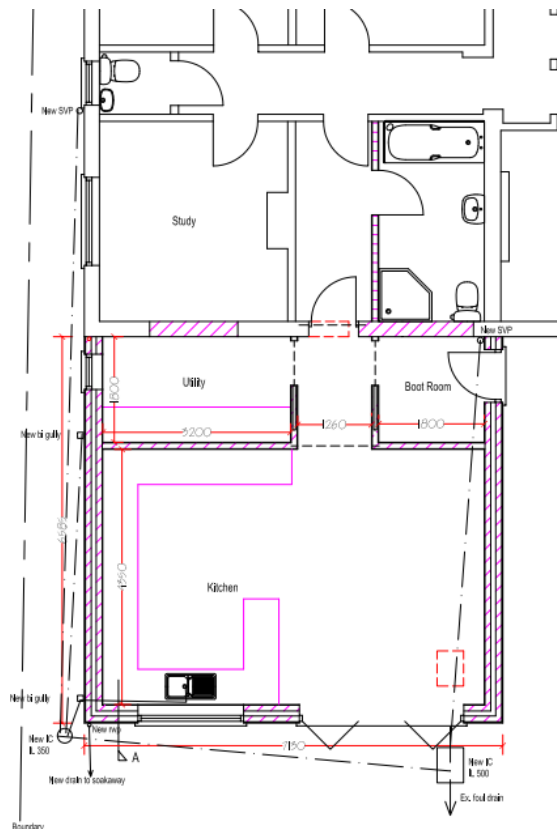


Fig B: Proposed Floor Plan - snippet (4/01366/15/FHA - Thistledo)

- 9.35 The nearest dwelling on Plot 2 would not extend forward or behind the principal elevations of Thistledo and whilst it is acknowledged that two storey built form will impact the side facing windows, the bathroom and utility room are not habitable rooms. With regard to the study, this is a habitable room and its outlook would inevitably be affected, however there is an existing boundary treatment and hedge along this shared boundary so the outlook from the study will already be affected to some extent. It should also be noted that the dwelling on Plot 2 would be sited away from the boundary with Thistledo to provide an access to the rear garden. It is not therefore considered that the physical built form would unreasonably affect this neighbour.

- 9.36 Concerns have been raised with the potential for the development to overlook Thistlede, as a result of first floor and second floor windows. With regard to the end of the garden of Thistlede, this is already somewhat overlooked by the rear facing window of Pantiles and the properties to the north being Elm Cottage and The New Bungalow. It is however acknowledged that the windows of Plot 2 would result in an increase in overlooking of the end of that neighbour's garden. Similarly, it appears that the first floor windows of the existing dwelling at Middle Oak already overlook the rear elevation of Thistlede to some extent. It is however acknowledged that the nearest dormer to Plot 4 would be around 18.7m away from the kitchen window of Thistlede and the Velux Cabrio style opening would be around 20m away from this neighbour's kitchen window. In light of this increased level of overlooking, it is considered appropriate to impose a planning condition requiring this nearest dormer to be obscure glazed. The remaining Velux Cabrio opening and dormer located farther north along the roofslope of Plot 4 would be acceptable however it is considered appropriate to remove permitted development rights under Class B for Plot 4 to ensure no other works are carried out to the roof of this property which may affect the neighbour Thistlede. Subject to these conditions, it is not considered that the impact on Thistlede would be significant enough to warrant refusal of the application. It should also be noted that any overlooking from the unobscured velux or dormer of Plot 4 would be at an oblique angle.
- 9.37 Concerns have also been raised by Thistlede with the potential loss of the hedge along the shared boundary. The plans suggest that this hedge would be retained and the LPA could ensure that this is the case via a planning condition. This would therefore help to ensure some privacy is retained at ground floor level.
- 9.38 Concerns have also been raised by Rose Cottage with the potential for a loss of privacy to their garden which is located to the west of that dwelling. The impact of the neighbouring 'Garden Scene' development on this neighbour would have been assessed as part of that application and is not therefore a consideration here. However any loss of privacy as a result of the development at Middle Oak is a consideration. The new dwelling would be located approximately 40m away from the nearest part of Rose Cottage's garden and any views of this garden from Plot 1 would be at a very oblique angle. The proposal would not therefore result in any direct overlooking of this neighbour.
- 9.39 With regard to The New Bungalow to the north, this neighbouring dwelling would be separated from plots 3 and 4 by a distance of around 30m. This is considered an acceptable separation distance for a front-to-front relationship and is consistent with similar relationships on Chapel Croft where front-to-front where separation distances are as short as 15m. It is not therefore considered that the proposal would unduly overlook The New Bungalow to the north. Similarly the separation distance would ensure that no unreasonable loss of light or resultant overshadowing would occur.
- 9.40 Similar to the above, the properties along Chapel Croft on the opposite side of the road which includes The Dairy and The Old Police House, would be located a minimum of 32m away from the new dwellings on Plot 1 and Plot 2. This again is considered a sufficient distance to ensure that no unreasonable overlooking would occur. Also set out in this report is the need to retain the important oak tree at the front of the site, which in itself would provide some level of protection from overlooking when in leaf.
- 9.41 The dwellings would be separated from the Garden Scene site by the existing access track and parking areas, which in itself is some 13m across. All four proposed dwellings would have first floor windows in their side elevations, one serving a bathroom and one serving a master bedroom. The bathrooms are not habitable rooms and the use of obscure glazing would therefore prevent any overlooking from occurring to the sides of each house. The side-facing window serving a master bedroom would be a secondary window with rooms

being served by two other windows in their rear elevations. Therefore to preserve the privacy of each respective dwelling, and their neighbours, it is considered necessary to restrict these side-facing windows to be obscure-glazed as well.

- 9.42 As set out above in this report, the gardens serving each dwelling vary in size, with the shortest length of any given plot being 9.6m. Due to the tapered ends of each plot, the garden depths do measure to be longer than this at other points. Saved Appendix 3 does allow for shorter garden lengths than 11.5m in the case of infill developments, provided the depth is equal to adjoining properties. As shown in Figure A above in this report, the plot sizes and garden lengths would be larger than those at the neighbouring Garden Scene development. They can therefore be considered consistent with garden sizes locally and would be acceptable in this instance, in accordance with Saved Appendix 3. This would also therefore ensure that the occupiers of each dwelling would benefit from a reasonably sized garden, which is practical and functional. As a result of the above, the back-to-back distances between the 4 dwellings is also shorter than that required by Saved Appendix 3. These distances are 20.3m between Plots 2 and 4 and a distance of 20.5m between Plots 1 and 3. Whilst these distances are shorter than the 23m guide suggested in the Saved Appendix, it should again be noted that these distances are consistent with those that can be found locally. As such, it is not considered that there are sufficient grounds to refuse the application on this basis. It is also considered that this is appropriate, given the need to move the dwellings and parking to Plots 1 and 2 farther away from the important oak tree at the front of the site.
- 9.43 The Council has not formally adopted the Government's Nationally Described Space Standards, although it does intend to as part of the new emerging Local Plan. These national standards state that three-bed dwellings over 3 storeys should be a minimum of 90sqm in size (GIA) rising to 108sqm in the case of dwellings with 6 bed spaces (i.e. 3 x double bedrooms). A single bed space is a room at least 7.5sqm in size, whilst two bed spaces are considered as rooms meeting or exceeding 11.5sqm in size. The dwellings are said to be 181sqm in size, therefore exceeding these minimum space standards.
- 9.44 Therefore whilst acknowledging that the proposal would result in some harm to Thistledo, this is not considered to amount to a significant level of harm and would not therefore be considered unreasonable, having regard to the site layout and relationship of properties that can typically be found in this part of Chipperfield. As such a refusal could not be sustained on these grounds. The proposal accords with Policy CS12 of the Core Strategy and with the NPPF.

Impact on Highway Safety and Parking

- 9.45 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users. Paragraph 111 of the NPPF states 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.
- 9.46 In this regard the Highway Authority have been consulted and concerns were initially raised with the access width. With Chapel Croft being a classified road, the access needed to be a minimum of 7.2m wide and subsequent plans confirm that this would be the case. On that basis the Highway Authority confirmed that there is no objection subject to a number of planning conditions and informatives. The visibility in each direction would be a minimum of 43m which is required for a 30mph road. It was also noted that the access to the north serving plots 3 and 4 would be onto a private track, not maintained by the Highway Authority. Nonetheless this access should be constructed to HCC highway standards.

- 9.47 Amended plans were received due to concerns over the impact on the oak tree at the front of the site. This resulted in the parking and access being shifted slightly towards the south-west and away from the tree. However, importantly the access width and visibility splays are still achievable. Therefore no concerns are raised with the proposed access arrangements.
- 9.48 The Parish Council have stated that Chipperfield is unsustainable in transport terms with only a single bus service each day. Whilst this is acknowledged, there are some limited services and facilities available within the village and so the occupiers of the proposed dwellings would not necessarily be dependent on the use of private motor vehicles. However it is acknowledged that some services and facilities would require this, such as supermarket shopping. However, it must also be considered that, whilst Chipperfield is not overtly sustainable in locational terms, larger housing schemes have been permitted within Chipperfield such as the adjacent Garden Scene site. It is not therefore considered that this would be a sufficient reason to refuse the application. Each dwelling would benefit from a cycle store to encourage the use of more sustainable modes of transport.
- 9.49 With regard to parking, the submitted plans indicate that each dwelling would benefit from two parking spaces. Particular concerns have been raised with the parking area to the front of Plots 1 and 2. The distance between the parking spaces for each of these properties is 6.2m which is sufficient to ensure cars can turn on site and exit onto Chapel Croft in a forward gear. In addition, the spaces each measure to be at least 2.4m by 4.8m and therefore comply with the Parking Standards SPD in this regard. Meanwhile the distance between the parking spaces for plots 3 and 4 to the north measures to be 9m so this is less of a concern.
- 9.50 The Council's Parking Standards SPD indicates that dwellings with 3 bedrooms in Accessibility Zone 3 should be provided with a minimum of 2.25 spaces in the case of allocated parking. This therefore results in a total on-site requirement of 9 spaces, whilst 8 spaces have been shown on the plans. This therefore indicates a shortfall of one space. Neighbours and the Parish Council have raised parking as an issue, particularly raising concerns that the development may lead to parking along the eastern edge of the site adjacent to the Garden Scene development and access track. However, the scheme would only result in a shortfall of one space and the NPPF is clear that development should only be refused if the impact on highway safety is significant or the impacts on the local highway network would be severe. This cannot be considered the case for a scheme that is short by one space and so it is not considered that the application could reasonably be refused for that reason.
- 9.51 The SPD also requires all new development to provide an electric charging point for each new dwelling created, to promote the use of electric vehicles. The location of these points has been shown on the plans and should be conditioned to ensure they are built out prior to occupation of any dwelling.
- 9.52 Subject to the above condition, it is therefore considered that the proposal would be acceptable, having regard to the access arrangements and the parking provision. The proposal therefore accords with policy CS12 of the Core Strategy, the Parking Standards SPD and accords with the NPPF.

Other Material Planning Considerations

- 9.53 Thames Water have been consulted on the proposals but raise no objection. They have however suggested some planning informatives that should be included as part of any decision. Affinity Water have also been consulted and responded by confirming they have no comments to make.

- 9.54 The Council's Trees & Woodlands team have been consulted and initially requested that further information be provided in the form of a tree survey. This was subsequently provided along with amended plans referred to above in this report, moving the dwellings to plots 1 and 2, as well as the parking area to plot 2, farther away from the oak tree at the front of the site. The Council's Tree Officer then confirmed that the proposal was acceptable and that there are no objections to the scheme. Although it has not been suggested by the Tree Officer, it is considered appropriate to impose a planning condition to ensure that the development is built out in accordance with the survey submitted. This will ensure compliance with the proposed protection measures and the retention of the tree post-completion of the development. It should be noted that, although the oak tree is not subject to a TPO, it does lie within the Conservation Area and is afforded protection on that basis.
- 9.55 The submission is unclear on how it will comply with policy CS29 and therefore it is considered appropriate to impose a condition requiring details of the sustainability measures to be submitted and approved by the LPA. This is required prior to commencement to ensure that the disposal of any debris arising from the demolition of the existing dwelling is taken into account. This is particularly important in light of the Council declaring a climate emergency.

Response to Neighbour Comments

- 9.56 These points have been addressed in the relevant sections of the report above. It is however noted that particular concerns have been raised with the amount of new development that has been approved already in Chipperfield. It should be noted that planning applications must be assessed on their own merits and whilst sustainability in location terms and access to services and facilities are a material consideration, there is no evidence to suggest that the provision of 4 dwellings (a net increase of 3) would result in undue pressure on these services and facilities.
- 9.57 The Parish Council have made reference to their request for parking spaces to be provided based on bedroom numbers, however this is not an adopted policy. There is no mention of this requirement in the Chipperfield Village Design Statement and this document in itself is now somewhat dated given it was adopted in 2001. As such, by the passage of time and in light of the amount of development that has taken place within Chipperfield since the Statement's adoption, it is no longer entirely consistent with the Core Strategy or the NPPF. Therefore, whilst it is a material consideration, it cannot be attributed full weight in decision making.

Community Infrastructure Levy (CIL)

- 9.58 The development would be liable for CIL and payment would become due at the time of works commencing on site. Please refer to the Council's website for any information in this regard.

10. CONCLUSION

- 10.1 To conclude, the development would be considered to amount to infilling in the village, in light of recent appeal decisions. Although the density of the site would be slightly higher than that of the adjacent Garden Scene development, planning policies and decisions seek to achieve optimal use of land, particularly where land is constrained and where LPAs cannot demonstrate a 5-year supply of housing. The provision of 4 dwellings (a net increase of 3) is therefore a matter to be attributed significant weight in decision making.
- 10.2 In design terms, the dwellings are of an appropriate scale and would be in-keeping with the general height and layout of development locally. Conditions would be required to ensure a

satisfactory appearance and this includes the materials to the external elevations, as well as details of the hard and soft landscaped areas needing to be submitted.

- 10.3 The proposal would not result in undue harm to neighbouring amenity, although it is acknowledged that there would be some increased overlooking of Thistleto to the south-west. Importantly however, the need for housing is considered to far outweigh this limited harm.
- 10.4 The proposals would be acceptable having regard to highway safety and although the scheme would result in a shortfall of one parking space when assessed against the Parking Standards SPD, this is not considered to result in a severe impact to the local highway network.
- 10.5 The provision of two dwellings would make a modest addition to the Borough's housing supply which is particularly relevant as the Council cannot currently demonstrate a 5-year supply of housing. There would also be some economic benefits from the construction of the development itself and the subsequent occupation, whose occupiers would contribute to the local economy. The proposal therefore complies with the relevant local and national policies and should be supported.

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:**

**201 REV C (Proposed Site Plan);
202 REV C (Ground Floor and First Floor Plans);
203 REV C (Loft and Roof Plans);
204 REV C (Proposed Elevations);
205 REV C (Ground Floor and First Floor Plans);
206 REV C (Loft and Roof Plans);
207 REV C (Proposed Elevations);
208 REV C (Proposed Street Scene Elevations);
209 REV A (Proposed Visibility Splays).**

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

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

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, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **Notwithstanding Condition 4, no development shall take place above slab level until details of the sample panels of flint work have been submitted and approved in writing by the Local Planning Authority.**

All flint work shall be built freehand.

Reason: To ensure that the character or appearance of the Chipperfield Conservation Area is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 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 201 C to a maximum of 7.2metres (6 dropped kerbs and 2 risers) in accordance with HCC Highways Design Guide section 4. 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).

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 209 A. 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).

8. **No dwelling hereby permitted shall be occupied until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**

- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- **retained historic landscape features and proposals for restoration, where relevant.**

The approved hard landscaping details shall be built out prior to occupation of any dwelling. 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).

9. **Notwithstanding condition 8, the development hereby permitted shall be carried out in accordance with tree protection measures detailed in paragraphs 8.1-8.12 of the Arboricultural and Planning Integration Report (ref: GHA/DS/100060:21).**

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).

10. **Prior to occupation of any dwelling, details of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of any dwelling and retained thereafter.**

Reason: To provide for alternative modes of transport, having regard to Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraph 106 (d) of the National Planning Policy Framework (2021).

11. **The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing 201 REV C. The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained 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. **The window(s) at first floor level in the south-western and north-eastern elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass (no less than level 3 on the Pilkington privacy scale or equivalent) and non-opening unless the parts of the window that can be opened are at least 1.7m above the finished floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and the future occupiers of the proposal 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).

13. **The dormer window serving Plot 4 and located farthest south in the rear roof slope shall be permanently fitted with obscured glass (no less than level 3 on the Pilkington privacy scale or equivalent) and non-opening unless the parts of the window that can be opened are at least 1.7m above the finished floor level.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and the future occupiers of the proposal 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).

14. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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:**

**Class A of Part 1, Schedule 2 (Plots 1-4);
Class B of Part 1, Schedule 2 (Plot 4 only);
Class C of Part 1, Schedule 2 (Plots 1 and 2 only);
Class F of Part 1, Schedule 2 (Plots 1-4).**

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, CS12 and CS27 of the Dacorum Borough Core Strategy (2013), the Chipperfield Conservation Area Character Appraisal (2009) and Paragraph 130 of the National Planning Policy Framework (2021).

15. **The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling[s] and their visitors and for no other purpose.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), the Dacorum Parking Standards SPD (2020) and Section 9 of the National Planning Policy Framework (2021).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Thames Water: There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our [guide working near or diverting our pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes). <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
3. 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 guidance under sections 167 & 168 in the National Planning Policy Framework. 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>.

4. Thames Water: 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.
5. 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.
6. 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.
7. 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.
8. 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Conservation & Design (DBC) 06.09.2021</p>	<p>The principle of 4 houses on the site was accepted at pre-app stage, and it is good to see the principal oak tree has been retained.</p> <p>This and the splitting the designs into the two types helps to break up the rigid '4-square layout'. However, to sit more comfortably in the Conservation Area, the houses could all be 'softened' and enriched by adopting some of the design details recommended in the AONB Design Guide for brickwork - for example by adopting better verge/eaves detailing, plat bands (rather than soldier courses) plinth detailing and window arches. The side elevations of Plots 1 & 3 facing the access drive also require greater articulation. The flintwork should be conditioned to be 'freehand'.</p> <p>The planting to the front onto Chapel Croft looks sparse. The parking looks tight and for Plots 1 & 2 would appear to entail possibly reversing out onto the road?</p> <p>Dr James Moir BA, DipSurv, IHBC, FIPM Lead Conservation and Design Officer</p>
<p>Conservation & Design (DBC) 28.10.2021</p>	<p>The requested alterations to the houses have been made and I'm happy with the scheme from a design/conservation perspective - do you think the front planting/parking arrangements are adequate?</p> <p>Dr James Moir BA, DipSurv, IHBC, FIPM</p>
<p>Hertfordshire Highways (HCC) 13.09.2021</p>	<p>Proposal Demolition of existing chalet bungalow and garage. Construction of 4 no. detached three-bedroom dwellings and associated car parking and landscaping</p> <p>Decision Interim</p> <p>This is an interim response owing to the need for more information in relation to the new access onto Chapel Croft. Chapel Croft is a 30 mph classified C local distributor route that is highway maintainable at public expense. Therefore, as Chapel Croft is a classified C local distributor route, cars are required to be able to turn on site to enter and exit the highway network in forward gear. In its current form this is deemed achievable, however, no information has been given as to the width of the new access onto the highway network nor its visibility splays. Owing to the site location and size, HCC Highways would insist that the new access be made up of a double dropped kerb instead of a bell mouth access. This double dropped kerb would be 7.2 metres (6 dropped kerbs and 2 risers) maximum and would ensure that the pedestrian environment is not greatly impacted along the route, the width of</p>

	<p>the dropped kerb will need to be illustrated on drawings. Secondly, HCC highways would like to see a visibility splay of 2.4 x 43 metres for the new access either side owing to the movement nature of the adjacent route and the 30 mph speed limit. We would also recommend that the access onto Access Drive be expended along HCC Highways design guidance, however, as this is not part of the adopted highway network this is not necessarily required.</p> <p>Once the applicant has met the stipulation mentioned above then HCC Highways can make an informed recommendation for the site in relation to Highways matter.</p>
<p>Hertfordshire Highways (HCC) 28.09.2021</p>	<p>Proposal AMENDED PROPOSAL Demolition of existing chalet bungalow and garage. Construction of 4 no. detached three-bedroom dwellings and associated car parking and landscaping</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <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 201 A to a maximum of 7.2 metres (6 dropped kerbs and 2 risers) in accordance with HCC Highways Design Guide section 4. 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).</p> <p>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 209 A. 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).</p> <p><u>Highway Informatives</u> HCC as Highway Authority recommends inclusion of the following Advisory Note (AN)/highway informative to ensure that any works within the highway</p>

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.

Highway Comments

The proposal is regarding amendments for the demolition of existing chalet bungalow and garage. Construction of 4 no. detached three-bedroom dwellings and associated car parking and landscaping at Middle Oak, Chapel Croft, Chipperfield. Chapel Croft is a 30 mph classified C local distributor route that is highway maintainable at public expense.

Vehicle Access

The current dwelling on site is accessed via a private route to the east that leads to the back of the dwelling from that of the Chapel Croft side. This access route will be retained for a new access onto the private route for two of the dwellings. Although the private route is not within HCC Highways adopted highway network, we would still recommend that the access be constructed to HCC Highways standards to keep similarities across the road network. A second new access is proposed onto Chapel Croft. This access is set to be a double dropped kerb consisting of 7.2 metres as opposed to the previously proposed bell mouth. A larger dropped kerb is accepted for this application as it is less detrimental to the adjacent footpath in comparison to a large bellmouth. Vehicles are deemed to be able to turn on site. Visibility splays for the new access have been shown on drawing number 209 A and are deemed acceptable. The new access onto Chapel Croft must be constructed by a contractor who is authorised to work on public land and has been chosen by HCC Highways - please see condition 1/2 and informative 1 above.

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 new driveway would need to be collected and disposed of on site.

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.

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

	<p>Vol 1 - Dwellinghouses'.</p> <p><u>Conclusion</u></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>
<p>Trees & Woodlands 05.10.2021</p>	<p>The information submitted indicates there are trees in close proximity to the proposed dwellings and infrastructure which maybe detrimentally affected. In order to ensure they are afforded appropriate protection I require the applicant to submit further information in the form of a tree survey, as described in BS 5837:2012 Trees in relation to design, demolition and construction. The survey should recommend suitable construction methods to minimise impact of the development to all adjacent trees where parts (above or below ground) of the tree encroach into development site.</p>
<p>Trees & Woodlands 30.11.2021</p>	<p>Thank you for the information. The submitted report demonstrates the tree can be protected and will not be detrimentally affected by the development. Consequently I have no further concerns.</p>
<p>Thames Water</p>	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>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</p>

	<p>the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, 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.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.
Chipperfield Parish Council	<p>OBJECTION issues raised are:</p> <ul style="list-style-type: none"> -Inappropriate development in green belt and conservation area - Density excessive compared to sites adjoining (the density of adjoining site 'Garden Scene' (GS) was subject of detailed discussion with DBC case officers, applicant & CPC. Approved scheme has density of 19.3 dwellings/ha. This proposal is 26 dwellings/ha). -Parking provision and ingress/egress. The Conservation Officer cites that 'parking provision is tight'. This has three meanings ' insufficient parking provision; spaces are too small, difficult to exit in forwards facing direction. All of these are correct. Again, with GS, parking provision was negotiated toughly between DBC, developer & CPC to achieve provision appropriate for Chipperfield (a wholly car dependent village) and met CPC's requirement for 1 space per bedroom subject to a minimum of 2 spaces. The proposed scheme has inadequate parking and will result in overspill parking into the visitor/shop spaces in GS site which is completely contrary to the aims of the GS provision. <p>Street Scene ' the hedges and trees around this site contribute significantly to the street scene along Chapel Croft, viewed from Croft Lane and from within the GS development. See image. Reference is made to retention of the Oak Tree but on the basis that the root structure extends to the canopy, this and the</p>

	<p>other trees on the site are at high risk because of the high density of ground cover of the scheme.</p>
<p>Councillor Adeleke</p>	<p>I am writing to echo the Objection raised to the above named Planning Application Reference 21/03396 Chapel Croft by Chipperfield Parish Council and other Residents including Mr Geoffrey Bryant. If you are mindful of “Refusal” under Delegated Powers, then no further action would be forthcoming from me, and I remain grateful.</p> <p>If however, you are likely to Approve the Application, then I would at this stage, and on Record, Register my Intention to “Call-in”.</p> <p>I have attached detailed notes on the Objection as presented by Chipperfield Parish Council and other Residents including Mr Geoffrey Bryant.</p> <p>The site is adjacent to the ongoing development at the former Garden Scene site.</p> <p><u>Contents of the word document received from Councillor Adeleke:</u></p> <p>Here are our concerns:</p> <ul style="list-style-type: none"> -Inappropriate development in green belt and conservation area - Density excessive compared to sites adjoining (the density of adjoining site ‘Garden Scene’ (GS) was subject of detailed discussion with DBC case officers, applicant & CPC. Approved scheme has density of 19.3 dwellings/ha. This proposal is 26 dwellings/ha). -Parking provision and ingress/egress. The Conservation Officer cites that ‘parking provision is tight’. This has three meanings – insufficient parking provision; spaces are too small, difficult to exit in forwards facing direction. All of these are correct. Again, with GS, parking provision was negotiated toughly between DBC, developer & CPC to achieve provision appropriate for Chipperfield (a wholly car dependent village) and met CPC’s requirement for 1 space per bedroom subject to a minimum of 2 spaces. The proposed scheme has inadequate parking and will result in overspill parking into the visitor/shop spaces in GS site which is completely contrary to the aims of the GS provision. <p>Street Scene – the hedges and trees around this site contribute significantly to the street scene along Chapel Croft, viewed from Croft Lane and from within the GS development. Reference is made to retention of the Oak Tree but on the basis that the root structure extends to the canopy, this and the other trees on the site are at high risk because of the high density of ground cover of the scheme.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
34	7	0	7	0

Neighbour Responses

Address	Comments
Tytherton Cottage Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EJ	<p>Several ongoing building projects already underway in Chapel Croft and the proposed development right next to the redevelopment of the Garden Scene garden centre will increase traffic and pollution.</p> <p>This will just add to the overwhelming housing development in Chipperfield. There is also a very large oak tree on this plot which is protected.</p>
Elm Cottage Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EQ	<p>There has been gross development in this road Chapel Croft. Firstly, the Land Rover garage Lookers is nearing its completion, the front garden of the house was built on, 2 cottages are now there. The Garden Scene building is well under way with 15 new properties, the land by the Kia garage has had extremely large houses built on it, the land opposite behind what was the Royal Oak will be built on and there is already a new development of brick and flint houses next to it.</p> <p>The height of these proposed houses far exceeds those next to them and instead of 3 bedroom homes, what this village needs is 2 bedroom homes for those who want to downsize and those who want to get their foot on the property ladder.</p> <p>This road is very busy and by adding even more houses to it, complete with access, it will become more dangerous going towards the cross roads with The Street and Dunny Lane where there have already been a number of accidents.</p>
Rose Cottage Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EJ	<p>I live opposite this proposed development and having spent a couple of years working with the developers on the Garden Scene Development to reduce this from one of their original plans of over 20 new properties to be on the site. This was eventually reduced to just 15 properties and also had adequate parking provision.</p> <p>To now see this new proposed development being planned right next door to the garden scene development seems to me over development of a very busy road and in mind opens up the possibility that everyone who owns a similar plot in Chipperfield (and there are many of these - a quick count looking at google maps shows at least 35 properties with this potential development opportunity - if each of these has the opportunity to build 4 new houses on each plot then that is 140 new properties!). DBC need to consider the long term implications of letting developers over develop these type of areas....the village will not be a village any longer.</p> <p>The recent developments - garden scene (15), land rover (9), spice village (4 and now 7 more) and lots of other individual plans for houses being built in peoples gardens is not in the interest of the local community and really does</p>

	<p>not follow the TRDC/DBC plans of adding properties to the region.</p> <p>We live in a village with no local transport service - one bus a day! and roads that cannot cope.</p> <p>Just two parking spaces per house is not adequate for the local community and the local CPC plan shows every new house should have at least have one space per bedroom - so if this development should go ahead then there should be a minimum of twelve spaces - not eight.</p> <p>Two of the new planned houses will have a new drive opening up onto Chapel Croft which is already a dangerous road - potentially each of the four houses could use the current entrance onto the current house via the car park into garden scene which would reduce the risk of cars coming straight onto the road.</p> <p>I will loose the privacy in my garden as these two new houses onto Chapel Croft will look into my garden that sides onto Chapel Croft - we already have this issue with the Garden Scene development so adding more windows looking into my garden is not a good idea.</p> <p>I would also be concerned that this new development is built as badly as the Landrover site - bright red bricks (cheap alternative to the local stone) being used is not in keeping with the local CPC plan and these new houses will be in the local - I am sure these bricks were not in the original plans!</p> <p>I would hope common sense would prevail when DBC make a decision on this plan.</p>
<p>Thistledo Chapel Croft Chipperfield Kings Langley Hertfordshire WD4 9EQ</p>	<p>My family and I live in a bungalow on the land adjacent to the proposed development site. I understand the national need for additional housing but there has been a significant amount of new housing in the immediate vicinity already: 9 houses just completed on the site of the Land Rover Garage, 15 under construction on the Garden Scene site, 4 completed a couple years ago near Spice Village (Chantry View) and planning permission granted for a further 6 houses in the Spice Village car park. It appears we are trying to solve the national housing crisis through building in Chipperfield alone.</p> <p>However the basis of my objection is the height of the proposed houses for 2 reasons.</p> <ol style="list-style-type: none"> 1) At 8.225 metres high they will be over 2.4 metres higher than Pantiles (our neighbours house on the other side) which is 5.8 metres high. They will dwarf our own bungalow and will not be in keeping with the surrounding area. 2) The height allows for rooms on the 2nd floor in the loft space with rear facing dormer windows. These windows will overlook our entire back garden and will also allow people to look directly into the rear of our property. I am obviously very concerned about the impact on our privacy. <p>Finally I am also concerned about the hedge between our property and the proposed development. This is a very mature hedge the height of which provides us and the current occupier of Middle Oak a good level of privacy. It sits on our side of the boundary yet the plans seem indicate that it sits the within that of the development site.</p>
<p>The Old Nurses House</p>	<p>There are already multiple properties being built within the Chipperfield</p>

<p>Chapel Croft Chipperfield Hertfordshire WD4 9EH</p>	<p>Village at the moment including the old Land Rover Garage and the Garden Centre. Further, there is already planning permission for another 6 houses by the Spice Village restaurant and an appeal for another 2 large houses on The Street.</p> <p>My question is, how does additional housing support the essence of Chipperfield Village, stay within the Chipperfield Design Statement and maintain its character?</p> <p>If this planning application is allowed, there are over 30 properties in the village who have the space and could also go down this route, removing our very heart. Surely, before any additional planning is allowed for Chipperfield, the Dacorum Local Plan should be instigated and used, so we stick within the rules for both the green belt and village personality.</p>
<p>Nettleden Croft Lane Chipperfield Kings Langley Hertfordshire WD4 9DX</p>	<p>Re Planning Application 'Middle Oak' Chapel Croft - 4 x 3 bed dwellings 21/03396</p> <p>I wish to object to these plans based on Green Belt, Conservation Area, inadequate car parking and over development concerns.</p> <p>This proposed development replaces one house not visible from the main street (Chapel Croft) with 4 houses, two of which will dominate the street scene. This cannot be considered "conservation" but represents further urbanization of our village. The proposed houses may be considered of acceptable height in an urban context but will dominate the view of the road in this rural setting.</p> <p>This proposal adds nothing of value to the village or the community, no affordable housing and no visual benefit. It cannot be considered "in-fill".</p> <p>Other villagers have been refused planning for replacement buildings on their plot due to "green belt" considerations. Other applicant have had plans for de novo development refused based on green belt considerations even outside the conservation area.</p> <p>The village is poorly served by public transport and as a result in this modern age significant parking provision viz. a minimum of a space per bedroom should be considered for any new build in the village. There is inadequate carparking associated with this development and access on to Chapel Croft should be further considered to ensure should these plans be approved that there is more space to ensure only forward driven access on to the top of a rise with restricted view to the main crossroad in the village. I remain concerned over the possibility of overspill of parking into the garden scene development as car parking provision was marginal there already and was a major issue through out the village whilst the Garden Scene development was being considered.</p> <p>The village fought hard to reduce the housing density proposed by Garden Scene and this application proposes even higher housing density.</p> <p>Given the comments already posted by DBC on the portal web site regarding the outcome of the 'pre-app' one would hope this application has not been predetermined.</p>
<p>Lyndhurst Croft Lane Chipperfield Kings Langley</p>	<p>When will this stop?</p> <p>Land rover garage 9, 15 on the symmonds nursery, 3 at the bottom of</p>

<p>Hertfordshire WD4 9DX</p>	<p>alexander road, 2 awful houses on croft lane with no parking, 4 + 6 on the spice village site and another 9 at the end of Stoney lane. All in the space of a few years.</p> <p>For the many reason within the objections above I also strongly object and hope that someone in the decision making process makes for once the right decision. Have a walk through the village (or building site as it's now known). Ask relevant questions; can the roads cope? Is the public transport infrastructure in place? Has the local school got capacity? Does the village need another 3x £500k plus houses signed off on the back of 'affordable houses' are in need rubbish!</p> <p>Enough is enough.</p>
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ITEM NUMBER: 5c

21/04277/FUL	Demolition of existing outbuilding and construction of new 4 bedroom dwelling, with new access and associated works.	
Site Address:	Land Adjacent To Finch Cottage Tower Hill Chipperfield Kings Langley Hertfordshire	
Applicant/Agent:	Mr Paul Johnson	Mr Ian Hubbarde
Case Officer:	Daniel Terry	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The Parish Council has provided a contrary view to the officer recommendation	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The proposal seeks to replace an existing ancillary residential building which is an acceptable form of development in the Green Belt. The proposed dwelling would be acceptable in visual terms and so the proposal accords with policies CS5, CS6, CS11 and CS12 of the Core Strategy.

2.2 The proposals would result in some increased overlooking of the rear garden of Finch Cottage however this would not be considered to result in unreasonable harm, given the typical relationship between properties in this part of Chipperfield. The proposal would therefore comply with policy CS12 of the Core Strategy.

2.3 The proposal would benefit from 3 on-site parking spaces and therefore complies with policy CS12 of the Core Strategy and the Council's Parking Standards SPD.

3. SITE DESCRIPTION

3.1 The application site lies to the north of Tenements Farm Lane (Chipperfield 012) and comprises of an existing building being used for domestic storage purposes. The planning history suggests that this building may have had an agricultural use in the past, being described as a dairy building in previous case officer reports, although it has been in residential use at least since 2014.

3.2 The site lies within the Metropolitan Green Belt and although it is not located within the Chipperfield Conservation Area, this designation does adjoin the site along the southern boundary and along part of the western boundary.

3.3 To the east of the site is Finch Cottage which benefits from its own access and at the time of the site visit was undergoing building works, likely to be in connection with a recent grant of planning permission.

4. PROPOSAL

4.1 Full planning permission is sought for the demolition of the existing building and for the erection of a two storey 4-bed dwelling. The dwelling would have a similar positioning to the existing building on site, although it would be brought in away from the flank boundaries and would see built form pushed out northwards towards the rear garden instead.

4.2 Parking for at least 3 vehicles would be provided at the front of the site.

5. PLANNING HISTORY

Planning Applications (If Any):

Application building:

4/03154/17/FUL - Conversion of outbuilding to dwelling and creation of a new access
Granted - 1st February 2018

4/03227/14/FUL - Conversion of outbuilding to dwelling and creation of a new access
Granted - 29th December 2014

Finch Cottage:

20/03841/FHA - Demolition of the existing conservatory, construction of new rear and side extensions at ground floor level, rear extension at first floor level, new bay window to the front elevation, reconfiguration of windows at side and rear of house, works to existing side porch.
Granted - 15th February 2021

4/00199/90/FUL - Erection of conservatory
Granted - 27th March 1990

Appeals (If Any): None.

6. CONSTRAINTS

CIL Zone: CIL2

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Chipperfield CP

RAF Halton and Chenies Zone: Red (10.7m)

RAF Halton and Chenies Zone: Green (15.2m)

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 (July 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
CS5 - Green Belt
CS6 - Selected Small Villages in the Green Belt
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

Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Chipperfield Village Design Statement (2001)
Chipperfield Conservation Area Character Appraisal & Management Proposals (2009)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The impact on the openness of the Green Belt;
The quality of design and impact on visual amenity;
The impact on designated heritage assets;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site lies within the Metropolitan Green Belt wherein policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. It does however state that small-scale development will be permitted, for example, for the replacement of existing buildings for the same use.

9.3 The above is further supplemented by policy CS6 which further adds that, within Chipperfield, proposals for the replacement of existing buildings would be acceptable, provided that it is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and that it retains and protects features essential to the character and appearance of the village.

9.4 The above local policies are considered to be consistent with the language of the NPPF, which states in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are however a list of exceptions to inappropriate development and this includes d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

- 9.5 The submission makes reference to several other exceptions to inappropriate development in the Green Belt, however a scheme need only comply with that most relevant to the assessment of the application. The site has benefitted from two previous planning permissions (now time expired) for the conversion of the existing building into a residential dwelling. As part of both the 2014 and 2017 applications, the case officer was satisfied that the building was in an appropriate residential use, being an ancillary residential storage purpose. In light of this, it would be difficult for the LPA to argue that the building is now in an alternative use. As such, the proposal relates to the replacement of a building that is in the same use and is therefore acceptable in principle. The development accords with policies CS5 and CS6 of the Core Strategy and accords with the NPPF in this regard.
- 9.6 The proposal therefore turns on whether the proposed building is 'materially larger' than the one it replaces. The NPPF does not define what is meant by 'materially larger' and as such, cases must be assessed on their own individual merits. The submission sets out that there would be a reduction in footprint of around 15% as the building has been brought in from the flank boundaries, although it has been extended backwards in turn. This is on the basis that the existing building has a footprint of 112sqm and the proposed building would have a footprint of 97sqm.
- 9.7 Whilst it is acknowledged that there would be a reduction in footprint, there would be an increase in floor area of around 57% overall as a result of a first floor level being created, therefore increasing from 112sqm to 194sqm. Whilst this is not an insignificant increase in floorspace terms, it is noted that the dwelling would be of a size consistent with other dwellings locally, including those on Tower Hill and Tenements Farm Lane. The eaves and ridge height of the dwelling have been kept low to reduce the massing and bulk of the dwelling. This equates to an increase in height from 4.65m to 6.98m. Moreover the dwelling would be sited within a particularly large plot, meaning that the new dwelling would not appear cramped or an overdevelopment of the site. Conversely, the existing building being single storey makes it an anomaly for the area, in which two storey built form is prevalent.
- 9.8 Whilst the increase in floorspace is noted, this is only one measure of impact to Green Belt openness. In applying policy CS6 of the Core Strategy, it is apparent that the proposal would assimilate well with its surroundings, and would respect the positioning of built form along Tenements Farm Lane as well as the scale, height etc. of neighbouring built form. It is not considered that the proposed dwelling would be 'materially larger' than the building it replaces for the above reasons. Nonetheless, it would seem appropriate to remove permitted development rights for extensions and outbuildings, in order to ensure that the LPA can enact careful control over any further development of the site and to preserve the amenity of neighbouring properties, which is further discussed below in this report.

Impact on the openness of the Green Belt

- 9.9 As the proposal is acceptable in principle, some Inspectors in recent appeal decisions have found that schemes would subsequently be considered to preserve openness. However, it should be recognised that there are both spatial and visual aspects to Green Belt openness. By virtue of the increased height, there will inevitably be some greater visual impact, for example from Tenements Farm Lane. However for the reasons set out above, the proposal would be acceptable as it respects neighbouring built form in terms of layout, positioning, height and scale. Moreover, the application site is surrounded by residential properties to three sides and is not located in a sensitive settlement edge location. As such, the impacts of the development would not be seen from the wider countryside.
- 9.10 In light of the above, it is not considered that the proposals would materially harm the openness of the Green Belt. The development would be contained within the existing boundaries of the site and development here would not prejudice the wider Green Belt land

designation. The proposals would not result in unrestricted sprawl and would not conflict with the aims and purposes of the Green Belt set out in the Framework.

Quality of Design / Impact on Visual Amenity

- 9.11 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.12 The Chipperfield Village Design Statement (2001) provides a number of design guidelines relating to the scale, design, height, use of materials etc. which should be adhered to for development in the village. This includes that proposals should avoid a deep floor plan in order to reduce the bulk of the roof and that buildings should be designed in such a way as to reduce the appearance of the bulk and to fit into their site and surroundings.
- 9.13 As already set out in the above section of the report, the proposed dwelling would be considered to respect adjacent built form, including following the established building line along Tenements Farm Lane. Whilst the building would be larger than that which it replaces, it would not be of a scale or height that would look out of character in the streetscene. Similarly, the use of a lowered eaves height as shown on the plans, ensures that the dwelling does not appear unduly bulky at roof level. The track at the front of the property is also a public right of way (Chipperfield 012). This means that the dwelling would be visible to any passers-by and users of the PROW. However for the reasons set out in this report, the dwelling would have an acceptable appearance and be set back from the PROW in line with existing built form along this row.
- 9.14 The Council's Conservation and Design Officer has suggested that there are some potential improvements to the design, such as a much lowered eaves height or alternative window treatments to give the appearance of a converted farm building. However, local planning authorities cannot design schemes on behalf of applicants and instead, must assess planning proposals as they have been submitted. Therefore, it does not appear that there are sufficient grounds to refuse the application nor are there grounds to insist that any future development of the site have the appearance of a conversion, as in any case, this application seeks a replacement building. As set out in the submission, the purpose for rebuilding is to increase the amount of useable space.
- 9.15 With regard to the proposed materials, the plans suggest that the ground floor level would comprise of facing brickwork; the first floor level of the elevations would be rendered in a cream colour; the roof would comprise of slate; the front door made of timber; the windows and patio doors of aluminium; and the gutters and downpipes would comprise of black coloured PVC. The submission is unclear on the colour of the brickwork and so details of this would need to be secured by condition. The use of render would be acceptable as this is commonly used along Tower Hill. Whilst the proposed cream colour is not necessarily the same as the common white colour found along Tower Hill, the site is not within the Conservation Area and therefore this would be acceptable in this instance. Similarly, the use of slate is uncommon but again, would be acceptable in this instance. Details of the slate should also be sought via a planning condition.
- 9.16 As noted by the neighbours, a significant amount of vegetation has been removed from the site, so the current situation on site is not as shown in the submitted design and access

statement. Further concerns have been raised with the removal of trees and the likely removal of further trees to the northern end of the site, where the trees have been damaged near the base of their trunks. Whilst the loss of vegetation at this site is unfortunate, there are no Tree Preservation Orders in place and the vegetation was not located within the Conservation Area. As such the applicant could lawfully remove this vegetation without requiring any form of consent. As for this current application however, it is now more apparent that the dwelling would be seen from the rear gardens of properties in Tower Hill. As part of any grant of planning permission, it would be appropriate to impose a planning condition requiring details of the hard and soft landscaping to be submitted to the LPA. As part of any landscaping scheme, the LPA would expect to see a reasonable amount of new soft planting, commensurate with the scale of development proposed. It should also be noted that new tree planting is required under policy CS29.

- 9.17 Whilst the front of the site would largely be given over to car parking and turning space, this is typical for this part of Chipperfield, particularly along Tower Hill where opportunities for on-street parking are limited. Similarly, along Tenements Farm Lane on-street parking would be difficult given the predominantly single car width of the track. As such, it appears appropriate to provide sufficient parking and turning space at the front of the dwelling in this instance.
- 9.18 The proposal is therefore considered to be acceptable in design and visual terms, subject to conditions, and therefore accords with policies CS11 and CS12 of the Core Strategy, and adheres to the guidance and principles of the NPPF and the Chipperfield Village Design Statement.

Impact on Designated Heritage Assets

- 9.19 Policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Paragraph 199 of the NPPF requires local planning authorities to give great weight to the asset's conservation and the more important the asset, the greater this weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.20 Saved Policies 119 and 120 of the Dacorum Borough Local Plan state 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 a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building; and new developments or alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.
- 9.21 It is however recognised the Saved Policies 119 and 120 are not entirely consistent with the language of the NPPF as they do not go on to identify the level of harm and the fact that this would need to be weighed against the public benefits of a scheme. These policies are otherwise considered to be consistent with the aims of national policy and can be given significant weight in decision making.
- 9.22 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses, as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 9.23 The application site lies outside of, but adjacent to, the Chipperfield Conservation Area and the site also lies adjacent to two listed buildings which front Tower Hill, which are No.1 Tower Hill and Mulberry Cottage (No.3 Tower Hill), as well as The Paddock public house (formerly The Boot) which is also within the vicinity of the site. The significance of the two dwellings in heritage terms appears to lie in their architecture, design and detailing. This includes the use of orange bricks, hanging tiles to the upper parts of the elevations and detailing to the gable roof elements, as well as their use of grand chimney stacks. Part of their significance also appears to rest in their positioning and proximity to the highway, with No.1 Tower Hill being in a prominent corner position with well-tended gardens. The historic significance of the pub appears to comprise of its design, appearance and materiality, but most likely in its historic use as a public house and positioning within the settlement.
- 9.24 As set out above in this report, a large portion of vegetation that previously existed at the front of the site has since been removed. This means that the front of the site and the proposed dwelling would be more visible from Tower Hill than would have previously been the case. This is because the access track known as Tenements Farm Lane lies adjacent to a gap to the north of The Paddock leading to its car park, which therefore creates a sizeable gap and allows for views towards the application site. Notwithstanding this, Mulberry Cottage benefits from a fairly substantial outbuilding at the rear of its plot which would go some way towards disguising the dwelling from Tower Hill and the building would only therefore be visible from glimpsed views when travelling along Tower Hill. As such the dwelling would not be considered unduly prominent and it is also important to note that the new dwelling would be viewed in the context of surrounding built form, including Finch Cottage.
- 9.25 Therefore, having regard to the above identified heritage significance, it is not considered that the proposal would adversely affect the setting of any listed building nor would it impact upon their significance.
- 9.26 With more specific regard to the Conservation Area, the proposals would, as set out above, respect the typical layout, height and use of materials used locally, including properties within the adjoining Chipperfield Conservation Area. It is also noted that the Conservation and Design Officer has raised no objections in this regard, nor to the demolition of the existing building. The proposals would therefore be considered to respect the site, streetscene and local area and as such, would not result in material harm to the character or appearance of the adjacent Conservation Area. The proposal is considered to comply with policy CS27 of the Core Strategy, saved policies 119 and 120 of the DBLP and complies with the Framework in this regard.
- 9.27 Given that no harm has been identified, it is not necessary to consider whether there are public benefits to outweigh the level of harm. However should this be required, then public benefits would exist, in economic terms, from the construction of the development itself and the subsequent occupation of the dwelling, whose occupiers would contribute towards the local economy, such as through paying council tax or by using local services and facilities, such as supermarkets etc. The proposals would also make a modest addition to the Borough's housing supply which is a benefit to be attributed significant weight in decision making.

Impact on Residential Amenity

- 9.28 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Paragraph 130 of the NPPF adds that proposals should create 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.

- 9.29 Concerns have been raised by the neighbour at Finch Cottage that the proposal, by virtue of its height, scale, massing and bulk, would result in an overbearing impact and loss of privacy to that neighbour. Firstly with regard to the physical built form itself, the plans indicate that the new dwelling would be around 12.5m away from the side elevation of Finch Cottage. This distance for a side-to-side relationship is acceptable and is consistent with spacing between dwellings found along Tenements Farm Lane. Finch Cottage benefits from a gap on their side of the shared boundary of around 9.6m, which is predominantly used for car parking. The plans approved as part of a recent extension for Finch Cottage (ref: 20/03841/FHA) show that this neighbour benefits from a number of openings to its western flank elevation, which serve a boot room/utility and entrance porch. A new kitchen window is included as part of the approved extension to this neighbour, although this is set much farther away from the shared boundary and is a secondary window. At first floor level, Finch Cottage benefits from a bathroom window above the entrance, which is not a habitable room. Similar to the kitchen window, there is a bedroom window within the rear extension which faces the application site, but this is set much farther away from the shared boundary. As with the kitchen, this bedroom also benefits from a second window facing the rear garden of Finch Cottage. Taking all of the above into account, it is not therefore considered that the proposal would unreasonably affect this western elevation of the neighbouring property nor would the driveway or parking areas be unreasonably affected, given their use is not the primary enjoyment of Finch Cottage.
- 9.30 With regard to the potential for overlooking, it is inevitable that any first floor windows in the rear elevation would increase overlooking of Finch Cottage's rear garden. However the positioning of the proposed dwelling would mean that any views of Finch Cottage's garden would predominantly be towards the end. As such Finch Cottage would retain a reasonable amount of private amenity space in closer proximity to their rear elevation. Again the relationship between the proposed dwelling and Finch Cottage is not uncommon with those along Tenements Farm Lane or Tower Hill. As such, it is concluded that the proposals would not result in unreasonable harm to Finch Cottage.
- 9.31 The proposal includes a first floor window in each of the side elevations. In both cases these windows would serve bathrooms and as such, to prevent overlooking it is considered appropriate to condition these windows to be obscure glazed. This would preserve the privacy of Finch Cottage, Mulberry Cottage and No.5 Tower Hill in this regard. As set out above, it is considered appropriate to remove permitted development rights for extensions and outbuilding to preserve Green Belt openness, however this would also be in the interests of preserving the residential amenity of adjoining properties.
- 9.32 The proposed dwelling would be located around 31m away from the rear elevation of Mulberry Cottage. As set out above in this report, this neighbour benefits from a fairly substantial outbuilding towards the shared boundary with the application site. This would go some way towards disguising the new dwelling from this neighbour's garden. The new dwelling would also be located around 26.5m away from the nearest part of No.5 Tower Hill, being their rear conservatory. Given the lengths of gardens in Tower Hill, it is considered that these separation distances are sufficient to ensure no unreasonable harm would occur. Distances exceeding 26.5m between a rear elevation and side elevation are typically considered an acceptable relationship. As noted above, the side facing window at first floor level would be obscure glazed by condition. The new dwelling would be separated from the neighbour to the north, Clovelly (New Road), by some 58m and it is not therefore considered that any unreasonable harm would occur to that neighbour.

- 9.33 Concerns have also been raised with the potential for overlooking of properties in Tower Hill, namely No.7, No.9 and No.11, as a result of the proposed windows in the rear elevations. It is acknowledged that there would be some increased overlooking of the ends of these gardens, however this would not be considered significant given that these gardens are already somewhat overlooked by their adjoining neighbours in any case. Views of the rear elevations of these neighbouring properties in Tower Hill would be at an oblique angle and the proposal would not therefore result in direct overlooking of windows. Similarly, concerns have been raised with the potential for the dwelling to overshadow these neighbours, however this would only occur at the very start of the day due to the positioning of the dwelling in relation to the orientation of the sun. The dwelling would be set away from the boundary and therefore any early morning overshadowing would only likely occur to the ends of these gardens.
- 9.34 As set out above and shown on the plans, the dwelling would follow the existing building line along Tenements Farm Lane and the garden depth would be consistent with those neighbouring properties. The plot size, and subsequently the garden size, would be akin to that of Oakleigh House to the north-east, for example. As such, it is considered that the proposal would not unreasonably affect the residential amenity of any neighbouring property.
- 9.35 The Council has not formally adopted the Government's Nationally Described Space Standards, although it does intend to as part of the new emerging Local Plan. These national standards state that four-bed dwellings over 2 storeys should be a minimum of 124sqm in size (GIA). The proposed dwelling would have a floor area of around 194sqm which therefore demonstrates compliance with these national standards. The proposal would therefore be acceptable having regard to the living conditions of the future occupiers of the development and the proposal accords with policy CS12 of the Core Strategy and the NPPF.

Impact on Highway Safety and Parking

- 9.36 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users. Paragraph 111 of the NPPF states 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.
- 9.37 In this regard the Highway Authority have been consulted who note that Tenements Farm Lane is also a public right of way (Chipperfield 012). This track is not part of the adopted highway network and on that basis, the Highway Authority do not object to an access being provided onto this track. They have however suggested two planning informatives that should be included as part of any grant of planning permission.
- 9.38 With regard to parking, the submitted plans indicate that three spaces would be provided at the front of the site along with sufficient space for turning on site, so that vehicles can exit in a forward gear. The Parking Standards SPD requires dwellings with 4 bedrooms to be provided with three parking spaces and therefore the proposal would comply in this regard.
- 9.39 The SPD also requires all new development to provide an electric charging point for each new dwelling created, to promote the use of electric vehicles. This has not been shown on the plans and therefore should be sought via condition. Subject to this condition, it is therefore considered that the proposal would be acceptable, having regard to the access arrangements and the parking provision. The proposal therefore accords with policy CS12 of the Core Strategy, the Parking Standards SPD and accords with the NPPF.

Other Material Planning Considerations

- 9.40 Thames Water were consulted but no reply has been received. Affinity Water have confirmed that they have no comments to make on the application.
- 9.41 Paragraphs 3.20-3.22 of the submitted Design and Access Statement set out how the proposals will adopt sustainability measures to reduce the impact of the development, including matters such as reducing heat loss and energy consumption. It should also be noted that a new dwelling will likely be more energy efficient compared with the previous schemes to convert the existing building on site. As such, it is considered that the proposal is acceptable in this regard. New tree planting is still required for compliance with policy CS29 of the Core Strategy and this could be secured via the landscaping condition referred to above in this report.

Response to Neighbour Comments

- 9.42 These points have been addressed in the relevant sections of the report above. It is however noted that particular concerns have been raised with the loss of vegetation at the site, which has already taken place, meaning that the new dwelling would be visible from the rear windows and gardens of properties in Tower Hill. As set out above in this report, the loss of vegetation is unfortunate, however it was not protected and therefore could have been lawfully removed in any case. A timber close-boarded fence has been erected to all boundaries and new soft planting can be secured via a planning condition.
- 9.43 The Parish Council have raised concerns with the fact that the applicant has not demonstrated 'Very Special Circumstances' as the site is located within the Green Belt, however as the development is considered acceptable in principle, this is not required. The other concerns relating to the loss of vegetation and the proposed materials have been addressed above in this report.
- 9.44 Concerns have also been raised with the potential 'loss of view', although this is not a material planning consideration. Loss of outlook is a separate matter and is a material planning consideration. This has been addressed above but in short, the separation distances are considered sufficient to ensure no unreasonable loss of outlook would occur.
- 9.45 With regard to bats, this was previously considered under the applications to convert the building, with it being noted that all potential features were fully inspected and no bats or evidence of bat activity were found. Due to lack of suitable features and damp and cold condition inside, this building was deemed to have a negligible bat potential therefore no further survey works were required at that time. In the interests of certainty, it is considered necessary and appropriate to impose a condition requiring an up-to-date survey to be submitted to confirm that this is still the situation on site.

Community Infrastructure Levy (CIL)

- 9.46 The development would be liable for CIL and payment would become due at the time of works commencing on site. The submission suggests that exemptions may apply as this relates to a self-build. This would need to be discussed with the Council's CIL officer prior to works commencing on site. Please refer to the Council's website for further information.

10. CONCLUSION

- 10.1 The proposal seeks to replace an existing building which is in an existing residential ancillary use. The proposed dwelling is not considered to be materially larger than the building it replaces and as such, is acceptable in principle.

- 10.2 In design terms, the dwelling would respond well to its context, with its positioning following the established building line. Similarly the height of the dwelling and use of materials would ensure that the dwelling does not appear unduly prominent in the streetscene. Details of the materials and hard and soft landscaping would be sought via a planning condition.
- 10.3 The proposal would not result in undue harm to neighbouring amenity, although it is acknowledged that there would be some increased overlooking of Finch Cottage's garden to the north. A planning condition would ensure that the bathroom windows at first floor level do not result in overlooking to the north-east or south-west.
- 10.4 The proposals would be acceptable having regard to highway safety and sufficient parking and turning space would be provided on-site in accordance with the Parking Standards SPD.
- 10.5 The proposal would make a modest addition to the Borough's housing supply which is a matter to be attributed significant weight in decision making. Similarly, there would be economic benefits from the construction of the development and subsequent occupation of the dwelling. These are recognised benefits to be considered in weighing the overall merits of the application, in applying paragraph 11d) (ii).

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

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policies CS26 and CS29 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021).

3. **Notwithstanding the details shown on the plans, no development (excluding demolition/ground investigations) shall take place above slab level 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).

4. **No development shall take place above slab level 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 the proposed garden shed;**
 - o**
 - o means of enclosure; and**
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

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. **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).

6. **The window(s) at first floor level in the north-eastern and south-western elevations of the dwelling hereby permitted shall be permanently fitted with obscured glass to a minimum of level 3 and non-opening unless the parts of the window that can be opened are a minimum of 1.7m above the finished floor level.**

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).

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

**FP21871/02 (Proposed Plans and Elevations);
FP21871/10A (Proposed Site Layout Plan);
FP21871/21A (Proposed Site Block Plan and Location Plan).**

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

8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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:**

Classes A, B, C and E of Part 1, Schedule 2.

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 CS5, CS6 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. 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.
3. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 1234047.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	OBJECT Applicant has not demonstrated 'very special circumstances' for development in the green belt. This site (prior to separation from Finch Cottage site) has been subject to detailed comment from DBC firstly in pre-app 4/00517/13 which considered re-use of the existing building and placed emphasis on the importance of the site being screened by existing trees and shrubs as being essential to protect the local landscape bearing in mind that the western and southern boundaries adjoin the Conservation Area.

	<p>The subsequent planning approval, now lapsed, 4/03227/14 for conversion of existing building into a 3-bed dwelling embedded these recommendations and granted sensitive conversion of the existing structure. Since the recent submission of the subject application all vegetation has been felled from the site and a few retained trees have been 'bark ringed' which will cause the death of these trees. These actions negate the ameliorating circumstances which formed the basis of granting the lapsed planning approval.</p> <p>The proposed design and materials are inappropriate for this fringe of village site in the green belt adjacent to the Conservation area. This scheme, and any amended or replacement scheme, should demonstrate compliance with Chipperfield Village Design Statement and also achieve the support of DBC's Conservation Team.</p>
Conservation & Design (DBC)	<p>The application site lies outside, but immediately adjacent to the boundary of the Chipperfield Conservation Area, at its northernmost point. As such, any impact upon the setting of the conservation area and its significance needs consideration.</p> <p>The application proposes demolition of an existing outbuilding / former farm building and redevelopment of the plot with a 4-bed dwelling. Previously consent was granted for conversion of the existing outbuilding on the site to residential use.</p> <p>The outbuilding has not previously been highlighted as being of any particular architectural merit but it has some character and clearly reads as a former farm / outbuilding, it is of brick construction with metal frame roof covered in a sheet roof. From a review of historic mapping it seems to have been built between 1924 and 1940.</p> <p>The previous scheme to convert the former outbuilding does, in my view, represent a more sympathetic and interesting approach to the re-use of the structure and residential use of the site. If the proposed demolition of the outbuilding and redevelopment of the site is to be supported it is suggested the design of the new dwelling is improved, perhaps with lowered eaves height, steeper roof pitch and different window / external treatment to give the property more of the character of a converted farm building.</p>
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.
Hertfordshire Highways (HCC)	Location LAND ADJACENT TO FINCH COTTAGE TOWER HILL

CHIPPERFIELD KINGS LANGLEY WD4 9LN

Application type
Full Application

Proposal
Demolition of existing outbuilding and construction of new 4 bedroom dwelling, with new access and associated works.

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

Highway Informatives
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) 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 2) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environ>

	<p>ment/countryside-access/rightsof-way/rights-of-way.aspx or by contacting Rights of Way, Hertfordshire County Council on 0300 1234047.</p> <p>Comments</p> <p>The proposal is for the demolition of existing outbuilding and construction of new 4 bedroom dwelling, with new access and associated works on Land Adjacent To Finch Cottage, Tower Hill, Chipperfield. The new dwelling will be located off of Chipperfield Footpath 012 which is not part of the adopted highway network but does have rights of way routes along it.</p> <p>The new dwelling will use the existing access onto Chipperfield Footpath 012. The applicant would need to be satisfied that they have the appropriate private vehicular rights over the public footpath to be able to reach the new dwelling.</p> <p>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.</p> <p>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 - Dwellinghouses'.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission for the site subject to the above informatives.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	9	0	8	1

Neighbour Responses

Address	Comments
9 Tower Hill Chipperfield Kings Langley	I would like to object to the planning application regarding redevelopment of 'The Dairy' which adjoins my property along with several others.

Hertfordshire
WD4 9LJ

I would like to object based on the following grounds:

1) Overlooking/Loss of Privacy

The proposed plans would convert a current single storey building into a 2 storey building with additional pitched roof. The height of the proposed building is approx. 7m to the ridge whereas the existing is only 4.4m.

The average roof height of the existing building is approx. 2.8m and of the proposed plan is 5.5m - a doubling of height

The new upstairs windows will be able to see directly into 3+ adjoining properties, gardens and their bedrooms.

The applicant has not considered or respected the guidelines provided by Dacorum BC in the previous approved application for this site in 2018.

A huge amount of privacy would be needlessly compromised and the look and feel of the area changed irreparably.

2) Removal of Trees/hedgerows/Ecological impact

The owner/builder has wilfully cut down pre-existing large trees and a dozen lower height laurels.

In addition, in a woodland copse at the end of the plot at least 3 (possibly more) trees have been chainsawed in order to cause death of the tree (a technique known as ring-barking - see images provided to planning application manager by email). These include at least 3 mature 30m trees which could not be replaced within 40 years.

The planning diagrams submitted have incorrectly stated there are no trees on the property and presumably to avoid planners protecting them. Please see before and after photos submitted directly to DBC Planning manager.

Elsewhere in the application the applicant shows a drone image of the foliage at front of the property claiming that the trees would minimise the impact of the new 2 story proposed house.

The action to cut down the trees is calculated and came even after one neighbour came onsite to express concern at the action being taken prior to approved planning application.

These trees form the homes for migrating birds/as well as other wildlife such as deer and foxes that have frequently ventured into our garden directly from the copse.

A statement was made by the applicant at a recent planning meeting hosted by Chipperfield Parish Council (30th November) that thorough research was done in this area to ensure no impact on wildlife, yet no evidence of this research is given in the planning application.

3) Character of the area/Green Belt

The owner has shown little regard for the rural look and feel of the area and as stated has already made irreparable changes before an application has been approved.

All other plots on the same lane are large in size and maintain plenty of foliage both at the front and between adjoining properties.

4) Should approval be given to this application, this would indeed set a precedent for conversions in the area (of barns and agricultural out buildings) and contravene many of the points outlined in the Chipperfield Village Design Statement.

[https://www.dacorum.gov.uk/docs/default-source/strategic-planning/dvelopment-in-chipperfield---chipperfield-village-statement-\(pdf-2-68m](https://www.dacorum.gov.uk/docs/default-source/strategic-planning/dvelopment-in-chipperfield---chipperfield-village-statement-(pdf-2-68m)

	<p>b).pdf?sfvrsn=0 5)</p> <p>Conclusion I recommend that the application is rejected based on the above reasons. The current proposal contravenes or is at odds with guidance already clearly set out. Should a future application be submitted there should be a clear requirement to:</p> <ol style="list-style-type: none"> 1) Follow the guidance as set out by DBC in previous application in 2018 2) Follow the guidance set out in local parish guidance - Chipperfield Village Design Statement. 3) Restore the hedging/trees that have been removed (at front & side of property) (at applicant's own cost) 4) Restoration actions be taken for the trees that have been ring-barked (at the applicant's own cost).
<p>11 Tower Hill Chipperfield Kings Langley Hertfordshire WD4 9LJ</p>	<p>Work has begun on clearing the site before planning permission has been granted. Lots of trees already removed giving direct line of site from proposed new house directly into our bedroom windows and those of our neighbours. Remaining trees that form natural border between existing properties ha been deliberately damaged by ring barking which will kill these old well established trees which are used as nests and cover by local wildlife and birds.</p>
<p>9 Tower Hill Chipperfield Kings Langley Hertfordshire WD4 9LJ</p>	<p>I would like to object to the Dacorum Herts planning application regarding redevelopment of an old disused dairy which backs onto my property along with several other neighbours.</p> <p>Overlooking/Loss of Privacy The proposed plans would convert a current single storey building into a 2 storey building with additional pitched roof. The new upstairs windows will be able to see directly into 3+ adjoining properties, gardens and their bedrooms. This was not envisioned in the original planning application which was approved for conversion of use of the dairy in 2018. As such the new application should be refused as a significant change to current state. A huge amount of privacy has been needlessly compromised and the look and feel of the area changed irreparably. Morning sunlight will be compromised by the new house in several gardens also.</p> <p>Removal of Trees The owner/builder has wilfully cut down pre-existing large trees and a dozen lower height laurels. In addition at least 2 (possibly more) trees have been cynically chainsawed in order to cause death of the tree (a technique known as ring-barking - see image). These include at least 3 mature 30m trees which could not be replaced within 40 years. He has indicated on his planning submission diagram that there are no trees on the property in order to avoid planners protecting them. However elsewhere in the application he shows a drone image of the foliage at front of the property claiming that the trees would minimise the impact of his new 2 story proposed house. These actions are cynical and dishonest. The action to cut down the trees is calculated</p>

	<p>and came even after one neighbour came onsite to express concern and objection to this plan. These trees form the homes for dozens of migrating birds throughout the year, including nests that are used year on year so there is an ecological value lost also.</p> <p>Character of the area This area is one of the last character villages in the green belt before London. Many residents have moved here for its leafy countryside and woodland feel. There is a conservation area in place adjoining this property (though not including it). The owner has shown scant regard for the rural look and feel that undoubtedly places a premium on local house values. It is clear he is only interested in maximising his own profit at the expense of other residents. All other plots on the same lane are large in size and maintain plenty of foliage for privacy reasons. There is no need to turn this plot on green belt land into a high density development and negatively impacting 5 other adjoining properties. I recommend the Dacorum planning authority rejects this application and preserves our local environment for these reasons.</p>
<p>Mulberry Cottage 3 Tower Hill Chipperfield Kings Langley Hertfordshire WD4 9LJ</p>	<p>We live in the property adjacent to the dairy on Tower Hill and would like to object to the planning application that has recently been submitted.</p> <p>Out of keeping within the area The current dairy is over 100 years old and the new proposal is out of character with the area. The removal of the trees and foliage is already having a negative affect on the privacy and rural character of the site.</p> <p>Loss of privacy / light The upstairs windows will be overlooking our property with direct line of site into our garden, kitchen/living area and our daughter's bedroom. This will directly affect our privacy. The planning application that was previously agreed didn't have this issue, nor did it impact on the natural sunlight as the roofline was much lower. Our properties are already north facing which makes the rear rooms very dark. The proposed 2 storey elevation will only reduce the amount of light further and negatively impact us.</p> <p>This new proposal is significantly different from the previously submitted plans, which were much more sympathetic to the area and the adjoining properties.</p>
<p>7 Tower Hill Chipperfield Kings Langley Hertfordshire WD4 9LJ</p>	<p>We chose this house 21 years ago for it's privacy and secured surrounded location. Being a semi detached home we wanted to ensure our privacy was protected. All of our own home and garden improvements have ensured we have considered our neighbours and protected the natural environment. The new owners of the Dairy have ruined all what we have loved about living in Chipperfield for the past 21 years. They have taken away our beautiful green border and replaced it with brick work and a full view into our home. We have never had to watch when and how we moved around our own home from bathing, getting dressed or living our lives and now we have been stripped of our privacy and been put on show to these two plots.</p>

	<p>The Dairy development has not considered years and years of foliage growth, a badger dwelling and the thought and respect of the neighbours. Without thought, they have savagely exposed our lives where we no longer have freedom to move around our home without having to consider how we are dressed, who is looking in, what we are cooking and what we are doing.</p> <p>We deserve our privacy and no one has the right to directly look into our home where we are totally exposed. All of our down stairs is surrounded in glass with direct view. Our bedroom and bathroom look directly out to these now exposed properties. We can no longer just stand how we are dressed and watch beautiful sunrises from our bedroom. We cannot climb out of the bath without now having to slide over the bath and ensure we have a towel around us before standing up. Why should we have to board up our windows with curtains and take away natural light and enjoy our views? Natural light, green borders and being private has contributed to a positive mindset and sustained mental health which has now been compromised.</p> <p>We are in complete objection to the 2 storey home being built and the fact that hedges and green boundary has been destroyed. We would like The Dairy owner to replace our privacy with fully grown hedges. How anyone would be eager to peer into another persons home is beyond belief.</p> <p>We will provide photo's of how our view and privacy has been destroyed.</p>
<p>5 Tower Hill Chipperfield Kings Langley Hertfordshire WD4 9LJ</p>	<p>We live in one of the properties adjacent to the dairy on Tower Hill and would like to object to the planning application that has recently been submitted.</p> <p>Out of keeping with character of area: The removal of the trees and foliage is already having a negative affect on the privacy and rural character of the site.</p> <p>Loss of privacy / light: Our garden backs directly on to the site and the removal of trees has completely exposed the current lower level building, all the way through to the neighbouring house Finch Cottage.</p> <p>The new proposed build would have the upper level windows overlooking our property into our back bedroom, with a clear view into our garden, kitchen/living area -directly affecting our privacy. The planning application that was previously agreed didn't have this issue, nor did it impact on the natural sunlight as the roofline was much lower. Our properties are already north facing which makes the rear rooms very dark. The proposed 2 storey elevation will only reduce the amount of light further and negatively impact us.</p> <p>This new proposal is significantly different from the previously submitted plans, which were much more sympathetic to the area and the adjoining properties.</p>
<p>Finch Cottage Tower Hill Chipperfield Langley</p> <p style="text-align: right;">Kings</p>	<p>Ref. No: 21/04277/FUL</p> <p>I am the current owner of Finch Cottage, which neighbours the property seeking planning permission, I am not attached to the proposal nor do I support it. I am writing to object to the above planning proposal on the</p>

<p>Hertfordshire WD4 9LN</p>	<p>grounds that I believe the new proposal does not satisfy the planning policies of both Dacorum Borough Council and the National Planning Policy Framework.</p> <p>The basis of my objections is based on Loss of privacy/ Overlooking, the Openness of the Green Belt, and the Character and Appearance of the proposal, each covered in detail below. I have included the previous planning decision, the relevant planning policies, the Pre-Application Advice Letter from Joan Reid at Dacorum Council as Appendixes 1, 2, and 3 respectively to allow for ease of reference.</p> <p>Loss of privacy/ overlooking.</p> <p>The proposal is to increase the height of the building by 48.5%, this increase in height, scale and bulk of the house will cause a significant loss of privacy, overlooking and loss of residential amenity which contravenes Core Strategy 12 subparagraphs c, d, f and g of the Core Strategy Policy (replicated in full in Appendix 2).</p> <p>The original planning permission reference 4/03227/14/FUL sought to convert the existing building (an old milking parlour) into a 3-bedroom dwelling without the need for any significant alterations to the height. Permission was granted based on the conditions set out in Appendix 1 to this document. The permission expressly stated (paragraph numbers 4 and 7 of the planning decision) that the privacy of Finch Cottage was to be protected. When the previous owner sought planning permission to the site, they received the Pre-Application Advice Letter which expressed that the privacy of Finch Cottage was a significant consideration in any development to the site stating:</p> <p>"the key priority in the Green Belt is to ensure that the openness is not harmed by development and any alterations to the building to allow for its conversion will need to ensure that the height and size is not increased", "the windows and doors would also need to be positioned where they would not result in loss of privacy to Finch Cottage itself or adjoining neighbours." It continued "it is not considered that conversion to a dwelling would significantly result in harmful impacts to these properties as long as windows and doors do not overlook into their gardens".</p> <p>By increasing the height and bulk of all elevations so significantly and including windows that will overlook Finch Cottage garden this will result in an overbearing structure creating significant visual intrusion, loss of privacy in contravention of Local Plan Policy 11 (d), multiple strands of Core Strategy 12, the previous conditions of the planning permission and the advice contained in the pre application letter, both of which expressly stated that the privacy of Finch Cottage is to be protected.</p> <p>In recent weeks the applicant has removed all the mature trees on the site which was against the previous planning permission thus making the effects of the loss of privacy, visual intrusion and residential amenity that much more pronounced.</p> <p>Openness of The Green Belt</p>
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Paragraph 147 of the National Planning Policy Framework ("NPPF") states that development in the Green Belt is inappropriate "and should not be approved except in very special circumstances". Paragraph 149 of the NPPF (replicated in full here in paragraph 1 of Appendix 2) allows very limited exceptions to the general position that building in the Green Belt should be regarded as inappropriate. Core Strategy 5 (replicated as paragraph 2 of Appendix 2) of the Local Plan states that the council will apply National Green Belt Policy.

I don't believe that the proposed site should be considered an "infill" site in order to comply with the exception to the NPPF that allows development in the Green Belt if it is "limited infill in villages". There isn't a definition of infill in the NPPF, but it is attributed a definition in the supporting text to Core Strategy 6 at paragraph 8.34 (replicated as paragraph 6 in Appendix 2). This is not a vacant plot and there is no gap between the buildings and should not be termed as infill. The old milking parlour is a significant, permanent, stable structure that is of architectural quality and easily capable of being converted into living accommodation. For the proposal to meet the exception provided for in Paragraph 149 (d) of the NPPF the replacement building, at an increased roof height of 48.5% and the accompanying bulk and mass of a new first floor would objectively create a materially larger building than the one it replaces which is not permitted, and therefore doesn't meet the conditions of s149 of the NPPF.

The proposal's scale and visual impact are not sympathetic to the surroundings. The recent removal of all the mature trees that adjoined two boundaries of the Conservation Area have not retained nor protected features that are essential to the character and appearance of the village and Conservation Area.

The Council's approval of the previous application and their advice gave great focus towards ensuring that the openness of the Green Belt would not be affected by any conversion to a dwelling (paragraphs 2 and 7 of Appendix 1) the pre application advice letter stated the following. "The outbuilding is surrounded by mature trees. Any conversion would need to ensure that no harm to these trees arises" and "any development that would injure the visual amenities of the Green Belt will not be permitted". Paragraph 2.4 of the applicant's design and access statement shows a satellite image highlighting the screening that the plot provides along the boundary of the conservation area on the west of the property and all along the front of the property. This image is a significant misrepresentation of what the site now looks like.

The proposal would result in a spatial and visual change to the site and its environs that would impact the openness of the Green Belt. While the impact in openness would be relatively localised it would, nonetheless, result in harm to the Green Belt. Thus, the proposal would conflict with the aims of the NPPF. This is the view of the inspector who recently passed judgement on another Chipperfield planning application reference 21/00008 and I find it relevant when considering this proposal.

Character and Appearance

Page 54 of the Chipperfield Conservation Area Character Statement says that "the need to protect the rural soft edges of the Conservation Area means any new development at the boundaries should be resisted". The site adjoins two boundaries of the Conservation Area and as such I believe the council should consider the above statement when reviewing this proposal and consider that it would be beneficial if the Conservation Team were contacted on this basis.

A busy public footpath (Chipperfield FP12, shown in green on the extract of the OS map on page 4 of the applicant's Design and Access Statement) runs along the front of the site, the Grade II listed building The Paddock (formerly the Boot) and the locally listed Edwardian buildings at No1 & No 3 Tower Hill are in the immediate vicinity of the site and the Grade II listed building Tufts Farm is nearby, these buildings are all in the Conservation Area. Section 66(1) of the Planning (Listed Building and Conservations Areas) Act 1990 states that "in considering whether to grant planning permission for development which affects a listed building or its setting, special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Given the location of the site next to these listed buildings, special consideration needs to be given to how the proposal would adversely affect the setting of the listed buildings and the current proposal doesn't do that.

The current building, an old milking parlour, has architectural merit with ties back to the rural history of the area. Demolishing it and replacing it with a cement rendered house without any redeeming design or architectural features would not enhance nor benefit the local area.

The proposal does not preserve the attractive streetscape nor enhance any positives linkages between character areas nor co-ordinate streetscape design between character areas as required by Core Strategy 11 (b) and (c). Neither does the design integrate with the streetscape character as required by Core Strategy 12 (f) in the way that retaining the existing building would.

The inspector in the recent Appeal case ref 21/00008, a case which I believe shares very similar principles to this proposal, stated that " I conclude that the proposal would cause harm to the character and appearance of the Conservation Area and the significance of Grade II Listed properties, as a development within their setting, there would be conflict with CS Policy CS27, which indicates, among other matters, that the integrity, setting and distinctiveness of designated assets will be protected, conserved and if appropriate enhanced. The proposal would also conflict with Saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991 - 2011 Written Statement Adopted April 2004 (LP). In summary, these seek to ensure that development adjacent to a listed building will retain the character and setting of listed buildings and that new developments in conservation areas would preserve or enhance the established character or appearance of the area. There would also be conflict with the overarching aims of the Framework."

Conclusion

	<p>The original proposal was very sympathetic in its approach to ensuring the conversion would only cause minimal disruption to the height and bulk of the existing building, raising the ridge height by only 0.15m. It provided living accommodation across two levels whilst ensuring that no changes to the privacy of Finch Cottage, the adjoining properties, or the spatial or visual impact to the openness of the Green Belt would occur. The modest alterations preserved the appearance of the building, the character of the Conservation Area and the residential amenity of the neighbouring properties. It did not contravene any local or national planning policy and is a proposal I support.</p> <p>The new proposal fails to preserve the setting of its environs, it is creating an overbearing new dwelling that will have a significantly negative visual and spatial impact on the Green Belt and Conservation Area and will cause severe loss of privacy to Finch Cottage and adjoining properties. The loss of openness to the Green Belt and privacy to Finch Cottage is multiplied by the removal of all the mature trees around the site, in direct contravention to the conditions of the approval granted by this Council. The removal of the trees and the material increase in size of the proposal is at odds with the planning policies but also clearly ignores the Council's guidance who stated that "any alterations to the building to allow for its conversion will need to ensure that the height and size is not increased" and "the outbuilding is surrounded by mature trees. Any conversion would need to ensure that no harm to these trees arises".</p> <p>This guidance and the conditions of the recently lapsed planning permission provided by the council have been ignored by the applicant to the great detriment to the site and the surrounding environs. I ask the Council to reject the proposal on the grounds that the application fails to satisfy the national and local planning policies. A design that pays considerable attention in trying to restore the damage already done to the site as is aligned closely to the original proposal, together with the advice given by the Council would be more in keeping with the character and appearance of the area, ensuring no further harm to the Green Belt occurs and the privacy of Finch Cottage and adjoining neighbours is maintained.</p>
<p>Bronte 2A Nunfield Chipperfield Hertfordshire WD4 9EW</p>	<p>I write to give full support to the above planning application.</p> <p>I regularly walk this route and I think the proposal would bring a derelict site back into positive use which would benefit the area and make it look more attractive. The removal of the existing building (which is covered in Asbestos), would improve the visual appearance of the area as the building is in significant disrepair.</p> <p>In addition, the proposed dwelling may bring a family with children into the area which would benefit the local Community/Schools.</p>
<p>Oakleigh House Tower Hill Chipperfield Langley Hertfordshire</p> <p style="text-align: right;">Kings</p>	<p>We live in Tenements Farm Lane and wish to object to the planning application on the grounds that it is an unsympathetic and inappropriate Green Belt development and contrary to Dacorum's planning policy and the Chipperfield Village Design Statement (Design Statement) which was adopted as Supplementary Planning Guidance by Dacorum</p>

WD4 9LN

Borough Council.

The Design Statement states that "Through the adoption of this Design Statement as Supplementary Planning Guidance by Dacorum Borough Council, statutory bodies, planners, architects, builders, engineers and local householders and businesses will all have a better idea of how they can contribute positively to retaining and enhancing the village's local distinctiveness and will be encouraged to follow these guidelines for all development whether or not planning approval is required. If the principles are carefully followed this will make a major contribution to the maintenance of the local heritage in Chipperfield for future generations."

Presumably the applicant and his architect will have taken the trouble to review this document as well as conditions included in the previous application for this land that was successful. However it seems clear from the proposal and the applicant's actions since buying the land, that the applicant has decided, in the interests of maximising the financial return, they should be wilfully ignored.

Failure to Comply with Planning Requirements

The Design Statement states:

- Avoid open plan frontages.
- Plots and building lines should retain existing trees and landscape features.
- New buildings should be sensitively sited to fit into the landscape with appropriate planting and natural screening, with the retention of existing mature trees, hedges and landscape features where possible.
- Frontages to be enclosed by native species hedging.

The proposal is for an open plan frontage with none of the trees and hedging being retained.

The previous successful planning application included conditions "To avoid inappropriate development in the Green Belt, to avoid loss of privacy to Finch Cottage and avoid pressure on the mature trees and hedging which abuts the outbuilding in accordance with policy CS5 and CS12 of the adopted Core Strategy and policy 99 of the local plan."

CS12 includes a provision to "retain important trees or replace them with suitable species if their loss is justified". The applicant in response to the question in the application "Are there trees or hedges on the proposed development site?" answered No. This was clearly not true and the photos included in the application show that the existing site was screened from Tenements Farm Lane by hedging and a Larch Tree and there are other trees on the site. The applicant then cut down all the trees and hedging at the front of the site and has apparently removed or deliberately damaged the trees to the rear. Even if the applicant can find justification for destroying the existing trees and hedging, the proposal should provide suitable replacements.

Inappropriate Development in the Green Belt

The application acknowledges that within the Green Belt the extension or alteration of a building would be inappropriate if it results in disproportionate additions over and above the size of the original building and that a replacement building is inappropriate if it is materially larger than the one it replaces. The proposed development is significantly larger than the existing milking parlour and, as evidenced by the previous successful planning application, the existing building can be converted into living accommodation without the need to materially enlarge it.

There is an existing building on the site and the applicant's claim that the proposed development is infill is clearly unjustified.

The application claims "The proposed dwelling would not have a significant [impact] on the character and appearance of the countryside, as the new building is in a similar position to the existing building, and is surrounded by other residential development." Having removed the trees and hedging that was screening the plot and creating an open frontage, the unsympathetic design and size of the proposed dwelling clearly will have a significant impact on the area.

The application also seeks to justify the scale of the building by claiming "When seen from the lane, the building fills the view, so the built form is very much the dominant feature when assessing the impact on openness within the Green Belt." Until the applicant destroyed the trees and hedging in front of the milking parlour, the dominant features from the lane were the trees and hedging. The milking parlour was only visible through the gate to the property and then the view was of a building that fitted with the surroundings in terms of size and materials. With the destruction of the trees and hedging screening, the unsympathetically designed house will have an even greater adverse impact on the surroundings.

The applicant claims the proposals create a harmonious design that would enhance the character and appearance of the site. The proposed building is not sympathetic in any respect with the surrounding buildings and this discordance with the surroundings is exacerbated by the removal of the trees and hedging on the site and the open plan frontage.

We recommend that the application is rejected and hope that when approving any future applications for this site, there should be the requirement to restore the hedging/trees front boundary to the property to ensure that the streetscape is appropriate to the area.

ITEM NUMBER: 5d

21/03912/ROC	Variation of Condition 4 (Vehicle Parking) and Condition 8 (Approved Plans) Attached to Planning Permission 19/03033/FUL (Partial Demolition of a semi-detached cottage, garages and outbuildings and construction of 3 detached dwellings)	
Site Address:	The Orchard, Alexandra Road, Chipperfield	
Applicant/Agent:	Mr O'Farrell/Barker Parry Town Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Chipperfield	Bovingdon/Flaunden/Chipperfield
Referral to Committee:	The application is referred to committee given the objections of Chipperfield Parish Council. The approved scheme was granted following extensive representations and discussions between CPC, nearby residents, borough councillors, case officer(s) and the applicant and the Parish are concerned that the proposals will erode the overall quality of the scheme.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposals are considered to result in a high quality residential scheme which would contribute to the housing needs and sustainable growth of the small village of Chipperfield. The proposals would make better use of land within the village without causing significant harm to the residential amenities of neighbouring properties or the overall character and appearance of the village. The modest intensification in the use of the site and access to it would also not prejudice matters of highways safety. Accordingly the proposals would be considered to meet the overall aims and objectives of planning policy as expressed in Policies CS6, CS8, CS1, CS12 and CS27 of the Core Strategy and Saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

3. SITE DESCRIPTION

4. PROPOSAL

- 4.1 The proposals seek a Minor Material Amendment to planning permission 19/03033/FUL.
- 4.2 The main amendment comprises the addition of a small side extension to Plot 3 and the subsequent rearrangement of the parking layout for this plot. This side extension will allow for the creation of a home office to Plot 3 and is reflective of the needs of individual households as a result of the COVID-19 pandemic.
- 4.3 The internal layouts of all three properties have been reconfigured and rendered sections have been more widely introduced at first floor levels for all properties. This has resulted in a loss of brick quoit details within the scheme.
- 4.4 The amendments to Plot 1 have resulted in the following additional changes to the external appearance of the property:

- A reduction in the overall extent of glazing in the eastern (rear) elevation and loss of canopy detail,
- The removal of the arched brick header to the gable end window in the western (front) elevation,
- The inclusion of a split level window within the northern (flank) elevation to serve a stairwell
- A wider window at first floor level to serve a family bathroom,
- The provision of new windows at ground level to serve a boot room, a wider study room window and a new shower room window in the northern (flank) elevation and
- Two new obscure glazed windows to en-suite bathrooms at first floor and a side door to the ground floor in the southern (flank) elevation.

4.5 The amendments to plot 2 and 3 have resulted in the following additional changes to the external appearance of the properties:

- Alterations to the position of windows in the western (front) elevation.
- The addition of a glazed door at ground floor level in the eastern (rear) elevation.
- The replacement of two windows at first floor level in the eastern (rear) elevation with a wider single opening.
- The inclusion of two obscure glazed first floor windows in the northern (flank) elevation
- The inclusion of a single obscure glazed window at first floor level in the southern (flank) elevation.

4.6 The applicants claim that the majority of these changes would normally fall under Permitted Development, however in granting planning permission 19/03033/FUL, the Committee required the provision of an additional condition (hereafter referred to as Condition 9) removing rights under Schedule 2 Part 1 Classes A (Extensions) and B (Additions to the Roof) of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended)

5. BACKGROUND

5.1 On 24 February 2020, full planning permission was granted at the Development Management Committee for the part demolition of a semi-detached cottage, garage and outbuildings and the construction of three new detached dwellings (19/03033/FUL)

5.2 Prior to this application being approved, two previous applications for four dwellings (4/01452/18/FUL) and three dwellings (4/03231/18/FUL) were refused.

5.3 The refused application (4/03231/18/FUL) was refused by the Development Management Committee on the 15th August 2019 contrary to the officer recommendation for the following reason:

“ The proposed development, by reason of the size of residential units, their site coverage, poor layout, the substandard and inadequate parking, access, turning and refuse collection arrangements would be an overdevelopment of the site, harmful to the character and appearance of the village, local highway safety and amenity contrary to Policies CS8, CS11 (a) CS12 (a) (b) (c) (g (i, iii, iv and vi)) of the Core Strategy and Saved Policy 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011”

5.4 An appeal was lodged in relation to this scheme but was subsequently withdrawn following the grant of 19/03033/FUL. The applicants have commenced works to implement this scheme.

6. REPRESENTATIONS

Consultation Responses

- 6.1 These are reproduced in full at Appendix A

Neighbours Notification/site notice responses

- 6.2 These are reproduced in full at Appendix B.

7. PLANNING POLICIES

7.1 National Policy

National Planning Policy Framework (February 2021) (NPPF)
National Planning Policy Guidance (NPPG)

7.2 Dacorum Borough Core Strategy 2006-2031

NP1- Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS6 - Selected Small Villages in the Green Belt
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

7.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Appendix 3 - Layout of Residential Development
Appendix 5 - Parking Standards

7.4 Supplementary Planning Guidance / Documents

Car Parking Standards SPD (November 2020)
Energy Efficiency & Conservation (June 2006)
Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)

8. CONSIDERATIONS

Policy and Principle

- 8.1 The principle of development upon this site has already been agreed under planning permission 19/03033/FUL. In granting permission, the Council accepted that the

redevelopment of the site with three dwellings fell within the definition of limited infilling within the village in accordance with national planning policy for sites within the Green Belt and Policy CS6 of the Core Strategy.

Layout and Design

- 8.2 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.3 The general layout of the proposed residential scheme remains unchanged from that granted planning permission under 19/03033/FUL with the exception of plot 3 where a side extension to the property is now proposed. This side extension to the south of the property will result in the need to park vehicles further to the front of the dwelling where they will be more prominent in the street scene. This is not considered to result in any significant harm to the overall character and appearance of the development in accordance with Policies CS11 and CS12 of the Core Strategy.
- 8.4 The scheme is also still considered to be appropriate in terms of its design, bulk, height, scale and use of materials. Amended plans have been received addressing some of the concerns of the Conservation and Design team in relation to the loss of the chimney to plot 1 and the removal of brick string course detail between the ground and first floor detailing and although the loss of detailing to the window surrounds to the principle facades and the quoin details to the corners is disappointing, these alterations to the appearance of the properties is not considered to be harmful.
- 8.5 The extension to plot 3 is considered to be appropriate in terms of its design, bulk, scale, height and use of materials and would not detract from the overall appearance of the development in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on Conservation Area

- 8.6 The site is located outside of the Chipperfield Conservation Area and whilst Old Orchard, was historically an important visual terminus to Alexandra Road and the wider Conservation Area the importance of this property as a terminus to Alexandra Road has been significantly diminished over time. We have already concluded that the demolition of this building and the construction of three dwellings on this site resulted in negligible harm to the setting of the Conservation Area and there is no reason to conclude otherwise in this case.
- 8.7 The economic and social benefits arising from the construction of new homes and the associated support for local infrastructure is considered to clearly outweigh the limited and minor harm to the character and setting of Chipperfield Conservation Area and as such there would be no grounds for objection under Policy CS27 of the Core Strategy.

Impact upon Neighbouring Properties

- 8.8 The proposed residential units would still be located between 24m and 25m from the rear elevations of the properties at Croft Close; far in excess of the minimum separation distances in Saved Appendix 3 of the Local Plan 1991-2011. As such they are not considered to result in significant harm to the amenities of these properties through overlooking or as a result of the impact on daylight and sunlight to these units. The impact is further mitigated by the large boundary hedge and tree cover along the eastern boundary of the application site.

- 8.9 The impact of Plot 1 on the residential amenities of properties to Croft End Road is also considered to be acceptable. Additional windows are to be provided at first floor level to the side elevation of the property and these will be conditioned to be obscured glazed in the interests of privacy.
- 8.10 Obscure glazed windows have been added to the flank elevations of Plots 2 and 3 and will be conditioned accordingly to ensure that the proposed residential properties are provided with adequate amenity.
- 8.11 The extension to Plot 3 is not considered to be harmful to the amenities of Fircroft in view of its limited scale, height and juxtaposition. This will not result in a loss of daylight, sunlight or privacy to this property in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan.

Impact on Highway Safety

- 8.12 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible, prioritise the needs of pedestrians and cyclists over the private car and provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (2020).
- 8.13 The proposed development has been considered by the County Council as highway authority. They have some concerns with regards to the adequacy of access for fire vehicles as set out within their formal consultation response. The access arrangements were demonstrated to be appropriate at the determination of application 19/03033/FUL and remain unchanged. The alterations to the parking arrangements to Plot 3 of the scheme do not materially alter the arrangements for access and circulation of larger vehicles within the site. On this basis, it would appear that a refusal of the application on this basis would not be appropriate.
- 8.14 The proposed development will provide between 3 and 4 parking spaces per dwelling and this would be in accordance with the requirements in the Car Parking Standards SPD (2020)
- 8.15 Each property would also be provided with a single EV Charging point in accordance with the Car Parking Standards SPD (2020) and recent announcements by the Government to make such provision mandatory to all new homes.

Other Material Considerations

Impact on Infrastructure

- 8.16 All new developments are expected to make a contribution towards on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council has an adopted Community Infrastructure Levy (CIL) that supports the delivery of new infrastructure. The scheme would be liable for CIL and as such a charge would be levied in accordance with the adopted Charging Schedule. A charge of £150 per square metre of net residential floorspace would be levied against this scheme. This will be indexed linked from the date of the Charging Schedule and calculated in accordance with Regulation 40 of the CIL Regulations 2010 (As amended) It is understood that the applicants intend to occupy plot 1 of the development and as such it may be possible to reduce the extent of the levy applicable through the submission of a claim for self-build relief.

Contamination

- 8.17 The Environmental Health team have indicated that there is a possibility that the site may be subject to ground contamination and as such they have requested the inclusion of planning conditions.

Fire Safety

- 8.18 The application has been considered by the Fire and Rescue Service and has been subject to a site inspection by the Fire Safety officer. The Fire Safety officer considers the site could be accessed by fire tenders, but they are unlikely to have sufficient space upon the site in which to manoeuvre. In the circumstances, the properties would need to be accessed from Croft Road and fitted with sprinklers to provide sufficient time for access. It is recommended that the installation of sprinklers for the fighting of fires be conditioned and that these are provided prior to the occupation of the development.

Sustainable Construction

- 8.19 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS29, CS31 and CS32 of the Core Strategy
- 8.20 No details have been provided in relation to the sustainability credentials of the development and accordingly these should be provided via a planning condition.

Conditions

- 8.21 Two planning conditions associated with 19/03033/FUL have been complied with namely, the submission of materials and the details of landscaping to the site (see 20/01871/DRC)
- 8.22 The details submitted in relation to these conditions remain appropriate and as such the planning conditions have been amended accordingly. New conditions are required to pick up the omission of details regarding sustainable construction and to address the concerns of the Fire and Rescue Service.

9. CONCLUSIONS

- 9.1 The proposed amendments to the scheme and addition of a new side extension to Plot 3 do not result in any substantial harm to the character and appearance of the development nor its impact on neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.
- 9.2 The development is not demonstrably harmful to the setting of the Chipperfield Conservation Area and in accordance with the NPPF and Policy CS27 any harm is clearly out-weighted by the provision and benefits of new housing in this case.
- 9.3 The access arrangements to the site remain consistent with the approved plans for the site and as such are considered to meet with the requirements of Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10. RECOMMENDATION

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

Conditions

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

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

- 2 The development hereby approved shall be constructed in accordance with the material schedule submitted and approved under planning reference 20/01871/DRC**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

- 3 The landscaping of the site shall be carried out in accordance with the details approved under 20/01871/DRC prior to the first occupation of the development hereby permitted.**

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

- 4 The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on drawing No. 11167-902 (Site Plan) shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 5 Prior to the commencement of the development hereby permitted:**

- a) A Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority and**

- b) If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.**

If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

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

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

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

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 7 Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system.**

The development shall be carried out and thereafter retained fully in accordance with the approved details.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with Policies CS31 and CS32 of the Core Strategy.

- 8 No development of the superstructure of the buildings hereby approved shall commence until full details of the measures for sustainable construction and use of renewable energy have been submitted to and approved in writing by the Local Planning Authority. The details provided should address the requirements of Policy CS29 of the Core Strategy. The proposed development shall be carried out fully in accordance with the approved details.**

Reason: In order to comply with the requirements of Policies CS29 and CS31 of the Core Strategy.

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

Schedule 2 Part 1 Classes A and B

Reason: The Council is concerned that large extensions to the properties could result in harm to the amenities of neighbouring properties and lead to conditions prejudicial to matters of highways safety. As such the Council wishes to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and in the interests of highways safety in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013).

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

- 11167 / 900 – Location Plan**
- 11167 / 901 – Site Layout Plan**
- 11167 / 902 – Access and Parking Plan**
- 11167 / 910 A – Floor Plans to Plot 1**
- 11167 / 911 A – Elevations to Plot 1**
- 11167 / 920 A – Floor Plans to Plot 2**
- 11167 / 921 A – Elevations to Plot 2**
- 11167 / 930 B – Floor Plans to Plot 3**
- 11167 / 931 B – Elevations to Plot 3**

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

- 11 **The dwellings, hereby approved, shall not be occupied until sprinklers, have been provided in each residential unit in accordance with BS 9251:2014 or BS EN 12845. The sprinkler system shall thereafter be permanently maintained”**

Reason: To ensure adequate access and provision for the fighting of fires in accordance with Policy CS8 of the Core Strategy

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Chipperfield Parish Council	<p>We object in the strongest terms to the proposed amendments to the approved scheme. The approved scheme was granted following extensive representations and discussions between CPC, nearby residents, borough councillors, case officer(s) and the applicant. The approved scheme whilst not satisfying all issues raised by these representations was accepted as a compromise. The proposed revisions unpick hard fought matters agreed during the application process and unacceptably diminish:</p> <ul style="list-style-type: none"> - Visual appearance (degraded design and materials, ‘cottage’ appearance has been lost) - Vehicle turning provision has been lost to front of plot 3

	<p>- Access to rear garden plot 3 and diminished amenity space</p> <p>We urge DBC to refuse these proposals and, furthermore, to stand firm against this growing trend of applicants making significant amendments to approved schemes under the cloak of 'variation of conditions'</p>
Hertfordshire Highways	<p>Having looked at the plans again, especially around parking, there is considerable concerns regarding fire appliance access. As the dwelling will be greater than 45 metres to all parts of the building a fire appliance is required to access the site and turn on site. This is not deemed possible by HCC Highways and therefore we have forwarded the drawing to fire and rescue for them to give their final conclusion as it is within their remit to comment and conclude on fire issues we present to them.</p>
Hertfordshire Fire and Rescue Service	<p>With regards to the above application, we conducted a site visit this week (w/c 13th December 2021) to ascertain more information on fire access. We do not appear to have been consulted in the application reference 19/03033/FUL that was granted on 24th February 2020. Had we been we would have stated the guidance as detailed below:</p> <p><u>ACCESS AND FACILITIES</u></p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <ol style="list-style-type: none"> 1. Appliance access minimum width of the road between kerbs is to be 3.7m. <p style="padding-left: 40px;">Minimum width of gateways is 3.1 m</p> <ol style="list-style-type: none"> 2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance. 3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes. 4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5. <p>Reading the background to this case, Highways and Building Control had proposed that the site be accessed via an alley down the west side of Plot 1, leading to a gateway onto a public footpath. It was suggested the fire appliance would be parked on Croft Lane next to the end of the footpath. If this were to be the case, all 3 of the</p>

	<p>dwelling is outside the 45m from the furthest point inside the dwelling to the nearest stopping point for the fire appliance.</p> <p>Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 – 2015 Residential Buildings 50.1.2 states:</p> <p>Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <ul style="list-style-type: none"> a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m; b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level). <p>As a footnote, it is noticed that the access through the alley, down the side of Plot 1 will have a hedge to one side and should be clear enough to allow access for fire crews and hose to be laid. In the event of a fire it would prevent any delays if the directional opening of the gate does not cause an obstruction.</p>
<p>Conservation and Design</p>	<p>The proposal is for amendments to the previously approved scheme. In general we would not object to the extension and additional window openings. However we are concerned about a number of proposed issues.</p> <p>We would object to the removal of the chimney to plot 1. This would reduce the visual quality of the previous proposal which aimed to reflect the character of the adjacent conservation area and ensure that it reflected its context. We would also object to the loss of detailing to the window surrounds to the principle facades, the quoin details to the corners and the brick string course detail between the ground and first floor. This reduces the visual quality of the scheme. We would not object to the change with regards of brick to render option on a large scale over the elevations but the loss of the detailing of features would reduce the visual attractiveness of the scheme. As such it would be harmful to its appearance.</p> <p>We would not object to the majority of the changes but the above issues should be reviewed. This is due to the design quality of the proposal being harmed and reducing the visual appearance of the scheme and therefore be harmful to the setting of the conservation area. These areas of the proposal are therefore contrary to the design section of the framework which states “ Local planning authorities should seek to ensure that the quality of approved development is not</p>

	<p>materially diminished between permission and completion, as a result of changes being made to the permitted scheme”</p> <p>Recommendation The application should be continued and the above points should be addressed. We would therefore object to the current proposals.</p>
Environmental Health	<p>I am able to confirm that there is no objection to the variation of condition 4 (vehicle parking facilities) and condition 8 (approved plans).</p> <p>However, please recognise there are still conditions attached to planning permission 19/03033/FUL relating to contaminated land that are still relevant and are expected to be retained.</p>
Affinity Water	<p>We have reviewed the development and do not have any comments to make.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
57 Croft End Road	<p>This development adjoins at end of my garden and will block out the light as the height of the building will mean the sun will be hidden from the roofs.</p>

ITEM NUMBER: 5e

21/03938/ROC	Removal of Condition 6 (Ventilation Strategy) attached to planning permission 21/00142/FUL (Demolition of existing dwelling and construction of a pair of semi-detached dwellings)	
Site Address:	Woodley, 37 Chesham Road, Bovingdon	
Applicant/Agent	Mr D Dowling/Mr G Randall	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee following a request from Councillor Riddick.	

1. RECOMMENDATION – That planning permission is GRANTED

2. SUMMARY

- 2.1 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 (As Amended) and seeks permission to implement an existing planning permission (21/00142/FUL) without the discharge of planning condition 6 thereto.
- 2.2 Condition 6 relates to the submission of information regards the protection of the property from noise associated with traffic on Chesham Road and the provision of mechanical ventilation to serve the proposed dwelling.
- 2.3 The reasons for imposing condition 6 have been reviewed and are considered to be unreasonable and unnecessary in this instance. The condition has not been applied consistently to proposed dwellings on Chesham Road, Bovingdon and the proposed dwellings are not considered to be subject to a significant noise nuisance from traffic on Chesham Road.

3. BACKGROUND

- 3.1 Planning permission was granted for the demolition of 37 Chesham Road and the construction of a pair of semi-detached dwellings at the meeting of the Development Management Committee on the 5th August 2021.
- 3.2 Condition 6 attached to the grant of planning permission stated:

“No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.

The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:

- **How the ventilation strategy impacts on the acoustic conditions. Where the provision Includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade**
- **Service and maintenance obligations for the MVHR, where required**
- **A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.**

- **Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.**
- **The strategy shall be compiled by appropriately experienced and competent persons.**

The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.

Reason: To ensure an appropriate level of residential amenity in accordance with Policies CS12 and CS32 of the Core Strategy”.

- 3.3 The remaining conclusions within the committee report of the 5th August 2021 remain valid and the associated officer report is attached at Appendix B to this report.

4. REPRESENTATIONS

Consultation responses

- 4.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 4.2 No comments have been received from neighbouring properties.

5. CONSIDERATIONS

- 5.1 The National Planning Policy Framework provides clear advice and guidance on the use of planning conditions and obligations within the planning system.
- 5.2 Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
- 5.3 The condition applied seeks to protect future occupants of the proposed development from traffic noise associated with Chesham Road. It also seeks to establish that, in the event of mechanical ventilation of the dwelling, that internal noise levels within the property and neighbouring units is not compromised.
- 5.4 The applicants contend that the condition requires an unreasonable level of information and is disproportionate in relation to the impact from Chesham Road. In doing so they refer to the conclusions made in the consideration of a planning application for 8 units at 45-46 Chesham Road (21/01483/FUL) and to the relatively small scale of the development proposed (a net increase of 1 dwelling)
- 5.5 They also highlight that the site is not located within a ‘transportation significance zone’ nor an area subject to air quality monitoring or management.
- 5.6 The application has been reviewed by a contractor to the Environmental Health team and a Lead officer in the Environmental Health Pollution team. These officers have both concluded that the condition is unreasonable and unnecessary.
- 5.7 The current noise levels associated with Chesham Road are below those which would normally trigger a condition of this nature. These are normally reserved for main

thoroughfares in large towns, kerbside properties or those in close proximity to 'A' roads or higher.

- 5.8 The Air Quality at Chesham Road meanwhile consistently measures less than half of the statutory health limits and improved with a decline in air pollution.

Conditions

- 5.9 The application, under Section 73 of the Town and Country Planning Act 1990 (As Amended), results in the grant of a new planning permission. It is necessary to reapply any planning conditions from the original planning permission as may be varied. The applicants have discharged a number of planning conditions in relation to this case and the proposed conditions have been amended accordingly.

6. RECOMMENDATION

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

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the 19th August 2023.**

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:**

Plans

**PL06 Revision B (Street Elevation)
PL07 Revision C (Site Plan)
PL08 Revision C (Floor Plans)
PL09 Revision B (Elevations)
PL10 Revision C (3D Views)**

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

3. **The development hereby approved shall be constructed from the materials approved under planning application 21/04063/DRC.**

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 development, hereby approved, shall not be occupied until the access and parking arrangements shown on drawing PL07 Revision C (Site Plan) have been provided. These parking arrangements shall be thereafter retained in accordance with the approved drawings.**

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).

5. **The development hereby approved shall be carried out in accordance with the approved sustainability measures approved under planning application 21/04063/DRC**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

6. **The development hereby approved shall be carried out in accordance with the Landscaping scheme approved under planning application 21/04063/DRC**

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).

7. **The development hereby approved shall not be occupied until the arrangements for the storage of refuse have been provided in accordance with the details approved under planning application 21/04063/DRC. These bin storage arrangements shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the appropriate provision for the storage of waste in accordance with Policy CS12 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	No comment
Councillor Riddick	Having looked at the applicants existing plans and examined the reasons for Condition 6 on the Decision Notice, I think it is vital that the condition is retained. A lot of careful thought goes into the need for these conditions which are incorporated for very good and valid reasons.
Hertfordshire County Council – Highways	HCC Highways has no view on removal of condition 6.
Environmental Health	<u>ORIGINAL COMMENTS</u> I have reviewed the contents of the application form in the context of the original application (reference 21/00142/FUL) and I offer no objection to the requested removal of Condition 6. In my opinion the proposed dwellings are unlikely to be exposed to significant levels of road transport-related noise

	<p>such that the opening of windows for ventilation purposes will result in unacceptably high internal noise levels.</p> <p><u>ADDITIONAL COMMENTS</u></p> <p>I agree with the decision to remove condition 6 attached to 21/00142/FUL.</p> <p>Looking at the street scene, existing properties, distance of the proposed properties as receptors from the roadside, current noise levels, conditions applied to nearby developments of a similar nature, I cannot see anything that justifies its inclusion in the first instance.</p> <p>Assessing the air quality monitoring in the area, the impact of an additional 2 vehicles due to the development in question is negligible. Bovingdon is an area that is consistently measuring at less than half of the statutory health limit values of Nitrous Dioxide set out by DEFRA, air pollution in Bovingdon has been decreasing year on year in the 5 years leading up to 2020 (at which point they dropped considerably, due to lockdown and so on).</p> <p>While we would always encourage developers to do their utmost to minimise impacts of noise/air quality on future occupants, this type of condition being formalised as part of the permissions, as it has in Condition 6, would usually be reserved for developments within Air Quality Management Areas, properties located kerbside of main thoroughfares in busy towns and so on.</p> <p>This condition can be removed from the application.</p>
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APPENDIX B – REPORT TO DMC FROM AUGUST 2021

21/00142/FUL	Demolition of existing dwelling and construction of a pair of semi-detached dwellings	
Site Address:	Woodley, 37 Chesham Road, Bovingdon	
Applicant/Agent	Mr D Dowling/Mr G Randall	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee given the objections from Bovingdon Parish Council and following a request from Councillor Riddick.	

1. **RECOMMENDATION** – That planning permission be **GRANTED**.
2. **SUMMARY**

- 2.1 The intensification in residential use of this site is considered to be acceptable in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy.
- 2.2 The proposed layout and design of this residential scheme is considered to be appropriate in accordance with Policies CS11 and CS12 of the Core Strategy and should not result in any significant detriment to the amenities of neighbouring properties.
- 2.3 The proposed development is not considered to be significantly or demonstrably harmful to matters of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

3. SITE DESCRIPTION

- 3.1 The application site is located on the south eastern side of Chesham Road approximately 47m from its junction with Hyde Lane. The site is just under 0.1ha in size upon which there is a modest bungalow and detached garage.
- 3.2 The site is located within the village of Bovingdon. The surrounding area is primarily residential with a variety of dwellings fronting Chesham Road.

4. PROPOSAL

- 4.1 The application involves the demolition of an existing bungalow on Chesham Road and the construction of a pair of semi-detached dwellings. This would provide 2 x 3 bedroom properties. A total of four off-street parking bays would be provided within the front garden with cycle storage provision being provided within the rear gardens.
- 4.2 The proposed dwelling would be two storeys in height, with the third bedroom within the roof space, and would be constructed in a mixture of red brick, white render and stone. A small study is provided at first floor level. The study is not capable of being occupied as a bedroom under the Housing Act 1985 given its size (below 50 sq.ft)

5. PLANNING HISTORY

- 5.1 A replacement dwelling was granted planning permission on 10.09.08 (ref: 4/01547/08/FUL). This permission, however, was not implemented and has lapsed.
- 5.2 In addition, the applicant has drawn our attention to two recent decisions for development on Chesham Road.
- 5.3 Planning permission was granted on the 21st May 2020 for the demolition of an existing bungalow at Rosecroft, 49 Chesham Road and the construction of 8 semi-detached dwellings under 19/02696/FUL. The highway authority raised no objection to four properties (6 spaces) reversing onto the highway. In doing so, they noted that a number of properties did not have the ability to enter and exit the site in a forward gear and that this did not appear to have resulted in any significant accidents in the vicinity of the site within the last five years.
- 5.4 Similarly the appeal decision for 9 houses on land at nos. 50-53 Chesham Road (APP/A1910/W/18/3202687) was granted by the Planning Inspectorate on the 1st March 2019. In this instance the Inspectorate concluded on matters of highways safety that:

“Appeal A would provide parking spaces to the front of proposed plots 50a and 50b but they would not allow a vehicle to turn on the site.....I observed on my site visit that many houses that front onto Chesham Road have access points which do not allow for the

turning of vehicles.....there is nothing substantive in the evidence before me that indicates that the proposed arrangement would harm highway safety”

6. REPRESENTATIONS

Consultation responses

6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

6.2 These are reproduced in full in Appendix B

7. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS10 – Quality of Settlement Design
CS11 – Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of Public Realm
CS17 – New Housing
CS29 – Sustainable Design and Construction
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)
Energy Efficiency and Conservation
Water Conservation

8. CONSIDERATIONS

Policy and Principle

- 8.1. The application site comprise an existing dwelling within the built up area of Bovingdon. Bovingdon is defined as a large village within the Core Strategy, wherein there would be encouragement for the construction of new dwellings in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy. There is further support to optimise the use of urban land in accordance with the NPPF and Saved Policy 10 from the Local Plan 1991-2011.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (2020).
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy.
- 8.5 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy

Layout and Design

- 8.6 High quality design is required in the context of the site and surroundings to comply with Policies CS11, CS12 and CS13 of the Core Strategy.
- 8.7 The proposed development is considered to be appropriate in terms of its design, bulk, scale, site coverage and use of materials and would make a positive contribution to the visual amenities of the area in accordance with Policies CS11 and CS12 of the Core Strategy. The properties within Chesham Road are varied and exhibit a variety of roof forms and designs. The submitted street scenes demonstrate that the proposed development, though increasing the height of the existing property would be similar in height to 35 Chesham Road and sit comfortably within the street scene and would not dominate neighbouring units.
- 8.8 The proposed residential units would be provided with a high level of amenity with both the internal space and external amenity spaces exceeding the standards in the National Space Standards and Appendix 3 of the Local Plan 1991-2011 respectively.

Impact on Amenity

- 8.9 The proposed dwellings have been carefully sited and designed to ensure that there is no substantial harm to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.10 The principle front and rear elevations of the properties are aligned and as such the proposed development would not breach a 45 degree angle to the main windows and rooms thereto.

- 8.11 It has also been demonstrated through the submission of daylight and sunlight assessments that any overshadowing of neighbouring property would not be significantly increased as a result of the proposals. These assessments were submitted and alleviate concerns that the proposals may have an adverse impact upon the solar panels on the flank elevation to No.38.
- 8.12 The proposals would not result in any significant overlooking of neighbouring properties and are not considered to be detrimental to the privacy of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3.

Access and Parking

- 8.13 In order to provide sufficient parking for future occupants in accordance with Policy CS8 and CS12 of the Core Strategy and to address the requirements of the Car Parking Standards SPD (November 2020) the applicants will provide hard standing to the front of each unit to allow for the off-street parking of two vehicles. The parking arrangement to the front of the properties has been amended such that 2 separate double dropped kerbs are created at the crossovers, separated by the access paths to the dwellings. The planting areas have been repositioned adjacent the boundaries.
- 8.14 A three bedroom dwelling in this location is expected to provide 2.25 allocated parking spaces (1.8 if unallocated) in accordance with the Car Parking Standards SPD (2020) and these spaces are expected to measure some 2.4m x 4.8m in accordance with paragraph 8.2 of the SPD. The proposed development would provide 2 spaces per dwelling and this is considered to be acceptable given a fraction of a space could not be accommodated.
- 8.15 Although the County Council as highway authority have objected to these spaces as they would require vehicles to reverse onto the highway, officers are of the opinion that this grounds for refusal would be difficult to substantiate in view of the planning decisions referred to in section 5 of this report and given the relatively modest increase in vehicular movements that would be associated with this site. There do not appear to be any material differences between these locations that might lead one to conclude differently in relation to each case.

Other Material Planning Considerations

Noise and Ventilation

- 8.16 The Council's Environmental Health team have raised some concerns with regards to the impact of traffic noise upon the residential amenities of future occupants. A condition is recommended to address this issue to comply with Core Strategy Policy CS32 and the NPPF to safeguard the health and wellbeing of future residents together with informative on construction noise and dust. This condition was applied in the case of other developments on Chesham Road.

Sustainable Construction

- 8.17 The proposals are not accompanied by any Sustainability Statement in accordance with Policy CS29 of the Core Strategy. The absence of this statement does not prevent the determination of the proposals although it would be useful to understand how the construction of this building would contribute to the aims and objectives of this policy and meet the requirements of the Car Parking Standards SPD, Energy Efficiency SPD and Water Conservation SPD. This should cover the requirements for EV parking spaces (one space per unit) and reflect the energy hierarchy at Figure 16 of the Core Strategy. It is recommended that further details are secured by a planning condition.

Impact on Infrastructure

- 8.18 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.
- 8.19 The Council adopted its CIL schedule in February 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre apply to the proposed development.

Consultation Responses

- 8.20 There are no objections to this proposal from neighbouring properties or local residents.

Conditions

- 8.21 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and only used where they satisfy tests that they are necessary, relevant to planning and the development to be permitted, reasonable, precise and enforceable.
- 8.22 The Conditions identified at 8.16 and 8.17 above are considered to be meet the relevant tests for the imposition of planning conditions. Given that they provide clear constraints as to how the development may be built out, it is considered that it would be appropriate to require this information prior to the commencement of works on the superstructure of the building hereby approved.
- 8.23 It would also be prudent to secure the provision of car parking at the site and a detailed landscaping proposal for the site prior to the occupation of the development and to ensure an appropriate appearance to the scheme in accordance with Policies CS8, CS11, CS12 and CS13 of the Core Strategy

9 CONCLUSION

- 9.1 The proposal demonstrates an efficient use of an existing developed site within Bovingdon and is considered to be sustainable development. It is supported by the NPPF and Policies NP1, CS1, CS2 and CS4 of the Core Strategy. The scheme will make a small contribution to the housing land supply under Policy CS17 of the Core Strategy
- 9.2 The development would not have any detrimental impacts on the character and appearance of the area, the amenity of neighbouring residents or on highway safety. The proposals are acceptable in accordance with Policies CS4, CS8, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and Car Parking Standards SPD (2020)

10 RECOMMENDATION

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

Plans

PL06 Revision B (Street Elevation)
PL07 Revision C (Site Plan)
PL08 Revision C (Floor Plans)
PL09 Revision B (Elevations)
PL10 Revision C (3D Views)

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

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

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

- 4. The development, hereby approved, shall not be occupied until the access and parking arrangements shown on drawing PL07 Revision C (Site Plan) have been provided. These parking arrangements shall be thereafter retained in accordance with the approved drawings.**

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).

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

- 6. No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.**

The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:

- How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade
- Service and maintenance obligations for the MVHR, where required
- A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.
- Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.
- The strategy shall be compiled by appropriately experienced and competent persons.

The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.

Reason: To ensure an appropriate level of residential amenity in accordance with Policies CS12 and CS32 of the Core Strategy.

- 7. 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
- 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).

- 8. The development hereby approved shall not be occupied until full details of the arrangements for the storage of refuse have been submitted to and approved in writing by the local planning authority. The proposed bin storage shall be provided fully in accordance with the approved details prior to occupation and shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the appropriate provision for the storage of waste in accordance with Policy CS12 of the Core Strategy.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish	Object – Although the Parish Council support the improvement of the

Council	<p>site but have concerns that there may be insufficient parking spaces if the four spaces are allocated. It would be unusual for a development of this standard not to have allocated spaces. There is no provision for visitor parking at either property. There are concerns that vehicles will have to reverse onto the Chesham Road (reportedly the busiest 'B' road in the county). In addition, there were comments made relating to whether the new houses would be positioned correctly within the existing building line. One detached property would be more suitable for the site and negate any of the above parking issues.</p>
Councillor Riddick	<p>I have re-checked the application on our website and have a number of concerns.</p> <p>Pre App Advice The applicant repeatedly stated that they had been in discussions with our 'Planning Office', and quickly 'defended' the proposal when questioned about various elements.</p> <p>Did the applicant seek any 'Pre-App Advice'? because on their Application Form they have confirmed that NO PreApp Advice had been sought.?</p> <p>Public Comments The applicant stated that they had received SUPPORT as indicated on the DBC website. Having checked, one of the 'SUPPORTERS' is actually the applicant, Mr. Dowling, 22A Hyde Lane...and the second 'SUPPORTER' (38 Chesham Road) confirmed on the following day, that they had <i>'discussed the application with Mr Dowling'</i>.</p> <p>Parking The application is none compliant with the latest Parking Standards. 4 Bedroom Dwellings (for that is what they are – see below) require a <i>minimum</i> of 4 spaces each. The new sizing of the bays should be 5m X 3m to be of sufficient size for even a normal modern family saloon. Vehicles should also not 'back-out' into this busy main road.</p> <p>N.B. Chesham Road is a 'Blue Light – Rapid Response Route' for Emergency Vehicles attending the Mount Prison on a regular basis.</p> <p>The <i>stylised</i> 3D Front view appears to indicate surprisingly 'small' executive cars. There is no provision for visitor parking at either property.</p> <p>Site Plan (PL07) The plan is annotated for the <i>correct</i> number 6 Spaces – but only shows 4.</p> <p>Floor Plan (PL08) The First Floor Plans show an area identified as a 'Study' when this is in fact the 4th Bedroom which will be created by simply moving the</p>

	wall between the 'Study' and the 'Hallway' and elimination of the 'Store' on the Landing.
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 recommends that permission be refused for the following reasons:</p> <p>1. The proposed access arrangements are not in accordance with Hertfordshire County Council's (HCC) specifications as documented in 'Roads in Hertfordshire; Highway Design Guide' and has the potential to interfere with the free and safe flow of highway users on the adjacent secondary distributor road. The proposals are therefore contrary to policy guidelines as outlined in 'National Planning Policy Framework (NPPF)' 2012 and HCC's 'Local Transport Plan' 2018 policies 1, 5 and 7.</p> <p>2. The development does not have the ability for vehicles to turn on-site and therefore vehicles cannot enter and exit the highway in forward gear which is against Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. Therefore, the site could pose a potential highway safety risk which is against policies 1 and 5 within Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>Comments</p> <p>The proposal is for the demolition of the existing detached dwelling and construction of 2 semi-detached dwellings at 37 Chesham Road, Bovingdon. Chesham Road is a 30 mph, classified B secondary distributor route that is highway maintainable at public expense. HCC has decided to recommend refusal for this application owing to the two reasons above involving the access arrangements for the site. Below will be the reasons for these refusals;</p> <p>1) The position and layout of the new access are shown on the submitted drawing no.PL07 including a proposed VXO/dropped kerb of approximately 9.6m in width providing vehicle crossover access to four parking spaces. This is not clearly illustrated on the plans but can be seen within drawing no. PL10. This is not in accordance with HCC's Residential Dropped Kerbs: Terms and Condition and Roads in Hertfordshire, which recommends a maximum individual dropped kerb of 5.4m (made up of four flat kerbs) and maximum shared dropped kerb of 7.2m (made up of 6 flat kerbs). Therefore this would impact the pedestrian environment which is against policies within Hertfordshire Local Transport Plan (Adopted 2018). Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section, 4 – Design Standards and Advice, Chapter 1 – Road Design Criteria; Figure 4.1.14.1: Vehicular footway and verge crossovers.</p> <p>2) The 4 parking spaces illustrated on drawing no. PL07 do not provide space for vehicles to enter and exit the Highway in forward gear. This is a requirement for a secondary distributor road as per Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section</p>

	<p>2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. I would note that within the planning statement it states that an inspector dismissed a 'similar' scheme at 50 Chesham Road stating;</p> <p>"I observed on my site visit that many houses that front on to Chesham Road have access points which do not allow for the turning of vehicles".</p> <p>I would like to add that from observations, the adjacent properties to 37 in the immediate vicinity have some sort of ability to manoeuvre on-site to enter and exit the highway in forward gear. Therefore, the statement above does not hold as much weight for this proposal. The planning statement alludes to existing highway safety concerns but this does not mean that the new access will not impact the highway network. The prior application mentioned in the planning statement was consulted on before HCC's Local Transport Plan (adopted August 2018) was adopted, therefore our user hierarchy was not implemented for that site. The lack of ability to both enter and exit the site in forward gear not only has implications for the safety of road vehicles but also for pedestrians using the adjacent footway.</p> <p>Reversing out of the site onto the highway network reduces visibility and untimely has a greater safety impact on the highway network. Therefore, in line with HCC guidance regarding secondary distributor routes, I would reinforce that vehicles must be able to enter and exit the highway network in forward gear which this site fails to achieve.</p> <p>Conclusion HCC as Highway Authority is recommending that the application be refused in its current form. The access arrangements are not in accordance with the Highway Authority's specifications and have the potential to interfere with the free and safe flow of vehicles, pedestrians and other highway users on Chesham Road. It is, therefore, unable to recommend the granting of permission for this application.</p>
Environmental Health	<p>Due to proximity to Chesham Road the site is likely to be impacted by road traffic noise. This can have a detrimental impact on health and quality of life. To ensure an adequate level of amenity can be achieved for future occupiers I would advise the following condition be applied.</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.</p> <p>The ventilation strategy shall include an assessment of the likely</p>

	<p>impact on the residential occupation and shall also consider:</p> <ul style="list-style-type: none"> - How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade - Service and maintenance obligations for the MVHR, where required - A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this. - Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise. <p>The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.</p> <p>Reason: Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Rising Sun, 36 Chesham Road	I having lived next door to the derelict property and its weed infested garden for the last 20 years, we are looking forward to the proposed development on the site going ahead. Throughout the proposed development the developers have been in contact with my partner and myself (36) and the neighbours (38) on the other side of the property, from the plans that we have seen I can see no objections whatsoever.
Conway, 38 Chesham Road	As discussed with the developer, Mr Dowling, we would ask that the current building line is observed.

ITEM NUMBER: 5f

21/02671/FUL	Rebuilding, to the same shape and form, a completely burned down single bedroom house, and constructing a single storey extension, to form a new two-bed house.	
Site Address:	18 Nash Green Hemel Hempstead Hertfordshire HP3 8AA	
Applicant/Agent:	Mr Kiril Natov	Mr Dimitar Solenkov
Case Officer:	Heather Edey	
Parish/Ward:	Nash Mills Parish Council	Nash Mills
Referral to Committee:	Contrary View to the Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed replacement dwelling would be of modest height and scale, and would be positioned in the same location as the original dwelling. Whilst comprising a unique octagon shaped structure, this structure would be similar in design terms to that comprised by the original dwelling, and would be constructed in materials to match the original property. Taking this into account, and noting that the surrounding area is characterised by properties of mixed architectural styles, sizes and designs, it is not considered that the replacement dwelling would appear visually prominent or harmful to the character and appearance of the streetscene when viewed within this context.

2.3 Given its modest height, scale and positioning, it is not considered that the proposed replacement dwelling and associated extension would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, no changes or alterations have been proposed to the existing site access. Whilst the proposal would increase the number of bedrooms on the site and would fail to provide any off-street car parking provision for future occupiers of the site, it is not considered that a refusal of the proposal on these grounds could be sustained, given that the submitted Parking Stress Survey indicates that on-street parking provision is available. Given everything considered 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) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The site originally comprised semi-detached dwelling 'Octagon House', situated off Mill Close; a residential cul-de-sac in Hemel Hempstead. The original dwellinghouse was of unique form/design; its character defined by an octagonal shaped structure, with a single storey flat roofed projection.

3.2 The original dwellinghouse was however burned down, and the site has since been cleared, with the remnants of the dwellinghouse removed and demolished to slab level. The surrounding area is characterised by a mixed pattern of development, comprising a mix of flats, terraced and semi-detached properties.

4. PROPOSAL

4.1 Planning permission is sought to rebuild a dwelling on the site. Whilst the new dwelling would comprise a similar design/form to the original property, the new dwelling would also comprise a single-storey extension, providing an additional bedroom.

5. PLANNING HISTORY

Planning Applications (If Any):

4/01278/14/RPA - Change of use from retail (use A2) to residential (use C3) with minor external alterations to include replacement of double doors with single door and side panel and insertion of new window.

PRQG (Prior Approval Required and Granted) – 11th August 2014

Appeals (If Any): N/A

6. CONSTRAINTS

CIL Zone: CIL3

Former Land Use (Risk Zone):

Highbarns Zone: Highbarns Outer Zone

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Nash Mills CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Residential Character Area: HCA19

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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 the residential area of Hemel Hempstead, wherein Policies CS1 and CS4 are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, encouraging the construction of new development and housing in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 In light of the above policies, the proposal for a replacement dwelling in Hemel Hempstead 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 should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.5 The site falls within the HCA19: Nash Mills Character Appraisal Area wherein small to medium sized dwellings of mixed design are acceptable, provided they respect the character of adjoining and nearby development.

9.6 The application proposes the construction of a replacement dwelling on the site, comprising a similar design/form to the original property, with an added single storey extension, (measuring approximately 3.5m deep and 4.6m wide), to provide an additional bedroom.

9.7 The Parish Council have raised objection to the scheme, raising concerns that the proposed replacement dwelling would fail to be in keeping with the design of neighbouring properties, therein appearing a harmful addition to the streetscene.

9.8 It is however noted that the proposed replacement dwelling would be similar in design terms to the original property, (comprising a similar style octagonal shaped structure), and positioned in the same location. Whilst the new extension would infill an existing off-street car parking space situated

adjacent to the highway, it is not considered that this addition would appear visually prominent, noting its modest scale/ height and that it would not project beyond the building line of the original dwelling.

9.9 Taking the above into account and noting that the surrounding area is characterised by properties of mixed architectural style, character and design, it is not considered that the replacement dwelling would appear visually harmful when viewed within this context, or that it would detract from the character and appearance of the streetscene.

9.10 With regards to materials, the application form notes that the replacement dwelling would be constructed in materials to match those of the original property, (i.e. including matching facing brickwork, roof shingles and white uPVC window finishes). Given that these materials would enable the property to comprise a similar appearance to the original dwelling and integrate with neighbouring properties, no concerns are raised in this regard.

9.11 Given the above assessment, the proposal is considered to be acceptable in design terms, according with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013), the HCA19: Nash Mills Character Appraisal Area and the NPPF (2021).

Impact on Residential Amenity

9.12 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.13 The site shares boundaries with neighbouring properties 18A/18B and 19 Nash Green, and is situated opposite the flats of 1-40 Gade Tower.

9.14 The proposed new dwelling would be of modest scale and height and positioned in the same location as that of the original property. Whilst the proposal would involve the construction of a new extension, this addition would be modest in terms of its height and scale, replacing an existing off-street car parking space.

9.15 Taking everything above into account, it is not considered that the proposed development would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light to neighbouring properties.

9.16 Whilst the new dwelling would comprise a number of openings, these would largely be positioned in the same location as openings on the original property and set a single storey level. Taking this into account and noting the positioning and orientation of the proposed new dwelling in relation to neighbouring properties, it is not considered that the new property could be used to facilitate any harmful overlooking of neighbouring properties.

9.17 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties, according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2021).

Impact on Highway Safety and Parking

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

9.19 The proposal would not involve any changes to the existing site access or adjacent public highway, and as such, it is not considered that the proposal would generate any highway or pedestrian safety concerns in this regard.

9.20 The Parking Standards Supplementary Planning Document (2020) outlines the Council's car parking standards, noting that a two bed dwelling in this location would be expected to provide 1.5 off-street car parking spaces.

9.21 The original property comprised an off-street car parking space for one car. Whilst the current application proposes that the original dwelling be rebuilt, it does seek permission to construct a new extension over this original off-street car parking space. Given that the proposal would therefore both increase the number of bedrooms within the property, (i.e. from one to two bedrooms), and remove any off-street car parking provision for future occupiers of the site, concerns were raised that the proposal would fail to secure sufficient parking provision for future occupiers of the site.

9.22 The Parish Council also shared the above concerns, raising objection to the scheme on the grounds that the proposal would increase parking pressures within an area known to be heavily congested, given the density/pattern of housing within the immediate area.

9.23 Whilst the Parking Standards Supplementary Planning Document (2020) sets out the level of parking provision that should be provided, Paragraph 6.10 of this document notes that deviations to the Council's parking standards can be made where '*on-street parking stress surveys, (undertaken in accordance with the specification provided in Appendix C), indicate sufficient spare capacity or there is a controlled parking zone for the area or one is proposed and secured (new residents will not normally be allocated permits unless surveys show ample spare on-street capacity).*'

9.24 The Agent has submitted a Parking Stress Survey, (as commissioned by CTS Traffic and Transportation), in support of the application. Whilst this document notes that the surrounding is heavily congested, (i.e. with parking stress levels noted to range between 75-88%), the report concludes that the proposed development would not lead to parking stress within the area becoming significantly worse, given the availability of parking spaces along the North and South of Mill Close and Nash Green.

9.25 The submitted survey accords with the specifications set out under Appendix C, (i.e. with the survey limited to a site area within a two minute radius of the site and the survey undertaken during dates/times within which the highest numbers of residents would most likely be home). Taking this into account, and noting that the submitted report concludes that maximum on-street car parking capacity has not been reached, it is considered that sufficient evidence has been provided in accordance with Paragraph 6.10 of the Parking Standards Supplementary Planning Document (2020) to justify a change to the Council's parking standards, and evidence that there is sufficient on-street parking provision to serve occupiers of the new dwelling.

9.26 In light of everything considered above, it is not considered that a refusal of the scheme based on the proposed parking arrangements could be sustained or justified. The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

Other Material Planning Considerations

Amenity Space

9.27 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private

gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.

9.28 The original dwelling did not benefit from any private residential amenity space. Whilst the proposed replacement dwelling would comprise an increased number of bedrooms, it would remain of modest scale, situated adjacent to an area of public open space. Taking this into account and noting the proximity of the site to a number of areas of public open space, (i.e. neighbouring memorial garden and Long Deans open space), it is not considered that a refusal of the scheme based on the level of private amenity space provided could be sustained.

9.29 The proposal is therefore acceptable on these grounds, according with Saved Appendix 3 of the Local Plan (2004).

Contamination

9.30 The site falls within a Former Land Risk Zone for contamination. In light of this, the DBC Scientific Officer was consulted on the scheme and asked to assess whether the proposal would be likely to give rise to any concerns in relation to ground contamination.

9.31 The DBC Scientific Officer has raised no concerns or objections to the scheme in this regard, noting that the proposal would not involve a change of use of the land or involve any significant ground works. Given that the site was affected by fire damage, they have however recommended a number of informatives be attached to the formal planning consent.

Response to Neighbour Comments

9.32 One neighbour has raised objection to the scheme, raising the following concerns:

- The proposed replacement dwelling is unacceptable in design terms, noting that it would be out of keeping with the character and appearance of the surrounding area
- The proposal fails to provide sufficient off-street car parking provision for future occupiers, therein generating increased parking pressures for an already heavily congested area
- The construction works required to build the replacement dwelling would generate noise and disturbance for local residents

9.33 The first two reasons for objections listed above, have been considered and assessed in more detail during earlier sections of the report. Given that the final reason for objection listed above fails to reflect a material planning consideration, it has not been further considered as part of the formal assessment of the current proposal.

Community Infrastructure Levy (CIL)

9.34 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

10. CONCLUSION

10.1 It is recommended that the application be approved.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed replacement dwelling would be of modest height and scale, and would be positioned in the same location as the original dwelling. Whilst comprising a unique octagon shaped structure, this structure would be similar in design terms to that comprised by the original dwelling, and would be constructed in materials to match the original property. Taking this into account, and noting that the surrounding area is characterised by properties of mixed architectural styles, sizes and designs, it is not considered that the replacement dwelling would appear visually prominent or harmful to the character and appearance of the streetscene when viewed within this context.

10.3 Given its modest height, scale and positioning, it is not considered that the proposed replacement dwelling and associated extension would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, no changes or alterations have been proposed to the existing site access. Whilst the proposal would increase the number of bedrooms on the site and would fail to provide any off-street car parking provision for future occupiers of the site, it is not considered that a refusal of the proposal on these grounds could be sustained, given that the submitted Parking Stress Survey indicates that on-street parking provision is available. Given everything considered 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) and the Parking Standards Supplementary Planning Document (2020).

Condition(s) and Reason(s):

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

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

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

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

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

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49159 - Eximius Intentio - Hemel Hempstead Parking Survey - Location Map

49159 - Eximius Intentio - Hemel Hempstead Parking Survey (by CTS Traffic and Transport)

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

CONTAMINATION INFORMATIVES:

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.

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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Nash Mills Parish Council	<p>Nash Mills Parish Council (NMPC) object to this application and request that the application be 'called in' to the management development committee for determination.</p> <p>NMPC object on the basis of the following points.</p> <p>CS11 and CS12 of the adopted core strategy.</p> <ul style="list-style-type: none">- inadequate parking provision- street scene affected as proposal is not in keeping with location.- proposal alters a locally historic façade <p>Dacorum Borough Council Parking Standards Supplementary Planning Document</p> <ul style="list-style-type: none">- application does not comply with the above planning guide and does not even offer the minimum required provision. <p>NMPC cannot support an application in this location that not only removes existing parking provision but also increases habitable space thus placing more pressure on the already congested on street parking. This locality has numerous issues with parking due to the density of housing and subsequent demand and we do not feel that the loss of this</p>

	<p>valuable existing parking space can be supported.</p> <p>The application does not offer any viable solution in line with the DBC SPD.</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, on a site which was previously affected by fire damage 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>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	1	0	1	0

Neighbour Responses

Address	Comments
19 Nash Green Hemel Hempstead Hertfordshire HP3 8AA	<p>The noise and disturbance that will inevitably result from this work will cause considerable inconvenience, mess and disruption to the occupants of the nearby properties.</p> <p>The design of the building is out of keeping with other local properties.</p>

A one bedroomed house is being replaced by a two bedroomed house. The current parking space is being removed to be replaced with on-street parking. This is a narrow cul-de-sac with a sharp bend at the entrance. It already does not have sufficient parking capacity. The problem is exacerbated by residents of Gate Tower parking in the cul-de-sac. The four bungalows on Nash Green are all occupied by elderly and, in some cases, disabled residents. This increased parking will cause problems if and when emergency vehicles are needed.

I am also concerned that there is to be no change in allowing a car parking space very close to the bedroom wall of the bungalow. As recent events prove, this is a major fire hazard.

6. APPEALS UPDATE

6.1 PLANNING APPEALS LODGED

Planning appeals received by Dacorum Borough Council between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00587/FUL	W/21/3284399	1 Box Lane, Hemel Hempstead	Hearing
2	4/02356/19/FUL	W/21/3285827	21/21A High Street, Hemel Hempstead	Written Representations
3	21/00737/FUL	W/21/3286001	40 Valleyside, Hemel Hempstead	Written Representations
4	21/00964/OUT	W/21/3286956	Marston Gate Meadow, Station Road, Long Marston	Written Representations
5	21/01961/FHA	D/21/3287227	Moorings, 13 Anglefield Road, Berkhamsted	Householder
6	21/02382/FUL	W/21/3287701	16 St Anthonys Avenue, Hemel Hempstead	Written Representations
7	21/02763/FUL	W/21/3287876	Burleigh, New Road, Chipperfield	Written Representations
8	21/02424/FHA	D/21/3288255	Four Trees, River Hill, Flamstead	Householder
9	21/02018/FUL	W/21/3288470	Stables At Flaunden Stables, Birch Lane, Flaunden	Written Representations
10	20/03227/FUL	W/21/3289126	The Plough, The Back, Potten End	Written Representations
11	21/03489/FUL	W/21/3289930	Land r/o 9 Chambersbury Lane, Hemel Hempstead	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	4/02759/18/DRC	W/20/3248338	Runways Farm, Bovingdon Airfield Upper Bourne End Ln.	Hearing
	Date of Decision:		22/10/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3248338			
	Inspector's Key conclusions:			
	<p>The main issues are therefore whether or not the management plan confirms the details for an acceptable noise environment and whether the time required for the re-submission of details by conditions should be extended.</p> <p>There are variations here to the types of noise and impacts. The Inspector for the 2018 appeal, at paragraph 54 of the decision, felt that the uses and the resulting 'the noise environment' were acceptable, subject to a management plan (MP). The MP must provide the basis to oversee and safeguard the character of the noise and maintain an acceptable noise environment, which the 2018 Inspector foresaw as its role, in paragraphs 56 and 57 of the decision letter.</p> <p>The MP makes reference to subjective judgements which a trackside supervisor would monitor. However, it does not provide any guidance or criteria against which the supervisor or site manager would make such judgements. Additionally, it also does not state when and how they should take remedial action. Consequently, I find that the MP would not provide sufficient clarity to allow effective subjective judgements. At the hearing, it was confirmed that the wording of the MP would allow for tyre squeal three times by each driver before being stopped. However, this could well be repeated three times during the day by each driver, which accumulatively would be substantial. Furthermore, the action to remedy such driving was also not stated in the MP. There is also inconsistency in the various paragraphs of the MP about the necessity to operate all or any of the 3 noise monitors and the implications for failure. Such inconsistency and indeed some of its wording would allow activity to take place without their operation. The MP does not provide a dedicated phone number for effected residents to contact the operators. The MP also states that the ongoing processes need to be reviewed. However, no mechanism is stated about the review process and how the measures would be capable of being enforced.</p> <p>Therefore, I find that the MP is too vague and needs clear measures on how to maintain an acceptable noise environment, reflecting the reason for the condition. Indeed, the planning permission in 2018 is not personalised to any specific operator. The MP would go with the permission for the use and could be inherited by another operator, who may not have the same experience or approach as Drift Limits.</p>			
	Contd. in next appeal box			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/00559/ROC	W/20/3257756	Runways Farm, Bovingdon Airfield Upper Bourne End Ln.	Hearing
	Date of Decision:		22/10/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3248338			
	Inspector's Key conclusions:			
<p>Contd.from previous appeal box</p> <p>Both parties agreed at the hearing that the MP has evolved considerably since its initial submission. The concerns described are capable of being addressed without prejudicing the existing operations. Therefore, the MP is capable of being amended and clarified which would then offer reassurance to the operators, the Council and local residents.</p> <p>The timescales in the suggested conditions in the appellants statement have either expired or were about to expire at time of the hearing. This means the operation would be in breach of those conditions. To allow for the operation to continue in the spirit of the 2018 permission and for the required details to be re-submitted and approved, these timescales need to be extended.</p> <p>As I have found in Appeal A the MP warrants review and an appropriate re-submission is wholly achievable with all parties working in co-operation. The 2018 Inspector considered that 2 months for submission was reasonable. Moreover, all the parties now have more experience of the detailed issues, which would help in the revision of the MP. Accordingly, I repeat this timescale.</p> <p><u>Note:</u> This appeal was neither allowed or dismissed; rather the conditions attached to the permission were varied to allow the operator a further opportunity to form an appropriate Noise Management Plan.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	4/02109/19/FUL	W/21/3273281	Land off Pipers Hill, Great Gaddesden	Written Representations
	Date of Decision:		02/11/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3273281			
	Inspector's Key conclusions:			
<p>The main issue in this appeal is the effect of the fence upon the character and appearance of the surrounding area.</p> <p>The fence that is the subject of this appeal has been constructed to a significant height and of a weldmesh type. In consequence, the fence would have a design and form that would conflict with the traditional designs that are present elsewhere in the vicinity. In addition, whilst the fence would have views through it, its massing would be particularly perceptible. Therefore, the development is incongruous.</p>				

<p>This is a concern given that the development is prominently located on account of the topography of the surrounding area and the proximity of the fence to the road. In particular, the fence is visible from the junction of Piper's Hill and Church Meadow. Furthermore, the fence has a significant length so is also visible from a significant number of dwellings in Church Meadow. In result, the development is experienced by a notable number of people, which renders it strident.</p> <p>The development has enclosed the appeal site to a substantial degree. This conflicts with the presence of more open areas of land that is a feature of the surrounding area. In addition, other boundary treatments typically are of limited proportions. In result, the development of a long fence with a notable height conflicts with the generally open and more rural surroundings of the appeal site and is therefore incongruous.</p> <p>I understand that the appeal site has been the venue for some anti-social behaviour. I have not been provided with full information regarding the frequency of events that have occurred. Moreover, I have not been provided with an assessment of other boundary treatments that have been considered and the reasons why they have been discounted. In consequence, I am unable to conclude that the scheme before me represents the only means of securing the site.</p> <p>I therefore conclude that the development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/02279/FUL	W/21/3269008	Land at The Street, Chipperfield	Written Representations
Date of Decision:			03/11/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3269008				
Inspector's Key conclusions:				
<p>The appeal site has a wide frontage and a depth that extends significantly beyond the plots of the dwellings that sit either side of it. Moreover, one of the proposed dwellings would be set deep into the site so that the proposal would appear as form of tandem development. Therefore, the proposal as a whole would not sit within a gap in a clearly identifiable built up frontage. I do not consider the appeal site to be surrounded by properties. Moreover, the proposed dwellings would not sit within a group of buildings. Moreover, while the proposal is for only two dwellings, these would be large properties with fairly large, detached garages. Consequently, due to the size of the proposed buildings and the proportion of the appeal site that the development as a whole would cover, I do not consider that it would be limited in scale. Consequently, I find that the proposal would not amount to limited infill in the Green Belt and would, therefore, comprise inappropriate development in the Green Belt.</p>				

<p>Due to the size and scale of the buildings and the proportion of the site that development would cover, the proposal would result in a spatial and visual change to the appeal site and its environs that would reduce the openness of the Green Belt. While the reduction in openness would be relatively localised it would, nonetheless, result in harm to the Green Belt.</p> <p>The appeal site is a surviving remnant of the former fields network and agricultural uses that would have been found in this area. The importance of the appeal site to the character of the CA, therefore, is also in the way that it informs the historic evolution of the village.</p> <p>The proposal by virtue of the size of the proposed buildings and the proportion of the appeal site that development would cover, would result in the unacceptable erosion of this important open space. It would, as a result of the scale, bulk and layout of the proposed development appear as an incongruous addition to the CA and would harm its character and appearance. As such, the proposal would fail to preserve or enhance the character or appearance of the CA. I find the harm to be less than substantial. The proposal would fail to preserve the setting of [the listed] Pale Farm and harm would be caused to its character and significance through unacceptable development in its setting. I find the harm to be less than substantial. The public benefits that would arise from the proposal do not outweigh the harm that would be caused to the heritage assets.</p> <p>I conclude that the proposal would not harm the living conditions of the occupants of Old Barn Cottage with regard to privacy and outlook.</p> <p>Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal, and how it would reduce its openness. That harm, and any other harm resulting from the proposal, is not clearly outweighed by other considerations.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/01885/FHA	D/21/3279267	25 Georgewood Road, Hemel Hempstead	Householder
Date of Decision:			15/12/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279267				
Inspector's Key conclusions:				
<p>Whilst there is variation in scale and design generally, on the northern side of Georgewood Road, within the immediate vicinity of the host property, neighbouring dwellings typically have a single storey appearance, when viewed from the street scene. Whilst some of these properties have been extended, during my site visit I noted that they are predominantly consistent in terms of scale, particularly when viewed from the front.</p> <p>The proposed development would completely transform the appearance of the host property when viewed within the street scene. The roof would be raised, and a first-floor side and front extension would be incorporated over</p>				

the existing single storey wing. The combination of these design features would result in a dominant two-storey appearance which would interrupt the single storey pattern of development on this part of Georgewood Road.

In addition, given the proposed first-floor extension above the existing single storey wing, the proposed development would reduce the visual separation between the host property and 27 Georgewood Road. Whilst properties on this part of Georgewood Road are relatively close-knit, there is predominantly a clear visual separation between the roofs of these properties. This visual separation would be significantly diminished by the proposed development which would result in a harmful cramped appearance.

In summary, the proposed development would be incongruous and would result in a cramped appearance within the street scene. As such, it would not be in-keeping with the character and appearance of development on this part of Georgewood Road.

The proposed development would incorporate a raised patio to the rear of the host property. Given the sloping topography of the land, this patio would allow views into the primary rear garden space of No 23, over the existing fence which separates these properties. A planning condition to secure a privacy screen would not be acceptable in this instance. Indeed, given the height of the raised patio, a privacy screen in this location would result in an unacceptable overbearing impact upon occupiers of this neighbouring property. The proposed development would therefore result in an unacceptable loss of privacy to the occupiers of No 23.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	21/00506/FHA	D/21/3276969	Cloverleaf, Chapel Croft, Chipperfield	Householder
Date of Decision:			22/12/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3276969				
Inspector's Key conclusions:				
<p>The proposal would result in additional floor space of approximately 117sqm. The roof's height would be approximately 0.5m above that of the garage and at approximately 6m in height, it would be more than double the height of that of the summerhouse. The width of the extension would stretch across a significant part of the summerhouse/garage building. The depth of the extension would be greater than that of the host building as well. The altered and extended building would enclose a significant sized swimming pool and hot tub area, and a first floor gym. On this basis, there would be a significant increase in the size, scale and bulk of the building which would be disproportionate. The construction of the annex would be inappropriate development [in the Green Belt] under the Framework.</p> <p>There would be a significant increase in the size of the summerhouse/garage which would result in the building extending closer to the existing dwelling. This would result in a loss of openness around the existing dwelling and summerhouse/garage. Public viewpoints are distant and therefore, the visual</p>				

loss of openness would be limited to residents close to the development. However, openness has a spatial as well as visual dimension which this development would harm by reason of its extent, irrespective of the lack of visibility. Thus, there would be a small harmful loss of openness within the Green Belt.
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00563/FHA	D/21/3275428	23 Barncroft Road, Berkhamsted	Householder
	Date of Decision:		04/11/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275428			
	Inspector's Key conclusions:			
	<p>The Council has not objected to the proposed rear extension or side garden/cycle store and from what I have seen I am satisfied that those parts of the proposed development are acceptable in terms of siting, size, scale, form and detail with regard to their impact on the character and appearance of the area.</p> <p>The proposed garage/home office block which would be attached to front of the garden/cycle store. It would project forward of the main wall of the dwelling by some 9m. At some 7m in length, it would be only slightly less than the side elevation of the dwelling (even taking into account the front projecting gable). Although the ridge would be some 2m lower than that of the main ridge of the house, it would have a length of some 5m which would result in an excessively bulky roof. The length and height of the proposal and in particular the ridge, would therefore result in a disproportionate addition to the dwelling. Any new planting would take some time to become established and, in any case, screening by planting does not provide justification for a disproportionate development.</p> <p>I conclude that by reason of its scale and height, the proposed garage/home office block would significantly harm the character and appearance of the dwelling and the area.</p> <p><u>Note:</u> This was a split decision. The appeal was allowed in relation to the single storey rear extension, but dismissed for the new linked double garage with home office over and attached garden/cycle store to side</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane,	Written Representations

			Berkhamsted	
	Date of Decision:		26/11/2021	
	Link to full decision:			
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477	
	Inspector's Key conclusions:			
	<p>The surrounding environment is characterised by its verdant and spacious qualities, attributes that the appeal site makes a positive contribution towards in its current form.</p> <p>The proposal would introduce a detached dwelling between Rosewood and Ravels. Accordingly, it would substantially reduce the space between the existing properties. It would also replace the existing outbuilding with a structure with a marginally taller eaves and ridge height. Despite this, the siting of the proposed dwelling would be such that it would maintain a generous separation distance to Ravels. The building would also be set back from the road to the same extent as the houses either side. Accordingly, the principal building would have space about it in a manner commensurate to other nearby properties. As a consequence, I am satisfied that the siting of the main house would be sympathetic to the prevailing urban grain of the surroundings.</p> <p>The proposed outbuilding would increase the amount of built form on the appeal site. However, it is not uncommon in the locality for dwellings to have generous outbuildings located beyond them, and close to the highway. In my judgement, the proposal would not appear cramped. Instead, it would result in a form of development that would make good use of the site in a manner that would be suitably respectful to the established verdant and spacious surroundings.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/01653/FHA	D/21/3280113	43 Green Lane, Bovingdon	Householder
	Date of Decision:		30/12/2021	
	Link to full decision:			
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280113	
	Inspector's Key conclusions:			
	<p>I consider that the main issues in this case are its effect on the character and appearance of the area and on the living conditions of residents.</p> <p>The proposed single storey extension would form a link between the front of the house and the existing garage, incorporating the existing front door. It would alter the balance of the existing house, but as this is not symmetrical I consider that this would not be detrimental to the character and appearance of the house. It would remain subservient to the main mass of the house and would be a relatively small infill element between the house and the garage which is set well forward of the house within the site.</p> <p>Although it would project beyond the front wall of the house it would not dominate the street scene because it would be set well back from the street</p>			

	<p>and largely hidden behind the bulk of the garage. It would not appear obtrusive in views from the street as it would only be partially visible in some oblique glimpses along the street. This is because the properties on either side are both sited forward of No. 43 and therefore would screen the proposal from view and additional screening would be provided by the substantial vegetation marking the side boundaries of the site. I conclude that the proposed single storey link extension would not harm the character and appearance of the existing house or the wider street scene.</p> <p>The proposed first floor doors would replace an existing rear window. They would give access to a balcony which would be approximately 0.5m deep. Although this would be deep enough to stand on, it would not provide a realistic space for sitting out. I consider that the doors would not result in any greater overlooking and impact on the privacy of the neighbours on either side than the existing large window in the room. I conclude that the proposed doors would not harm the living conditions of neighbouring residents by reason of loss of privacy.</p>
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 04 October 2021 and 31 December 2021.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 04 October 2021 and 31 December 2021.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00513/NPP	C/20/3265457	Berkhamsted Golf Club, The Common, Berkhamsted	Written Representations
	Date of Decision:		29/10/2021	
	Link to full decision:			

Inspector's Key conclusions:

The land is used for the parking of vehicles associated with Berkhamsted Golf Club. The appellant has stated that the parking of vehicles, on this part of the overall site occupied by the golf club, has occurred for the last 40+ years. The length of time that the use has been occurring is not relevant to a ground (b) appeal. Nevertheless, the use of the land as a vehicle parking area has occurred and the ground (b) appeal must therefore fail.

Based on my observations and the evidence before me, in my judgement, the overall character of the use of the planning unit remains as a golf course and the incidental parking of vehicles use is still subsidiary to that primary use. In addition, in response to the appellant's ground (c) appeal, the Council have conceded that the use of the land for parking vehicles in this case would not be a material change of use in itself. Consequently, the use of the appeal site for the parking of vehicles associated with Berkhamsted Golf Club has not, on the balance of probabilities, resulted in a material change of use of the land. In this respect, the appeal on ground (c) succeeds.

The hardstanding has been constructed to provide a formalised overflow parking area for the golf club. Vehicles can be parked on that area for large parts of the day and I observed a number of vehicles parked on it at the time of the site visit. Parking spaces are not formally laid out on the shingle hardstanding but the submitted landscape plans³ indicate that it could accommodate about 35 vehicles. These plans assume vehicles would be parked in rows with circulation space between them. The parking of this many vehicles for large parts of the day will have had a spatial impact on the openness of the Green Belt as a matter of fact.

The creation of the vehicular parking area has and would have a limited effect on openness when compared to the previous situation. Therefore, the development does not preserve the openness of the Green Belt and it amounts to inappropriate development in the Green Belt.

The creation of the vehicular parking area has and would have a limited and localised harmful effect when compared to the previous situation. Therefore, the landscape and scenic beauty of the AONB is/would not be conserved or enhanced.

I consider that there is not a reasonable likelihood to indicate that any protected species were present on the site or potentially have been or would be affected by the development.

The golf course has been in existence for a substantial amount of time and provides sport and recreational opportunities for residents and visitors to the surrounding area. The grassed area between The Common and the formally laid out car park was being used for overflow car parking. The grassed surface was regularly damaged and muddy due to its use. I acknowledge that the grassed surface when churned up and muddy would not have been attractive in visual amenity terms. The golf club also provides employment

for 25 people, which increases in the summer months. However, the 2021 permission indicates that the vehicular parking area as constructed is not the only way to provide additional parking for the golf club. As such, this limits the weight I can give these matters. In my judgement the appellant is highly likely to implement the 2021 permission if the deemed application for planning permission is not granted. This constitutes a fallback position and in this respect it has considerable weight.

The 2021 permission is for an amended design of the vehicular parking area with associated landscaping. However, the reduction in the overall area of the hardstanding associated with the fallback position would mean that it would have an appreciably lesser impact spatially on the openness of the Green Belt. The reduction in the size of the vehicular parking area through the introduction of the curve and the central planter in combination with additional landscaping would also appreciably soften its visual and urbanising impact when viewed from the public realm in comparison to the scheme before me. As such, the 2021 permission would have a smaller impact on the openness of the Green Belt than the development before me. For these reasons, the 2021 permission would also have a lesser impact on the landscape and scenic beauty of the AONB. In these respects the fallback position attracts little weight in favour of the development before me.

I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the deemed application.

The notice (as corrected) requires the complete removal of the materials used in the provision of the car park. I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

The appeal on ground (g) fails. (Time for compliance).

*Note: This appeal was part dismissed and part allowed.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 04 October 2021 and 31 December 2021.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 04 October 2021 and 31 December 2021.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 31 December 2021)

APPEALS LODGED IN 2021	
PLANNING APPEALS LODGED	61
ENFORCEMENT APPEALS LODGED	5
TOTAL APPEALS LODGED	66

APPEALS DECIDED IN 2021 (excl. invalid appeals)	TOTAL	%
TOTAL	59	100
APPEALS DISMISSED	30	50.8
APPEALS ALLOWED	16	27.1
APPEALS PART ALLOWED / PART DISMISSED	5	8.5
APPEALS WITHDRAWN	8	13.6

APPEALS DISMISSED IN 2021	TOTAL	%
Total	30	100
Non-determination	1	3.3
Delegated	25	83.3
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	4	13.3

APPEALS ALLOWED IN 2021	TOTAL	%
Total	16	100
Non-determination	0	0
Delegated	12	75
DMC decision with Officer recommendation	1	6.25
DMC decision contrary to Officer recommendation	3	18.75

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 04 October 2021 and 31 December 2021.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane, Berkhamsted	Written Representations
	Date of Decision:		26/11/2021	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477	
	Inspector's Key conclusions:			
	The appellant is of the view that in changing their assessment of the proposal between the issuing of pre-application advice and the submission of the planning application, the Council demonstrated unreasonable behaviour. In response, the Council point to the fact that pre-application advice is not binding on future decisions and that following the application, a more thorough site visit was undertaken.			

It is unfortunate that the position of the Council changed following the submission of the pre-application request. In seeking pre-application advice, the appellant could reasonably expect that this would give a degree of certainty for the outcome of a subsequent planning application. In my judgement, they have also presented a suitably substantiated case in support of their decision. Moreover, based on the evidence before me, I am satisfied that the change in position was suitably communicated with the appellant prior to the decision being made. The Council's decision was not based on vague, generalised or inaccurate assertions about the proposal's impact and there is nothing to suggest that had negative pre-application advice been received, an appeal would not have been pursued.

Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and that therefore an award of costs is not justified.