



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 28 APRIL 2022 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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  
Councillor Beauchamp (Vice-Chair, in  
the Chair)  
Councillor Durrant  
Councillor Hobson  
Councillor Maddern

Councillor McDowell  
Councillor Oguchi  
Councillor Douris  
Councillor Williams  
Councillor Hollinghurst

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

## **AGENDA**

### **1. MINUTES**

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

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

#### **4. PUBLIC PARTICIPATION**

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

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

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: [Member.support@dacorum.gov.uk](mailto: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) 21/00585/FUL - Installation of 8 parking bays on amenity green - Amenity Green Entrance To Deanfield, Bovington, Hertfordshire (Pages 6 - 14)
- (b) 22/00099/FHA - Single storey rear extension, first floor front extension, velux windows to front and associated alterations - 5 Becketts Square, Berkhamsted, Hertfordshire, HP4 1BZ (Pages 15 - 22)
- (c) 22/00438/UPA - Proposed additional storey with a maximum height of 7.38m - Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire, WD4 9NF (Pages 23 - 41)
- (d) 22/00910/FHA - Two storey side and rear extension - 326 Northridge Way, Hemel Hempstead, Hertfordshire, HP1 2AB (Pages 42 - 47)
- (e) 21/04404/FHA - Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description) - Russett View, Dunny Lane, Chipperfield, Hertfordshire, WD4 9DD (Pages 48 - 66)

**6. APPEALS UPDATE** (Pages 67 - 82)

**7. LOCAL ENFORCEMENT PLAN (2022 PRIORITY)** (Pages 83 - 87)

**8. PLANNING ENFORCEMENT REPORT** (Pages 88 - 100)

## INDEX TO PLANNING APPLICATIONS

Item No.	Application No. Page No.	Description and Address
5a.	21/00585/FUL	Installation of 8 parking bays on amenity green. <b>Amenity Green, Entrance To Deanfield, Bovingdon, Hertfordshire</b>
5b.	22/00099/FHA	Single storey rear extension, first floor front extension, velux windows to front and associated alterations <b>5 Becketts Square, Berkhamsted, Hertfordshire, HP4 1BZ</b>
5c.	22/00438/UPA	Proposed additional storey with a maximum height of 7.38m <b>Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire</b>
5d.	22/00910/FHA	Two storey side and rear extension <b>326 Northridge Way, Hemel Hempstead, Hertfordshire, HP1 2AB</b>
5e.	21/04404/FHA	Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description) <b>Russett View, Dunny Lane, Chipperfield, Kings Langley</b>

# Agenda Item 5a

ITEM NUMBER: 5a

21/00585/FUL	Installation of 8 parking bays on amenity green	
Site Address:	Amenity Green Entrance To Deanfield, Bovingdon, Hertfordshire	
Applicant/Agent:	Joe Guiton (DBC)	
Case Officer:	Martin Stickley	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/Flaunden/Chipperfield
Referral to Committee:	Dacorum Borough Council is the applicant	

## 1. RECOMMENDATION

1.1 That planning permission be granted.

## 2. SUMMARY

2.1 The application site comprises a rectangular area of amenity land adjacent to 42 Old Dean, Bovingdon. The land has been identified as an area that could provide additional parking spaces for the local residents, alleviating on-street parking pressures. The proposal for additional parking spaces is considered sufficient to outweigh the modest visual harm to the streetscape.

## 3. SITE DESCRIPTION

3.1 The application site comprises a rectangular area of grassed amenity land at the entrance to Deanfield in Bovingdon, situated at the junction to Old Dean between Nos. 40 and 42 (Old Dean).

## 4. PROPOSAL

4.1 The application proposes eight parking bays. The application forms part of the 'Verge Hardening Project', which aims to highlight and prioritise areas of parking stress in the Borough, check the feasibility and cost effectiveness of parking schemes in those areas and ultimately obtain formal planning permission to deliver the additional parking.

## 5. PLANNING HISTORY

5.1 None.

## 6. CONSTRAINTS

CIL Zone: CIL2

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Bovingdon

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

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

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  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of the Public Realm  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (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 Dacorum Borough Core Strategy 2006-2031 (Policies CS11, CS12 and CS13) seeks to ensure that development avoids large areas dominated by car parking, preserves attractive streetscapes, avoids disturbance to surrounding properties and retains important trees or replaces them with suitable species if their loss is justified. Saved Policy 57 Provision and Management of Parking in the DBLP states: (g) In areas experiencing severe on-street parking pressures, consideration will be given to the establishment of residents parking schemes.

9.3 The proposals would result in the partial loss of a grassed amenity area. It is not felt that this area has any significant landscape features. A small tree would be lost; however, a condition would be added, if approved, to ensure that a replacement tree can be provided. The area

contributes towards local amenity but the on-street parking detracts from the appearance of the area. As such, the overall visual impacts would be limited.

- 9.4 Currently, it is difficult to say whether the provision of additional off-street parking would improve the parking situation or compound it by just encouraging more vehicles to the area. However, local Councillors have identified this area as one with on-street parking pressures. A survey of the residents on Deanfield revealed that, of the seven respondents, 100% said 'yes' to extra parking bays on the amenity green. Contrastingly, the Council has received three objection letters in response to the formal application. These letters raise concerns over the following:
- Loss of privacy and noise caused by vehicles entering/exiting the proposed parking bays;
  - Loss of green space and visual impacts caused by the scheme; and
  - Requests for parking permits for Deanfield residents to avoid residents from other roads using the parking bays.
- 9.5 Regarding the loss of green space, visual impacts and impacts on residential amenity (noise and privacy), these topics will be discussed in later sections.
- 9.6 Turning to the allocation of the parking bays to Deanfield residents, the Applicant highlighted, *"unfortunately we cannot allocate bays as part of the Verge Hardening Scheme as it is funded by public money. As long as cars are taxed and insured they are legally entitled to park wherever they choose regardless if they live in the street or not."*
- 9.7 In summary, the proposal would involve the loss of amenity land but would provide eight additional parking spaces. These spaces would benefit the local community and road network. Therefore no compelling objection is raised to the principle of development.

#### Quality of Design / Impact on Visual Amenity

- 9.8 The creation of a parking area within this amenity green would result in a change to the appearance of the area through the introduction of additional hard surfacing and the loss of part of the amenity green. One small tree would be lost.
- 9.9 A similarly sized grassed area to north of the site would be retained. There are also a number of other green amenity areas within close proximity to the site, for example, the green circled by Old Dean to the northeast, which is visible from the site; or the amenity land at Hyde Meadows to the south. These areas would remain easily visible and would help retain the green, open nature of the area. Considering the retention of these areas, it is felt that the overall visual impact would be modest. Although clearly providing local amenity to the immediate residents, the amenity green is not considered of such importance within the wider locality to warrant its retention when fully weighed against the benefits of the proposal. This part of Bovingdon has far more significant areas of open space that would remain unaffected by this proposal.
- 9.10 Whilst accepting that the existing amenity green creates a pleasant outlook for adjoining residential occupiers, the area to be lost must be balanced against the benefit of providing additional parking for residents. Overall, the proposal is deemed acceptable in visual terms and would not have a significant adverse impact on the overall character or appearance of the street scene, complying with Policies CS11 and CS12.

#### Impact on Residential Amenity

- 9.11 The proposal would introduce eight new parking bays within close proximity to an existing residential property and garden (42/42A Old Dean). Two of the spaces would be situated



adjacent to the property and six would run along the garden. The amenity land and pavement that runs alongside this property is already accessible by the public. Whilst the parking bays may encourage people to use the land more frequently, it is unlikely that there would be a significant increase in overlooking or loss of privacy as a result of the proposal when considering the existing public nature of the amenity land, footpath and roadway.

- 9.12 The introduction of the parking bays is likely to increase vehicular noise within proximity to these residential units. However, there are no parking restrictions on the road and vehicles can already park on the kerb by these properties. Whilst the parking bays would encourage the use of this area and bring the noise slightly closer, it is unlikely to be excessively greater than existing conditions (e.g. vehicles passing and parking on the road). Dacorum Borough Council's Environmental and Community Protection Team were informally consulted on this application and they have raised no objection, stating that a proposal of this limited scale would not trigger the requirement for a noise impact assessment.
- 9.13 Considering the nature, scale and location of the proposals, it is not felt that the proposed parking bays would have a significant impact on residential amenity. As such, the proposal deemed acceptable under Policy CS12 and Paragraph 130 (f) of the National Planning Policy Framework.

#### Impact on Highway Safety and Parking

- 9.14 It has been confirmed by the County Council that the position and layout of the parking area would not result in significant harm to matters of highways safety as a result of the proposal. They have requested that an informative be added in relation to the works required on the highway including the extended dropped kerb and required alterations to the footway. This informative would be added if the application is approved.
- 9.15 A resident at 1 Deanfield has highlighted that whilst eight parking spaces are being provided, there would be a loss of existing kerb parking spaces. It appears that around four kerb spaces would be lost to provide eight parking bays, resulting in a net gain of approximately four spaces.

#### Drainage

- 9.16 Details of the ground soakaway have been provided and are considered acceptable to deal with surface water runoff.

#### Landscaping

- 9.17 One small tree would be removed as a result of this proposal. Dacorum's Trees and Woodlands Department (T&W) have confirmed that "The tree is of poor form with a structural defect so would be beneficial to get a replacement." They have suggested that an Ironwood tree with a girth of 12-14cm be planted. An amended drawing was received on the 13<sup>th</sup> April 2022 showing the location of the new tree on the green verge opposite. The plan also indicates the size of the proposed tree. The verge to the north is within Dacorum Borough Council's control to plant a tree and therefore, whilst outside of the application site, a condition can be used as per Section 72 of the Town and Country Planning Act to secure its planting. If this application is approved, a condition would be attached to the decision notice ensuring that a replacement tree is provided within the first planting season and replanted if it dies within a period of five years.

#### Response to Neighbour Comments

- 9.18 These points have been addressed above.

## 10. CONCLUSION

- 10.1 The principle of development is acceptable. The proposal would result in a net gain of four on-street parking spaces. The proposal would have some modest impacts on visual amenity and result in a less congested street. The proposal would provide a replacement tree to compensate for the existing, which was considered "of poor form with a structural defect." . The proposals would have a limited impact on visual and residential amenity. No concerns are raised with regards to highway safety or parking. Taking all of this into account, the proposal is considered acceptable in accordance with the aforementioned policies.

## 11. RECOMMENDATION

- 11.1 That planning permission be approved.

### 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. **Within the first planting season following removal of the tree hereby authorised, a replacement tree shall be provided in accordance with the details/specifications on the Proposed Block Plan (reference: DBC/020/41, received 13<sup>th</sup> April 2022).**

**All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

**If within a period of five years from planting the tree 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 of the same size and maturity.**

Reason: To ensure that the loss of the tree is mitigated by a replacement 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).

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

**Site Location Plan  
DBC/020/41 (Proposed Block Plan) (Received 13<sup>th</sup> April 2022)**

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

### Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and

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

2. The 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.
  
3. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Trees & Woodlands	No comment.
Parish/Town Council	Support application.
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> <li>- provision for a replacement tree including the location and species.</li> </ul> <p>Reason: To ensure suitable planning and development of the site in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>Highway Informatives</p> <p>Hertfordshire County Council (HCC) recommends inclusion of the following highway informatives / advisory notes (AN) to ensure that any</p>

works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

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

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### Comments / Analysis

The application comprises of the construction of 8 car parking bays on amenity land at Deanfield, Bovington. None of the proposed parking spaces themselves are location on land which is considered to be highway maintainable at public expense.

#### Vehicle Access and Parking

The general design and layout of the car park (as shown on submitted drawing number DBC/020/41) is considered to be acceptable by HCC as Highway Authority. The dimension of the proposed car parking spaces is in accordance with Manual for Streets (MfS). It should be noted that the accessibility of the proposed car parking spaces may be impacted if any vehicles are parked on the north side of the carriageway, which in turn could encourage vehicles to park up on the

	<p>existing highway footway and therefore impacting on the accessibility for pedestrians. Nevertheless the additional car parking spaces themselves would have the potential benefit of removing a number of parked vehicles from the surrounding highway carriageways and footways, which affects the free and safe of use for pedestrians and cyclists.</p> <p>It would be recommended that consideration be given to allowing conversion of one of the spaces into a disabled car parking space if one is required in the future for a local resident(s).</p> <p>The proposed required dropped kerb would be need to be provided at least 1m from the relocated street lighting column and full height kerb of the parking space - the relocation of the street lighting column would need to be approved as acceptable by Ringway, which presumably is the case as proposed plan has been prepared by Ringway. The proposals would also need to not interfere with the existing telecommunications cabinet.</p> <p>Please see the above informative in relation to the works required on the highway including the creation of the extended dropped kerb and alterations to the existing footway required.</p> <p>Tree Removal</p> <p>HCC as Highway Authority would recommend that a replacement tree is provided (potentially on the amenity land opposite?) to counter the environment and biodiversity loss from the removed tree and in the interest of enhancing amenity and a sense of place.</p> <p>Conclusion</p> <p>HCC has no further objections or comments on highway grounds to the planning application, subject to the inclusion of the above condition and informatives.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
9	3	0	3	0

**Neighbour Responses**

Address	Comments
42 Old Dean Bovingdon Hemel Hempstead Hertfordshire HP3 0EX	The council could spend their money better by putting parking where the grass verges have been churned up by vehicles parking on the verge outside flats 20/22 and all along this area up to the village. This proposal will spoil a pleasant green area beside my flat. It is just unnecessary there is adequate parking in this area in my opinion.
42A Old Dean Bovingdon Hemel Hempstead Hertfordshire HP3 0EX	<p>Noise hazards and potential loss of privacy as cars will be driving towards my property causing light and noise issues as they reverse or drive into the bays. Potential loss of parking spaces for me and my downstairs neighbour and visitors.</p> <p>I have already had to replace the hedging as DBC cut them too low and removed all privacy to my garden. The existing conifers were planted by myself at considerable expense and I am concerned of the affect the vehicles may have on my trees, my privacy and the affect the noise will have and lights as they will shine into my property. I (and my neighbour) may also lose our parking spaces and we both suggest that two of the bays be dedicated for us as we are the most negatively affected.</p>
1 Deanfield Bovingdon Hemel Hempstead Hertfordshire HP3 0EW	At present, five cars currently park along the curb by the proposed new parking bays and therefore these parking spaces will be redundant. The new eight bays proposed will be available to residents on the adjoining road, Old Dean and therefore parking for residence within Deanfield will be compromised and cause more parking issues than the new proposed bays in will solve. Only way to avoid this, is to make the eight bays only available to residence of Deanfield. However, a parking permit solution must be at no cost to residence.

**ITEM NUMBER: 5b**

<b>22/00099/FHA</b>	<b>Single storey rear extension, first floor front extension, velux windows to front and associated alterations</b>	
<b>Site Address:</b>	<b>5 Becketts Square, Berkhamsted, Hertfordshire, HP4 1BZ</b>	
<b>Applicant/Agent:</b>	<b>Mr Louis Starnowski</b>	<b>Mr Harry Riddick</b>
<b>Case Officer:</b>	<b>Jane Miller</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted Castle</b>
<b>Referral to Committee:</b>	<b>Contrary views of Berkhamsted Town Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The application site is located within the town of Berkhamsted wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The proposed velux roof lights will permit views to the front of No. 4 Becketts Square but these can be inserted at the property without the need for planning permission which is a material consideration. The first floor and rear extension would not result in a loss of privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

**3. SITE DESCRIPTION**

3.1 The application site is located on the north side of Becketts Square within a residential area of Berkhamsted. The site comprises an end of terraced two storey 1970a dwelling. Land levels at Becketts Square fall towards the west.

3.2 The immediate character area comprises similarly designed dwellinghouses of relatively identical build, age, height and size; the overall character of the area is evident.

**4. PROPOSAL**

4.1 This application seeks permission for a single storey rear extension, first floor front extension, velux windows to front and associated alterations

**5. PLANNING HISTORY**

Planning Applications :

21/03424/FHA - Single-storey rear extension and landscaping.  
GRA - 28th October 2021

21/03425/FHA - Loft conversion  
REF - 2nd November 2021

21/04503/FHA - Single storey front and rear extensions with pitched roof front dormers.  
WDN - 13th January 2022

## **6. CONSTRAINTS**

Area of Archaeological Significance: 21  
BCA Townscape Group  
CIL Zone: CIL1  
Parish: Berkhamsted CP  
RAF Halton and Chenies Zone: Green (15.2m)  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)  
Residential Character Area: BCA15  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (July 2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies

Dacorum Core Strategy

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



Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Parking SPD (November 2020)

## **9. CONSIDERATIONS**

### Principle of Development

9.1 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal's character and appearance upon the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

9.2 Taking the above policies into account, the proposal is acceptable in principle.

### Quality of Design / Impact on Visual Amenity

9.3 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

9.4 Cat slide roofs are a feature of many of the properties within Becketts Square, whereby approximately 2/3 of the width of the roof descends as a cat-slide, whilst the remaining front elevation is set back, with the eaves sitting immediately above the first floor windows. When these properties were constructed a single integral garage sat at ground floor level behind the set-back, which itself provided for additional vehicular off street parking provision in front of the garage doors. Many of these garages have since been converted into rooms as is the case at No. 5. The recess at No. 5 sits adjacent to the next dwelling in the terrace i.e. No.6.

9.5 The application site (No.5) sits at the end of the terrace farthest away from the entrance to this small cul-de-sac off Bridgewater Road.

9.6 It should be noted that a previous application, reference 21/04503/FHA was withdrawn earlier this year following concerns about the visual impact of the introduction of two front dormer windows under dual pitched roofs. This current application removes the dormer windows and instead proposes the velux roof windows.

9.7 As shown on Drawing DD 21/166.3 A, the application proposes to insert three velux roof windows to the front roof slope. Two of which (left and middle when viewed from the front) will be inserted in the existing cat-slide roof and it should be acknowledged that these two velux windows can be inserted without the need for planning permission in line with the General Permitted Development Order (GPDO) which is a material consideration. These two roof lights will serve the family bathroom and an office space. The proposed 'right hand' velux window, would require

planning permission because it will sit within the newly extended roof pitch, which replaces the existing first floor window. The roof lights are of an acceptable, size and scale and are sited such that they would not result in any visual harm to the property.

9.8 Further, this application proposes to partially extend the existing recessed area of the roof slope forward at first floor level only, extending the 3<sup>rd</sup> bedroom into the eaves. This will create an undercroft below, thereby retaining the existing parking area and existing ground floor side window.

9.9 Again it should be noted that a previously withdrawn application 21/04503/FHA also proposed a first floor extension to the cat-slide roof. This current application has overcome the previous concerns by reducing the depth of the first floor element. As now proposed the side addition retains the overall appearance of the property (cat-slide) and appears subservient such that no significant visual harm is caused.

9.10 Berkhamsted Town Council have objected to this element as introducing a jarring roof scape, contrary to Policy CS12. However, when entering into Becketts Square, until almost opposite the site, the visibility of the extended roof slope would be minimal. There would be a change to the visual appearance of the street scene as a result of the works, however due to the positioning of No.5 within the cul-de-sac (at the very far end of the terrace of dwellings) and due to the fact that the proposal has been amended as requested to reduce the depth at first floor level so to appear subservient, on balance it is not considered that the changes would be harmful to such a level as to be detrimental to the street scene and warrant a refusal. The overall character and appearance of the area would be maintained and the proposal would successfully integrate.

9.11 Turning to the rear, the proposal would result in a full width single storey rear extension under a mono pitched roof with three roof lights. Approximate measurements are 2.5m (depth), 2m (eaves) and 3.5m (height), with some landscaping works. The size and scale are considered acceptable and would relate well to the parent property and given its siting to the rear it would not be visible from public vantage points.

9.12 The proposed external materials are considered acceptable, the proposed bricks, tiles, windows and doors shall match the existing. The proposed infill is to be finished with white horizontal weatherboard cladding to match the existing and the proposed roof lights will not protrude more than 150mm from the existing roof plane.

9.13 Overall, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and street scene and will use sympathetic materials to match existing.

9.14 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the street scene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

#### Impact on Residential Amenity

9.15 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.16 Objections have been received from both adjacent neighbours. Concerns have been raised from the adjoining neighbour at No.6 Becketts Square, in respect to the building works themselves and the shared walls however this would be a matter for building control / party wall agreements rather than a planning matter.

9.17 The other non-adjoining neighbouring property (No.4) sits perpendicular to the site, facing east, up toward the entrance to the square and Bridgewater Road. They have objected to the proposed front velux windows as they considered these windows will cause a loss of privacy into their front bedroom windows. There would be distance of approximately 4m between the windows. The velux windows will provide views to the front of No. 4 which are not currently possible, however it should be acknowledged that the two closest velux windows to No.4 can be inserted without planning permission in line with schedule 2, part 1, class C (other alterations to the roof of a dwelling house) of the General Permitted Development Order and this is a material consideration. The third roof light would be sited further from No. 4 and not result in any greater level of overlooking than the two velux windows which could be inserted without the need for permission. The views would be oblique and not direct and a refusal on this element alone could not be sustained.

9.18 Permission for the single storey rear extension has previously been granted planning permission under reference 21/03424/FHA. There have been no changes to planning policy or the site circumstances since that approval. Given its modest size, scale and height the rear extension would not result in any harm to the residential amenities of adjacent properties with regard to light, privacy or visual intrusion.

9.19 Overall, the two roof lights closest to No. 4 can be inserted without planning permission, and in respect of the remaining roof light, first floor front extension and rear extension, due to the height, positioning and separation distance between the proposed alterations and the surrounding dwelling houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

#### Other Considerations

##### Parking and access

9.20 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.21 It is acknowledged that a first floor office space will be created under the eaves, however there are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.

9.22 No changes have been proposed to the existing parking provision or site access.

9.23 It is considered that the proposal would not result in an unacceptable impact on highway safety.

##### Tree and Hedges

9.24 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

## Archaeology

9.25 The site is located within an Area of Archaeological Significance. The Archaeology Officer has been duly consulted and advises that the development is unlikely to have a significant impact on heritage assets of archaeological interest. The proposal complies with Policy CS27 in this regard.

## Response to Neighbour Comments

9.26 Covered in report.

## CIL Liable

9.27 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

**No** (below 100sqm)

## Chiltern Beechwood Special Area of Conservation (SAC)

9.28 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.29 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

## **10. RECOMMENDATION**

10.1 That planning permission be granted.

### **Condition(s) and Reason(s):**

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

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

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

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

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

**DD 21/166.3 A existing and proposed elevations, floor layouts and location plans (received 28.01.2022)**

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.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The Committee noted the objections from the neighbours. The Committee had no objection to the proposed ground floor extension to the rear of the property but objected to the proposed plans for the front as it would introduce a jarring roof scape.</p> <p>CS 12</p>
Archaeology Unit (HCC)	<p>Thank you for consulting this office on the above application. In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	2	0	2	0

**Neighbour Responses**

Address	Comments
<p>4 Becketts Square Berkhamsted Hertfordshire HP4 1BZ</p>	<p>I have reviewed the latest Planning Application for No 5 Becketts Square . I do not consider that changing the Dormer Windows for Velox Windows has altered my previous objection . The close location of the left hand window to my bedroom window is not acceptable because my neighbour could still look into my bedroom .</p> <p>The house is the end property of a group of four linked terraced houses and changes in the roof design would unbalances the total effect of the properties . Our house is so close to number 5 ( ie 8 feet ) that the changes to the roof design would have an adverse effect to the external view of my house . Under the circumstances " I Object to the Planning Application "</p>
<p>6 Becketts Square Berkhamsted Hertfordshire HP4 1BZ</p>	<p>I live at no 6 and note that a revised planning application has been submitted with the former dormer windows being replaced with velux windows. My previous concerns raised (ref 21/04503/FHA) still stand with this application, in particular with the side wall of my house which is parallel to the driveway of no 5 where the new extension would be built. Also the impact building work may have on the interior of my house also remains a concern. Having spoken to an architect and builder they say this wall does not need to be touched.</p> <p>The house is squeezed in at the bottom end of a row of 4 terraced houses, and has been built on an area that was originally designed to be a double garage for plot 4. However the developers abandoned this plan and squeezed in another house, no 5, heavily impacting on no 4 being overlooked with these proposed extension plans. I feel the planned changes would be out of appearance and design with the other properties in the Square.</p>

**ITEM NUMBER: 5c**

<b>22/00438/UPA</b>	<b>Proposed additional storey with a maximum height of 7.38m</b>	
<b>Site Address:</b>	<b>Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire, WD4 9NF</b>	
<b>Applicant/Agent:</b>	<b>Mrs Wendy Mcclean</b>	<b>Mrs Gloria Berenguel</b>
<b>Case Officer:</b>	<b>Elsbeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>	<b>Called in by Councillor Johnson (see reasons in report)</b>	

**1. RECOMMENDATION**

That Prior Approval is refused.

**2. SUMMARY**

- 2.1 The proposal involves the creation of an additional storey with a maximum height of 7.38 metres under prior approval.
- 2.2 It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
- 2.3 The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature (an additional storey) would be detrimental to the setting of the house - a non designated asset - and the wider area of development.
- 2.4 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021), which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.
- 2.5 The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).
- 2.6 The applicant has argued that the impact on the character of the dwelling and the surrounding area should not be taken into account when assessing this kind of prior approval application and has submitted previous appeals to support their case.
- 2.7 There have been a number of different interpretations of Class AA by Inspectors considering different appeals with the majority taking the view that the character of the area should be considered. Further to these appeals there is now very recent case law that states that “the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.” The legal view provided on behalf of one of the neighbours fully supports the Council’s assessment and recommendation for refusal.

**3. SITE DESCRIPTION**

- 3.1 The site is located on the northern side of Rucklers Lane, Kings Langley on a corner plot at the intersection with Lady Meadow in an area designated as Green Belt.
- 3.2 The site comprises a relatively large single storey bungalow typical of the area constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking. There is a small garage to the site. The garage is of interest as it appears to have been constructed at the same time/ similar time to the properties and in a matching style with the side walls being predominantly in flint and set below a substantial hipped roof.

#### **4. PROPOSAL**

- 4.1 The application seeks to establish whether prior approval is required for an upward extension specifically:
- First floor extension of one additional storey to provide additional bedroom accommodation. Full height with additional storey will be 7.389m.
- 4.2 This prior notification has been submitted in accordance with condition AA.2 of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015.
- 4.3 21/00825/UPA sought prior approval for a first floor extension of one additional storey to provide additional bedroom accommodation - full height with additional storey will be 7.389m. Prior approval was refused on 27.4.21 under delegated powers.
- 4.4 The current application is identical to the one previously refused with the exception of some changes to materials. The previous application had tile hanging to match existing on external walls – the current application has stone to match existing.

#### **5. MEMBER CALL-IN**

##### Reason for Call in provided by Councillor Johnson

- 5.1 The call in requests asserts the following;
- current application addresses the objections raised with the previous application and set out in the papers for the previous planning application. It also is taking great pains to set out appeal decisions - notably Knolls Hill – which support this contention.
- The key issues which I believe support the applicant's argument are:
- The nature and character of the current building is not unduly changed;
  - The proposal would change the existing dwelling from a chalet bungalow, but very many of the nearby identified properties have also undergone significant changes. A significant change is the whole purpose of Class AA planning application for an upward development;
  - The issues with the property to the rear have been addressed; and
  - This is a simple upward extension replicating the window pattern at ground floor level and the existing roof pitch; the materials will match the existing materials.



- The Class AA provision provides the upward extension as a matter of principle subject to the prior approval process in respect of a number of matters all but one of which – it is contended - have been agreed with the local planning authority.
- The applicants argues persuasively in the planning statement that the current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation and endorsed with this appeal decision. The legislation and the quoted appeal decisions are effectively dictating the approach to be taken.

## 5. PLANNING HISTORY

Planning Applications :

19/02620/FHA - Carport adjacent to existing garage with terrace and alterations to steps.

*REF - 4th February 2020*

21/00825/UPA - First floor extension of one additional storey to provide additional bedroom accommodation. Full height with additional storey will be 7.389m.

*PQR - 29th April 2021*

22/00457/FHA - Alteration to ridge height with addition of two dormers to front and rooflights within roof slope

*PCO -*

4/00094/19/FHA - Part demolition of existing garage. Replacement with three car garage and walk on terrace

*REF - 14th June 2019*

4/00093/19/FHA - Proposed roof extension

*WDN - 26th March 2019*

4/01000/14/LDP - Construction of orangery

*GRA - 2nd July 2014*

4/00062/09/LDP - Single storey side extension and side conservatory

*GRA - 17th March 2009*

4/02195/08/DRC - Details of hard and soft landscaping as required by condition 2 of planning permission 04/01142/08 (front path, patio steps and retaining walls)

*GRA - 9th January 2009*

4/01142/08/RET - Front path, patio steps and retaining walls

*GRA - 17th July 2008*

4/02129/02/FHA - Porch, single storey front and rear extension and formation of car port

*GRA - 17th December 2002*

Appeals :

20/00020/REFU - Carport adjacent to existing garage with terrace and alterations to steps.

*DIS - 27th October 2020*

## **6. CONSTRAINTS**

CIL Zone: CIL2  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Kings Langley CP  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – 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:

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:

- Assessment of the proposal against Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and
- Assessment of the information submitted by the applicant.

9.2 An assessment of the proposal against Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) below:

<b>Key Considerations for class AA development</b>	
	<b>Yes / No / NA</b>
<b>Para AA.3 (2) (a)</b>  <b>Written description of the proposed development submitted, including details of any works proposed</b>	Yes, application form
<b>Para AA.3 (2) (b)</b>  <b>Plan has been submitted which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and</b>	Yes
<b>Para AA.3 (2) (c)</b>  <b>Plan has been submitted which is drawn to an identified scale and shows:</b>  <b>(i) the existing and proposed elevations of the dwellinghouse, and</b>  <b>(ii) the position and dimensions of the proposed windows.</b>	Yes
<b>Para AA.3 (5)</b>  <b>Objections from any adjoining premises, not just those consulted</b>	Yes – objection received from the neighbour to the rear “Ladymead”. Summary of concerns: <ul style="list-style-type: none"> <li>• Conflict with local plan;</li> <li>• Overshadowing;</li> <li>• Overbearing;</li> <li>• Excessive height very close to the rear boundary and private garden area;</li> <li>• Loss of privacy from rear windows;</li> <li>• Residential amenity;</li> <li>• Second floor out of character;</li> <li>• Height of 7.38m is unacceptable;</li> <li>• Designs not in keeping with any other property in this chalet-style-designed area or even close to recent approved</li> </ul>

	<p>planning proposals; and</p> <ul style="list-style-type: none"> <li>Similar proposals as suggested are completely irrelevant in style and reasoning with regards to the style and architecture of these houses.</li> </ul> <p>Views from a Lawyer representing the owners of Ladymead are attached in Appendix B</p>
<p><b>Para AA.3 (5)</b></p> <p><b>Impact on air traffic and defence assets and any objections received from any operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence</b></p>	N/A
<p><b>Para AA3 (8)</b></p> <p><b>Impact on protected views, and any objections received from Historic England</b></p>	N/A

#### Permitted Development Rights

Any conditions on planning permissions removing Permitted Development Rights?	No
Any Article 4 Directions removing Permitted Development Rights?	No

#### Class AA, Part 1, Schedule 2: enlargement of a dwellinghouse by construction of additional storeys.

(AA.1) Development is permitted by Class AA if –	<b>Complies (C), Fails (F), Not Applicable (N/A)</b>
a) Permission for the dwellinghouse has <u>not</u> been approved as a change of use permitted by classes M, N, P, PA or Q of Part 3 to Schedule 2 of the GPDO.	C
b) The dwellinghouse is <u>not</u> located on:	C

<p>(i) article 2(3) land; or</p> <p>(ii) a site of special scientific interest</p>	
<p><b>c) The dwellinghouse was constructed <u>after</u> 1st July 1948 or <u>before</u> 28th October 2018.</b></p>	C
<p><b>d) The existing dwellinghouse has <u>not</u> been enlarged by the addition of one or more storeys* above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise.</b></p> <p>* (NB. Interpretation of Class AA – Storey(s) does not include accommodation within the roof)</p>	C
<p>e) Following the development the height of the highest part of the roof of the dwellinghouse would <u>not</u> exceed 18 metres.</p>	C as highest point is approx. 7.389 metres
<p><b>f) Following the development the height of the highest part of the roof of the dwellinghouse would <u>not</u> exceed the height of the highest part of the roof of the existing dwellinghouse by more than:</b></p> <p>(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or</p> <p>(ii) 7 metres, where the existing dwellinghouse consists of more than one storey</p>	<p>C Existing 4.763 metres</p> <p>Proposed 7.389</p> <p>Difference = 2.626 metres</p>
<p><b>g) The dwellinghouse is not detached and following the development the height of the highest part of its roof would <u>not</u> exceed by more than 3.5 metres:</b></p> <p>(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or</p>	N/A, detached

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated	
<b>h) The floor to ceiling height of any additional storey, measured internally, would <u>not</u> exceed the lower of:</b>	C
(i) 3 metres; or	2.4 metres
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse	
<b>i) Any additional storey is constructed on the principal part of the dwellinghouse.</b>	C
<b>j) The development would <u>not</u> include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development.</b>	C
<b>k) The development would <u>not</u> include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.</b>	C

Conditions	Complies (C), Fails (F), Not Applicable (N/A)
<b>(AA.2) Development is permitted by Class A subject to the following conditions –</b>	
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	C
(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;	C
(c) the roof pitch of the principal part of the dwellinghouse following the development must be the	C

same as the roof pitch of the existing dwellinghouse; and	
(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.	C

### Consideration of Matters of Prior Approval

9.3 Para AA.2 of the GPDO states that before beginning the development, the developer

(a) must apply to the local planning authority for prior approval as to:

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of:

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;

(b) must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated

### Residential Amenities

9.4 Due to the small back garden of the subject site the proposed additional storey will be very close to the rear boundary. The dwelling to the rear has a similar layout to this site which means that they have their garden and amenity area to the front of their dwelling. This means that their garden and swimming pool are just north of the rear boundary of "Hawkridge".

9.5 It is noted that all the windows in the proposed rear elevation will be obscure glazed but there is no mention of them being non-opening. Being solely obscure will not prevent overlooking into the amenity area of "Ladymead".

9.6 Due to the separation distance between "Hawkridge" and the adjacent neighbours there will be no significant loss of sunlight and daylight. Also the slope of the land from north to south means that the subject site is on lower ground than the neighbour to the rear.

9.7 The windows in the proposed rear elevation could be conditioned to be top hung or non-opening thus reducing any overlooking.

## Appearance

9.8 The existing dwelling is a relatively large single storey bungalow typical of the area and is constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking.

9.9 Rucklers lane is an interesting development of arts and crafts style bungalows. These are relatively low single storey, constructed in brick and flint with substantial tiled roofs with large overhangs. The use of local materials and traditional design styles results in buildings that sit sympathetically with the surrounding environment. Although they appear from the architectural detailing to be from the inter war period they seem to have been constructed in the post war period. Historic aerial photos show that work seems to have started on the wider site in 1939 however was halted during the war. Work then recommenced presumably in the 1950s if not earlier. The presence of mature trees and landscaping, together with houses set well apart and in generous plots creates an attractive sylvan and distinctive semi-rural character to the locality in particular when viewed from Rucklers Lane.

9.10 The proposal will change the existing dwelling from a chalet bungalow (as described above) to a two storey dwelling – a significant change to the appearance of the existing dwelling. The proposed development, by virtue of its design, scale, bulk and positioning, would not integrate with the surrounding area and would not be sympathetic to the local character of the area. The proposal would also be detrimental to the character of the existing dwelling - a non-designated heritage asset (the dwelling was described as such by the Conservation and Design Team) - and the wider area of development.

9.11 The submitted proposals demonstrate none of those chalet-style characteristics and therefore, the resulting break of roof scape with vertical first floor elements would have a detrimental effect on the character of the overall estate. The subject site also has a prime position on the corner entrance to Lady Meadow. This change will not be in character with the Lady Meadow style of dwelling as described above.

9.12 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021), which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.

9.13 It is considered that the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

## Air Traffic and Defence Impacts

9.14 None.

## Impact on Protected Views

9.14 There are no protected views.



## Construction Management Report

9.15 The applicant has not submitted a Construction Management Statement.

## Other matters

9.16 There is sufficient off-road parking on the frontage to serve the enlarged dwelling.

### 10.0 Matters presented by the applicant in their Planning Statement

10.1 The applicant is questioning the method of assessment used by the Planning Authority in its assessment of the previous application submitted for Prior Approval by submitting 3 appeal cases against 3 refusals to grant approval for an additional floor at Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots in the Epping Forest District.

10.2 The applicant states in their Planning Statement that the basic lesson to be learnt from the three appeals (submitted with this application) is that a “straight” continuation of the existing house is the unobjectionable way forward as it fully reflects the design of the existing building.”

10.3 The Planning Statement further states - “The current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation and endorsed with these appeal decisions. The legislation and the appeals are effectively dictating the approach to be taken.”

### 11.0 Assessment of these matters

11.1 Since the introduction of the UPA prior approval process there have been a number of appeals where Inspectors have taken differing views on the issue of whether it is appropriate to consider the impact of adding an additional floor to a dwelling on the street scene or character of the area.

11.2 On 18<sup>th</sup> January, 2022 the High Court in the case of *Cab Housing Ltd and others v Secretary of State for Levelling Up, Housing and Communities and others* [2022] EWHC 208 (Admin) ruled the following:

“102. I summarise the court’s main conclusions on the interpretation of Class AA of Part 1 of Schedule 2 to the GPDO 2015:

- (i) Where an application is made for prior approval under Class AA of Part 1 of Schedule 2 to the GPDO 2015, the scale of the development proposed can be controlled within the ambit of paragraph AA.2(3)(a);
- (ii) **In paragraph AA.2(3)(a)(i) of Part 1, “impact on amenity” is not limited to overlooking, privacy or loss of light. It means what it says;**
- (iii) **The phrase “adjoining premises” in that paragraph includes neighbouring premises and is not limited to premises contiguous with the subject property;**
- (iv) In paragraph AA.2(3)(a)(ii) of Part 1, the “external appearance” of the dwelling house is not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations;
- (v) Instead, the prior approval controls for Class AA of Part 1 include the “external appearance” of the dwelling house;
- (vi) **The control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.”**

- 11.3 Points (ii) (iii) and (vi) state that the impact on the street scene and character of the area can be taken into account in the assessment of a Prior Approval application for an additional storey. On this basis as set out the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended)
- 11.4 Comparison with other appeals
- 11.5 The Inspector stated as part of an Inquiry regarding a site at Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath that “rarely will any other appeal decision provide an exact comparison to another situation” – this is certainly true for the current site in terms of the comparison with the site at Knolls Hill which is being presented by the applicants.
- 11.6 The applicant describes the site at Knolls Hill Farm as standing in an isolated position on the southern side of Bournebridge Lane. There is a group of residential buildings at Knolls Hill on the opposite side of the road. This site and its surrounds are very different to the subject site at Hawkridge, Rucklers Lane, Kings Langley which is part of a designed planned neighbourhood of dwellings of similar design and materials.

#### Response to Neighbour Comments

- 11.11 These points have been addressed above. The legal view set out in the letter from Stephanie Brigg submitted on behalf of one of the neighbours fully support the Case Officer’s assessment and recommendation for refusal.

#### **12.0 Conclusion**

- 12.1 Very recent case law confirms that when an additional storey is being added to an existing building via the Prior Approval process the impact on neighbouring premises and the locality must be considered in the assessment.
- 12.2 Class AA states that “The local planning authority may refuse an application where, in its opinion—  
(a) the proposed development does not comply with, or  
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
- 12.3 It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.
- 12.4 The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature would be detrimental to the setting of the house - a non designated asset - and the wider area of development.
- 12.5 As such, the proposal would be harmful to the character and appearance of the area and would be at odds with the general advice contained within Section 12 of the NPPF (2021),

which seeks, inter alia, the creation of high quality buildings and places and development sympathetic to local character, including surrounding built form.

- 12.6 The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).

### 13.0 Recommendation

That Prior approval is refused.

#### Reason(s) for Refusal:

**2d.AA states that "The local planning authority may refuse an application where, in its opinion—**

- (a) the proposed development does not comply with, or**
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.**

**It is considered that the development does not satisfy the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as permitted development stated under Class AA.2 regarding the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse and any side elevation of the dwellinghouse that fronts a highway.**

**The changes to the design, scale and bulk of the dwelling would not be in character with the existing dwelling or be sympathetic to the local character of the area. The addition of this feature would be detrimental to the setting of the house - a non-designated heritage asset - and the wider area of development.**

**It is considered that the development would have an unacceptable external appearance and appear incongruous in the context of the area. The upward extension would therefore not be permitted development by virtue of Schedule 2, Part 1, Class AA of the Town and Country (General Permitted Development) Order 2015 (as amended).**

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	Noted
Conservation & Design (DBC)	<p>From Review of the UPA it appears to me to be visually identical to the refused scheme. Therefore our comments are unchanged from those sent previously and outlined in the report below.</p> <p>The existing dwelling is a relatively large single storey bungalow typical of the area and is constructed in brick and flint with a tiled roof. The chimney stack to the rear is turned and of interest. It has had a number</p>

	<p>of extensions over time to the front, rear and side. However the single storey nature and character of the building can continue to be read. It is part of a wider group of dwellings with this character set in a wooded landscape. The area to the front appears to have been lowered and paved for parking.</p> <p>Rucklers lane is an interesting development of arts and crafts style bungalows. These are relatively low single storey constructed in brick and flint with substantial tiled roofs with large overhangs. The use of local materials and traditional design styles results in buildings that sit sympathetically with the surrounding environment. Although they appear from the architectural detailing to be from the inter war period they seem to have been constructed in the post war period. Aerial photos show that work seems to have started on the wider site in 1939 however was halted during the war. Work then recommenced presumably in the 1950s if not earlier. The presence of mature trees and landscaping, together with houses set well apart and in generous plots creates an attractive sylvan and distinctive semi-rural character to the locality in particular when viewed from Rucklers lane.</p> <p>The proposal will change the existing dwelling from a chalet bungalow (as described above) to a two storey dwelling - a significant change to the appearance of the existing dwelling. The proposed development, by virtue of its design, scale, bulk and positioning, would not integrate with the surrounding area and would not be sympathetic to the local character of the area. The proposal would also be detrimental to the character of the existing dwelling - a non-designated heritage asset (the dwelling was described as such by the Conservation and Design Team) - and the wider area of development.</p> <p>The submitted proposals demonstrate none of those chalet-style characteristics and therefore, the resulting break of roof scape with vertical first floor elements would have a detrimental effect on the character of the overall estate. The subject site also has a prime position on the corner entrance to Lady Meadow. This change will not be in character with the Leady Meadow style of dwelling as described above.</p> <p>It is considered that the application is contrary to Policy CS12.</p>
Hertfordshire Highways (HCC)	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

	<p>within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) 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.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>Comments</p> <p>The proposed additional storey with a maximum height of 7.38m at Hawkridge, Rucklers Lane, Kings Langley. The dwelling is located on a private route that is not part of the adopted highway network. The private route joins the highway network via Rucklers Lane. The application is not altering the existing highway nor do HCC Highways consider additional rooms to increase trips to and from the dwelling.</p> <p>HCC Highways would not wish to restrict a grant of permission for the site.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	1	0	1	0

### Neighbour Responses

Address	Comments
Ladymead Lady Meadow Kings Langley Hertfordshire WD4 9NF	<p>We absolutely reject this identical proposal to the last time, for all the above reasons, and additionally for the reasons specified previously - this is overbearing, considering the proximity to the boundary and our private garden area. The designs are also not in keeping with any other property in this chalet-style-designed area or even close to recent approved planning proposals.</p> <p>We would be satisfied with proposals that featured a raised roof area</p>

	<p>with suitably designed dormer windows to the front, but no windows or views overlooking our garden or property for reasons of privacy and amenity. The height aspect is key here - 7.38m is unacceptable.</p> <p>Similar proposals as suggested in the list are completely irrelevant in style and reasoning, with regards to the style and architecture of these houses.</p> <p>From a height perspective, a new height of 7.38m is far too high, from our point of view.</p> <p>We absolutely reject this identical proposal to the last time, for all the above reasons, and additionally for the reasons specified previously - this is overbearing, considering the proximity to the boundary and our private garden area. The designs are also not in keeping with any other property in this chalet-style-designed area or even close to recent approved planning proposals.</p> <p>We would be satisfied with proposals that featured a raised roof area with suitably designed dormer windows to the front, but no windows or views overlooking our garden or property for reasons of privacy and amenity. The height aspect is key here - 7.38m is unacceptable.</p> <p>Similar proposals as suggested in the list are completely irrelevant in style and reasoning, with regards to the style and architecture of these houses.</p> <p>From a height perspective, a new height of 7.38m is far too high, from our point of view.</p>
<p>Ladymead Lady Meadow Kings Langley Hertfordshire WD4 9NF</p> <p>(additional objection received on 12.4.22)</p>	<p>Reasons for comment:</p> <ul style="list-style-type: none"> <li>- Conflict with local plan</li> <li>- Development too high</li> <li>- General dislike of proposal</li> <li>- Loss of privacy</li> <li>- Out of keeping with character of area</li> <li>- Residential amenity</li> </ul> <p>Comments:</p> <p>We strongly object to this revised application, on the grounds that the development is too high, overbearing and significantly out of character with our house and the surrounding area. What if this goes through - and then this opens the process up to further development with double storey extensions, ruining a heritage area of architecture? We have not objected to bungalows with a set style of design and appearance. We have not objected to a similar application which is in keeping.</p> <p>Please note the following reasons for this to be refused approval:</p> <ul style="list-style-type: none"> <li>- Previous planning history of the site out of character with the style</li> <li>- Overshadowing our garden/property</li> <li>- Overlooking and loss of privacy, so close to the boundary</li> <li>- Overbearing nature of proposal generally</li> <li>- Effect on Listed Building(s) and Conservation Areas</li> <li>- Public visual amenity</li> </ul>
<p>Legal advice provided to residents of Ladymead</p>	<p>We refer to the planning supporting statement dated February 2022 prepared by Collins Coward (the "<b>Supporting Statement</b>") and comment as follows (references to paragraph numbers are to paragraphs of the Supporting Statement):</p> <ol style="list-style-type: none"> <li>1. We draw your attention to the admission at paragraph 4.7 that</li> </ol>

"the current scheme is very similar to that which was refused, noting that some of the materials to be used have been updated." And paragraph 4.21 that "the scheme is the same as that which has previously been refused".

2. The assertion at paragraph 4.8 that the planning officer's commentary for rejecting application number 21/00825/UPA (the "**Historic Application**") shows that a "*significant amount is agreed between the parties*" and by implication supports the proposed development in application number 22/00438/UPA (the "**Current Application**") is misleading.
3. The assertion at paragraph 4.18 that a key issue which the planning committee should consider is "*the appearance*" of the proposed development is agreed, but not the narrow interpretation and application of this condition in GDPO 2015, which is suggested by the Supporting Statement.
4. In this context we draw your attention to the case of ***Cab Housing Ltd and others v Secretary of State for Levelling Up, Housing and Communities and others [2022] EWHC 208 (Admin)***. This recently decided High Court case is extremely pertinent to correct interpretation of the conditions in GPDO 2015 and the matters which should inform the decision-making of any planning committee.
5. As you will be aware, in this case the Holgate J rejected the claimants' submissions that the 'external appearance' control is confined to an assessment of the impact of that appearance on the subject property itself, as opposed to its surroundings. Holgate J stated "*There is nothing in the language of the GPDO 2015 to justify this construction*". In this case, the High Court's conclusions on the interpretation of Class AA were as follows (with our underlining and bold):
  1. The scale of the proposed development can be controlled within the ambit of paragraph AA.2(3)(a).
  2. In paragraph AA.2(3)(a)(i), "**impact on amenity**" was **not limited to overlooking, privacy or loss of light**.
  3. The phrase "**adjoining premises**" included **neighbouring premises and was not limited to premises contiguous with the subject property**.
  4. In paragraph AA.2(3)(a)(ii), **the "external appearance" of the dwelling house was not limited to its principal elevation and any side elevation fronting a highway, or to the design and architectural features of those elevations**.
  5. The prior approval controls for Class AA included the "external appearance" of the dwelling house.
  6. The control of **the external appearance of the dwellinghouse was not limited to impact on the subject property itself, but also included impact on neighbouring premises and the locality**.
6. It is clear from this judgment that the planning committee's decision should not be confined to an assessment of the impact of that external appearance on the subject property itself, as opposed to its surroundings.
7. In the light of this judgment, the reasons cited by the planning officer for rejecting the Historic Application as not being

permitted development, are highly applicable, relevant and valid reasons for rejecting the Current Application (which is admitted in the Supporting Statement to be the same scheme as the previous one) and provide guidance concerning those matters which should be taken into account in assessing the impact of the proposed development on amenity, neighbouring premises and the locality:

1. the matters listed in Dacorum's Core Strategy Policy CS12: Quality of Site Design, in particular paragraph (f) that the development "*should integrate with the streetscape character*" and paragraph (g) the development should "*respect adjoining properties in terms of... (iv) scale, (v) height, (vi) bulk* remain very relevant to the decision to be made on the Current Application;
  2. the matters listed in Dacorum's Core Strategy Policy CS11: Quality of Neighbourhood Design, in particular paragraph (b) that the development "*should preserve attractive streetscapes*" and (d) "*protect or enhance significant views within character areas*" remain very relevant to the decision to be made on the Current Application.
8. We completely reject the premise at paragraph 4.33 that a "*straight' continuation of the existing house is the unobjectionable way forward*". It changes entirely the character and design of a bungalow into a two storey house and the impact of this in the locality of homes made up of bungalows and chalet style bungalows has a lasting, significant and irreversibly detrimental impact on the locality and its amenity. This detrimental impact is exacerbated because Hawkridge has such a prominent position fronting both Rucklers Lane and Lady Meadow.
9. In view of Cab Housing case cited above, the assertion made at paragraph 4.40 that "*the current scheme is entirely in accordance with the correct approach to the interpretation of Class AA as set out in the legislation*" cannot be sustained and is erroneous.
10. The appeal decision made in respect of Knolls Hill Farm (the "**Appeal Decision**") and cited in the Supporting Statement does not support the Current Application. The Appeal Decision pre-dates the Cab Housing case. The Appeal Decision makes specific reference at paragraph 6 to the fact that "*Knolls Hill Farm stands in an isolated position on the southern side of Bournebridge Lane*". Consequently, and unlike the Current Application, there were no neighbouring premises in the locality which needed to be included in the Planning Inspectorate's considerations of the external appearance of the development.
11. We note that the applicant now has the benefit of a grant of planning permission under reference number 22/00457/FHA. A scheme which we note from submissions on the portal followed discussion with the planning officer resulting in removal of originally proposed negative features and problems, leading to an approved development that is in-keeping with the locality and of a suitable scale.



	<p>12. Finally, we draw your attention to the application made in respect of The Pines, WD4 9NF for an additional storey application <u>20/03960/UPA</u> which was rejected on the basis of "<i>The external appearance of the proposal would have an adverse impact on the character and appearance of the area and result in an incongruous and visually unsatisfactory form of development.</i>" In the light of recent Cab Housing case noted above, the planning office correctly interpreted the conditions in Class AA.2 (2) and (3) of GPDO 2015 in making that decision. The Pines is a bungalow set within the same locality as Hawkridge (at the top of Lady Meadow). This decision is far more pertinent to the current case than the Appeal Decision cited in the Supporting Statement, which related to a property that is:</p> <ol style="list-style-type: none"><li>1. not within the Metropolitan Green Belt; nor</li><li>2. a non-designated Heritage Assets situate within a locality of similarly non-designated buildings.</li></ol> <p>13. For all of the reasons noted above, we believe that reversing the previous decision to refuse permission to the Historic Application (which the Supporting Statement acknowledges is identical to the previous application) would be entirely inconsistent with past practice which correctly interpreted and applied the conditions contained in GPDO 2015. Such a move would set an unwelcome precedent threatening the value of these Assets to the amenity of the locality through other instances of their overdevelopment.</p>
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# Agenda Item 5d

ITEM NUMBER: 5d

22/00910/FHA	Two storey side and rear extension	
Site Address:	326 Northridge Way, Hemel Hempstead, Hertfordshire, HP1 2AB	
Applicant/Agent:	Mr & Mrs Curtain	
Case Officer:	Patrick Doyle	
Parish/Ward:		Boxmoor
Referral to Committee:	Applicant is council employee	

## 1. RECOMMENDATION

That planning permission be **Granted**

## 2. SUMMARY

2.1 The application is for a household extension in a residential area of Hemel Hempstead. The additions to the property are in keeping with the character and appearance of the building and locality and no significant harm is considered to arise to residential amenity, highway or environmental considerations, consistent with the objectives of the development plan and NPPF.

## 3. SITE DESCRIPTION

3.1 The application site is located on the eastern side of Northridge Way, Hemel Hempstead. The site comprises of a two storey semi-detached dwelling house which falls within the Warners End Character Appraisal Area (HCA3). The dwelling house is externally finished in light brown brickwork and a plain tiled roof. To the south of the dwelling is a detached single garage with hardstanding parking provision in front; parking provision would sufficiently accommodate three domestic cars.

3.2 Northridge Way is characterised by similarly designed semi-detached dwelling houses. The area has a verdant aspect emphasised by the planned communal green and generous rectangular garden plots serving the properties. Several properties have been extended, with both side and rear extensions evident within the street scene.

## 4. PROPOSAL

4.1 The proposed development seeks to demolish the existing detached garage and construct a two-story side and rear extension to the house to increase living accommodation to 4 bed bedrooms plus integrated garage. Space for parking two cars is to be retained on the existing driveway.

## 5. PLANNING HISTORY

Planning Applications (If Any): None relevant

## 6. CONSTRAINTS

CIL Zone: CIL3

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: HCA3  
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**

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 application site is located within a residential area of Hemel Hempstead, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national

and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension's character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

#### Quality of Design / Impact on Visual Amenity

9.3 Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2021) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.4 Furthermore, appendix 7 of the Local Plan (Small Scale House Extensions) outlines the importance of side extensions in reflecting the design of the main house, while remaining secondary in appearance.

9.5 The proposals are considered domestic in scale and character, proportionate addition to the size of the original building, The scale of the addition overall brings balance to the pair of semi-detached dwellings, as no.328 Northridge Way has been extended similarly in the past with a two-storey side extension with matching eaves and ridge height tot the original dwelling, as is proposed here. The bay roof feature across the house between ground and first floor level adds some visual interest and reduces the perception of bulk or mass.

9.6 The proposed side extension would not create a terraced effect and maintain the open, suburban visual aspect of the street scene, give the staggered nature of the build line and generous setback from the road as well as maintaining a 0.7m gap to the side boundary.

9.7 The proposed materials are to be match the existing building, which is in keeping with the character of the area. Furthermore, Northridge Way consists of multiple houses featuring two storey side extensions and thus the proposed would appear in keeping with local character.

9.7 Accordingly the proposals are consistent with aims of the NPPF (2021), appendix 7 of the Dacorum Local Plan (1991) and policies CS11 and CS12 of the Core Strategy (2013).

#### Impact on Residential Amenity

9.8 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 and 7 of the Local Plan (1991), policy CS12 of the Core Strategy (2013) and paragraph 130 of the NPPF seek to ensure that new development does not result in detrimental impact on the neighbouring properties and their amenity space.

9.9 Appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window. The proposed extension would not breach the 45 degree line as drawn from the rear habitable windows of neighbouring properties, 328 and 324 Northridge Way. Nor does the development breach guidance offered by Building Research Establishment "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)." with respect to impacts on neighbouring sunlight or daylight.

9.10 Given the scale and siting of the proposals they are not considered to cause any a significant loss of daylight/sunlight with adequate spacing to avoid visual intrusion or loss of outlook.

9.11 The proposed windows, to the rear and front elevation, are appropriate in size, position and height; in-keeping with the existing fenestrations of the dwelling house and would not afford additional views deemed harmful in the suburban context.

9.12 The proposed development would not harm the residential amenity and privacy of neighbouring residents and is acceptable in terms of the NPPF (2021), appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Impact on Highway Safety and Parking

9.13 NPPF paragraph 111 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.”

9.14 The site is located within parking zone 3 as defined by the Parking Standards SPD (2020). The proposals would enlarge the dwelling to a 4 bed dwelling, which requires 3 parking spaces. There is provision for at least 2 off street parking spaces plus a garage space is re-provided, however is not wide enough to meet modern standards for parking in garages as outlined in paragraph 8.4 of the parking SPD. At 2.4m wide the proposed garage is still capable of accommodating a smaller car or motorbike. Whilst there is only two formal parking spaces of standard required by the SPD, it is noted the site is in a sustainable location close to transport facilities and amenities, which would reduce daily dependency on the car. In addition there is scope for another parking space on the large front garden, however on balance it is considered to the benefits of the landscaped front garden contribution to the character and appearance of the property and locality outweighs the benefits of an additional car parking space, given the very limited shortfall in parking provision which is unlikely to harm the safe and efficient flow of the highway.

9.15 The tandem parking arrangement is pre-existing and is considered acceptable in line guidance (para 8.5, pg.26 of the Parking SPD).

9.16 The proposals overall are unlikely to give rise to unacceptable or severe impacts to the highway and are therefore considered complicit with the aims of Core Strategy policy CS8 and CS12 and NPPF paragraph 111.

#### Other Material Planning Considerations

9.17 The proposals are unlikely to have any significant implications for trees and landscaping and will be built in accordance with modern building regulations, outside of the planning process.

#### Chiltern Beechwood Special Area of Conservation (SAC)

9.18 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.19 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

#### Response to Neighbour Comments

9.20 There has been no public comment on the application

#### Community Infrastructure Levy (CIL)

9.21 The development is not CIL liable.

## 10. CONCLUSION

10.1 To conclude the proposals have an acceptable impact upon the character and appearance of the building and locality, without any significant harm arising to neighbouring amenity, highway or environmental considerations.

## 11. RECOMMENDATION

11.1 That planning permission/listed building consent be **Granted**

### Condition(s) and Reason(s):

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

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

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

**CM-02-03-2022-1- Site Plan**  
**CM-02-03-2022-1- Location Plan**  
**CM-02-03-2022-2**  
**CM-02-03-2022-3 A**  
**CM-02-03-2022-4 A**

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

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

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

### Informatives:

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

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

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
None	

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

**Neighbour Responses**

Address	Comments

# Agenda Item 5e

ITEM NUMBER: 5e

21/04404/FHA	Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description)	
Site Address:	Russett View, Dunny Lane, Chipperfield, Hertfordshire, WD4 9DD	
Applicant/Agent:	Mr & Mrs M Brookes	Mr Nigel Hammond
Case Officer:	Patrick Doyle	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The applicants are DBC employees	

## 1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**.

## 2. SUMMARY

- 2.1 The application site lies within the Metropolitan Green Belt wherein new buildings are generally considered inappropriate development. There are exceptions to this however which includes extensions to buildings, provided they are not 'disproportionate' to the original building. For the reasons set out in this report, it is considered that the extensions are disproportionate and would therefore be harmful to the openness of the Green Belt, however very special circumstances have been demonstrated given the material fallback of the permitted development rights for alternative development enabling more extensive harm to the Green Belt openness as an alternative to the development proposed. The proposal is therefore consistent with paragraphs 147 and 148 of the NPPF.
- 2.2 The development would be acceptable having regard to the visual appearance of the extensions, the impact on designated heritage assets, impacts on neighbours, impacts on highway safety and parking provision.

## 3. SITE DESCRIPTION

- 3.1 The application site comprises of a deep plot, extending from Dunny Lane towards the south-east. The site benefits from a carriage driveway and double garage to the front of the site, the dwelling located uphill and about 2/3rds of the way into the plot, with a large swimming pool outbuilding located behind and to the side of the dwelling. The access along the eastern flank of the site is shared with the property known as Rosemary to the south-east.
- 3.2 The site lies within the Chipperfield Conservation Area and within the Metropolitan Green Belt.

## 4. PROPOSAL

- 4.1 Householder planning permission is sought for extensions to the existing dwelling; the creation of new parking spaces and retaining walls; and for the cladding of the existing double garage at the front of the site. The proposals also indicate two sets of entrance gates near the front of the site, set back around 6m from the highway.



4.2 The dwelling would comprise of four bedrooms.

4.3 Since the application was originally submitted proposals for the extension and conversion of an outbuilding to form a residential annexe have been removed from the plans.

## 5. PLANNING HISTORY

Planning Applications (If Any):

21/01508/TCA - Works to trees.  
*RNO - 20th May 2021*

21/02603/TCA - Works to tree.  
*RNO - 15th July 2021*

22/00275/TCA - Fell 8 trees on highway verge.  
*RNO - 10th February 2022*

4/1500/88 - Historic File Check DMS for Documents and Further Details  
*DET - 20th September 1988*

4/0533/89 - Historic File Check DMS for Documents and Further Details  
*DET - 7th June 1989*

4/00523/17/FHA - Extension above existing garage  
*GRA - 7th June 2017*

4/00256/16/TCA - Works to Trees.  
*RNO - 1st March 2016*

4/01226/15/TCA - Works to trees  
*RNO - 6th May 2015*

4/00414/75/FUL - Elderly persons residence  
*REF -*

4/01360/12/TCA - Works to trees  
*ROB - 28th August 2012*

4/00501/12/TCA - Works to trees  
*RNO - 20th April 2012*

4/00702/09/FHA - Replacement of flat with pitched roof and three velux windows over existing extension and retiling of main roof  
*GRA - 23rd June 2009*

4/00010/09/LDP - Replacement pitched roof to extension and re-roof main dwelling  
*REF - 26th February 2009*

4/01045/05/DRC - Details of sectional detail of driveway including surfacing materials required by condition 4 of planning permission 4/00353/05 (demolition of garage and construction of attached garage (amended scheme))  
*GRA - 27th June 2005*

4/00353/05/FHA - Demolition of garage and construction of attached garage (amended scheme)  
GRA - 15th April 2005

4/02679/04/FHA - Demolition of garage and construction of attached garage  
WDN - 5th January 2005

4/01370/00/DRC - Details of roof tile required by condition 2 of planning permission 4/1595/98  
(construction of building to accommodate swimming pool)  
GRA - 11th August 2000

4/00775/00/DRC - Details of facing materials required by condition 2 of planning permission  
4/01595/98(erection of building to accommodate swimming pool)  
GRA - 5th May 2000

4/01595/98/FUL - Erection of building to accommodate swimming pool  
GRA - 11th December 1998

## **6. CONSTRAINTS**

CIL Zone: CIL2

Chipperfield Conservation Area

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Chipperfield CP

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 522, Details of Trees: G1 4x Common Ash, 1x Common Birch 2x Sycamore

## **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

CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS25 - Landscape Character  
CS27 Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Chipperfield Conservation Area Character Appraisal (2009)  
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)

### 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. This policy does however go on to state that small-scale development within the Green Belt will be permitted, inter alia, for limited extensions to existing buildings.

9.3 The above is considered to be broadly consistent with the NPPF, which states in paragraph 149 that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, however there are a list of exceptions to this which includes c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

9.4 The NPPF does not define what is meant by 'disproportionate additions' and so applications must be assessed on their own merits. Equally, policy CS5 of the Core Strategy does not define what is meant by 'limited extensions', so again regard would need to be had to the individual circumstances of each case.

9.5 The proposal could therefore be acceptable in principle, subject to it being demonstrated that the extensions to the existing buildings are not in themselves disproportionate and there is no otherwise unacceptable impact to the openness of the green belt overall.

### Impact on the Openness of the Green Belt

9.6 One measure of the impact on Green Belt openness and whether extensions are indeed 'proportionate' is to compare the existing and proposed built form in floorspace and volume terms.

- 9.7 From the planning history, it appears that the original building had a floor area of 111.7sqm. The 'original building' is taken as the building existed on 1<sup>st</sup> July 1948 or if built after this date, as it was built originally. A number of extensions to the original building have taken place since its original construction and these are summarised in chronological order as follows:
1. A single storey rear extension was granted in 1977 (ref: 4/0722/77) which contains the current kitchen and dining room. This element added around 39.4sqm in floor space terms.
  2. In 1988 (4/1500/88) permission was applied for and granted for a new bay window to the front elevation. This resulted in a nominal increase in floorspace of around 0.5sqm.
  3. In 2005, a new garage extension to the side of the dwelling was approved and subsequently built out (ref: 4/00353/05). This was a revision of an earlier 2004 approval and added around 19.5sqm of floorspace.
  4. In 2009, an application to change the flat roof above the kitchen and dining room extension to a pitched roof was approved and this was subsequently built out. This did not add any floorspace, but did add volume. It should also be noted that one of the original consents from 1977 (which was not built out) included a pitched roof. A second approval from 1977 (referenced in point 1 above) was built out with a flat roof instead.
  5. At some time between 2009 and 2017, an infill extension was built off the back of the attached garage and connecting to the dining room, but there does not appear to be any formal planning history for this part of the house. This added around 12sqm of floorspace.
  6. In 2017, an application for a first floor extension above the garage (and the unauthorised single storey extension) was approved. The officer report indicates that this would have added around 43.2sqm of floorspace.
  7. Based on the plans and planning history, it does not appear that any other extensions have been built out since 2017. It is however unclear when the double garage at the front of the site was built. The submission acknowledges that this had originally been a single garage and has since become a double garage, but again does not benefit from any formal planning permission so there is some ambiguity over this building.
- 9.8 Therefore, based on the above, it appears that a total of 114.6sqm of floorspace has been added to the original building, which had a floorspace of 111.7sqm. As such the dwelling has already been made larger by 102.6% (226.3sqm = 202.6% of the original building). This does not include the fact that the swimming pool outbuilding has been constructed and a double garage has also been constructed at the front of the site.
- 9.9 These current proposals seek to add approximately 54.3 sq.m of floorspace which would therefore take the total floor area to 280.6sqm, which represents a total increase in floor area terms of around 151.2% (251.2% of the original). This is a substantial increase and is not therefore considered a 'proportionate addition'.
- 9.10 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.11 The submission appears to acknowledge that the extensions are disproportionate and therefore seeks to justify the proposals relying on the potential fallback position that permitted development rights would enable.
- 9.12 The proposed extensions would not in themselves amount to permitted development as the extensions would be connected to one another, or to previous extensions and so would not comply with PD criteria. Similarly the front gable element would not amount to PD as you cannot extend forward of a principal elevation unless in the case of a porch, which this is not. However the scale of plausible permitted development extensions permitted do include larger scale additions to the rear of the property and a front porch and would be a realistic alternative if planning permission were refused. A rear extension and front porch in combination could create a development of a volume of 238.6 cu.m and floorspace of 60 sq.m (instead of the 211.7 cu.m and 54.3 sq.m proposed by the front and rear additions). In addition, given the wide scale additions to the property, permitted development rights will be removed for further enlargement to restrict any further uncontrolled additions to the property and to maintain visual and spatial openness of the Green Belt, consistent with the purposes of the Green Belt at local and national level.
- 9.13 In addition the proposals now include the removal of 70 sq.m of hardstanding to the front and landscaping condition is proposed to soften the overall appearance of the development and increase area free from built form of development. Although additional hardstanding is proposed to the rear of the property (30 sq.m). Overall this is considered positive aspect of the scheme in qualitative and quantitative terms.
- 9.14 Whilst the proposal are inappropriate development by definition and would harm Green Belt openness spatially (however not visually as considered in next section), however Very Special Circumstances identified are considered to clearly outweigh this harm. Therefore the proposals are consistent with paragraph 147 and 148 of the NPPF and acceptable in principle.

#### Quality of Design / Impact on Visual Amenity

- 9.15 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.
- 9.16 Notwithstanding the above concerns over Green Belt principle issues, the extensions themselves are single storey and, with the exception of the front 'feature window', they would be largely disguised from the highway by the existing dwelling and vegetation. The large glazed feature would give the dwelling a more prominent appearance from the highway, however given the set-back distance from the highway, this is not thought to result in any significant levels of harm in visual terms and would add visual interest and overall design quality of the building.
- 9.17 The submission indicates a mix of facing brickwork plinths, dark-stained feather-edge timber boarding, black aluminium windows and doors and a grey slate effect roof tile. There are no

in-principle objections to this use of material in the Conservation Area. The only concern of the Conservation and Design Officer was that they would prefer to see a lighter coloured timber. A condition requiring details of final materials is proposed. Otherwise, the materials are largely acceptable in a rural location such as this and the varied materiality in the locality.

- 9.18 Following on from the above, there are no in-principle concerns with the proposed cladding of the existing double garage at the front of the site. On the basis that this would match the dwelling, it would be considered to have an appropriate appearance. Again this would need to be covered by planning condition.
- 9.19 The proposals include alterations to the hard and soft landscaping to the front and rear of the property. The plans indicate an overall reduction in hardstanding and landscaping details can be secured by condition to ensure the development contributes to the overall character and appearance of the locality and conservation area. The submission indicates the provision of two sets of entrance gates although there does not appear to be details of these so this is to be secured by condition.
- 9.20 Therefore, the proposals are considered to comply with policies CS11 and CS12 as far as the visual impacts are concerned, such as scale, design and appearance, nor visual harmful from a green belt perspective.

#### 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 5'. The Appraisal states that in Area 5, the outlying areas to the north-west area of the Village comprise of clusters of buildings on both sides of the two

roads, Tower Hill and Dunny Lane. Both roads are well hedged, Dunny Lane running downhill from the Royal Oak crossroads, and Tower Hill running uphill from there towards Bovingdon. House plots tend to be generous and back onto ancient enclosed fields; these fields press up to the roads between the buildings.

- 9.26 Firstly, with regards to Listed Buildings, it appears that Russett View is within the setting of Lavender Cottage, a locally listed building. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.27 The application seeks householder extensions to Russett View, including extensions to the outbuilding. These proposals do not fundamentally change the use of the site which is a residential use and so there would be no impact to the 'setting' of this locally listed building. In addition, the proposed extensions, with the exception of the feature window, would be sited behind the dwelling and behind the outbuilding, so wouldn't necessarily 'read' as being within the same setting. Whilst acknowledging the proposed cladding to the double garage at the front of the site, it is not considered that the proposals would result in any material harm to the locally listed building nor Conservation area.
- 9.28 It is therefore considered that the proposals would not unduly affect designated heritage assets and the proposals would therefore comply with policy CS27 of the Core Strategy, policies 119 and 120 of the Local Plan and complies with the NPPF.

#### Impact on Residential Amenity

- 9.29 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.
- 9.30 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.
- 9.31 It was noted at the time of the site visit that the north-eastern and south-western boundaries of the site are largely well-screened. For the reasons already set out above, the extensions are single storey and predominantly located behind the dwelling. As such they would not materially affect the neighbours. The front extension to incorporate the 'feature window' would be largely glazed and may give the perception of increased overlooking, however any views from this window would be akin to simply standing in front of the dwelling on the existing patio. As such there would be no increased overlooking of neighbouring properties.
- 9.32 The neighbour to the south-east Rosemary would be unaffected by the proposals as that property is sited on a much higher ground level than Russett View. Similarly the proposed works at the front of the site are not thought to result in any material harm to neighbours.
- 9.33 The proposal is therefore considered to comply with policy CS12 of the Core Strategy insofar as residential amenity is concerned and complies with the guidance of the NPPF in this regard. As with the above sections of the report, this absence of harm is not considered to be a benefit and does not overcome the more fundamental issues in Green Belt terms.

#### Impact on Highway Safety and Parking

- 9.34 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF require development to provide safe and suitable access for all users.
- 9.35 The Highway Authority have been consulted and note the existing carriage driveway. They raise no objections to the scheme and note the provision of entrance gates which would be set back farther than 6m as required, given the speed limit of Dunny Lane.
- 9.36 With regard to parking, the report has already acknowledged above that there would be an overprovision, with a total of 8 parking spaces shown on the plans, along with the double garage at the front of the site, totalling 10 parking spaces. The dwelling would comprise of four bedrooms, typically only requiring 3 car parking spaces. Whilst it is acknowledged that there is an overprovision of parking, it appears that the 4 spaces to the front of the site could be put in place without requiring planning permission.
- 9.37 As such it is considered that the proposal would be acceptable in respect of highway safety and parking provision. The scheme demonstrates an absence of harm in this regard and not a benefit considered to outweigh the fundamental concerns raised above in this report.

#### Other Material Planning Considerations

- 9.38 With respect to trees, the Council's Conservation & Design Officer suggested in their initial response that some trees had already been removed in the Conservation Area. There were two applications for works to trees earlier in 2021 to which no objection was raised, ref: 21/01508/TCA and 21/02603/TCA. It appears that the trees were likely removed in accordance with these consents, although this current application is not to establish whether compliance with that consent has been demonstrated. That would be a separate matter to be taken up with the Council's Planning Enforcement team. The proposals do not unduly affect any of the TPO's present on site.
- 9.39 The Council's Environmental Health team have also been consulted and raise no objections in relation to Contaminated Land, noise, dust, air quality etc. although some planning informatives have been suggested, which would have been appropriate had planning permission been forthcoming.
- 9.40 Thames Water have commented and confirm that they have no objection, although they have suggested a number of planning informatives.

#### Chiltern Beechwood Special Area of Conservation (SAC)

- 9.41 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.
- 9.42 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

#### Response to Neighbour Comments



- 9.43 No comments have been received from neighbours.
- 9.44 The Parish Council have raised concerns with the size and position of the outbuilding, however this aspect of the proposals have been removed from consideration.

## **10. CONCLUSION**

- 10.1 The application site lies within the Metropolitan Green Belt wherein new buildings are generally considered inappropriate development. There are exceptions to this however which includes extensions to buildings, provided they are not 'disproportionate' to the original building. For the reasons set out in this report, it is considered that the extensions are disproportionate and would therefore be harmful to the openness of the Green Belt, however very special circumstances have been demonstrated given the material fallback of the permitted development rights for alternative development enabling more extensive harm to the Green Belt openness as an alternative to the development proposed. The proposal is therefore consistent with paragraphs 147 and 148 of the NPPF.
- 10.2 The development would be acceptable having regard to the visual appearance of the extensions, the impact on designated heritage assets, impacts on neighbours, impacts on highway safety and parking provision.

## **11. RECOMMENDATION**

11. That planning permission be **GRANTED**.

### **Condition(s) and Reason(s):**

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

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

2. **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;**
- **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: in the interests of ensuring the overall quality of the development, safeguarding the residential and visual amenity of the locality, and preserving heritage assets and Green Belt

openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

3. **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, to safeguard the visual character of the area, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

4. **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 further enlargement of the building or outbuildings, additional hardstanding or means of enclosure shall occur or 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, Class B, Class D, Class E, Class F of Part 1, Schedule 2 and;  
Class A, Part 2, 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, preserve heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

5. **Notwithstanding the details shown on the approved drawings, no gates, fencing or other means of enclosure shall be constructed until details of the gates, fencing or other means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The gates, fencing or other means of enclosure shall then be constructed in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development, to safeguard the visual character of the area, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

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

**Drwg No. 01 Rev C; Drwg 03 Rev G; Drwg 04 Rev F; Drwg 08 rev E; Drwg 09 rev K;  
Drwg Rev 10 D**

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

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 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.
4. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
5. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
6. 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>.

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow 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>.

7. 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) 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 3) 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
Conservation & Design (DBC)	<p>I commented on the pre-app as follows:</p> <p>"The property, a single storey bungalow of 'butterfly' plan is not of strong architectural interest. It has been considerably extended to the rear as well as having a large pool outbuilding at the rear.</p> <p>The key element to the context is the manner in which all the built form sits low on the hillside, below the adjacent property, Rosemary. The addition of a full storey will impact on this. However, it might well be feasible to raise the building to 1½ storeys (eg in the manner of Wagoners nearby); possibly with a full front gable at the garage end. If this approach is adopted, the new entrance hall and appropriate fenestration/dormers/roofing materials (slate would be acceptable) would flow from this - including possibly accommodating a front balcony in the forward facing end gable. Painted render (or perhaps vertical</p>

timber cladding) would be acceptable rather than dark stained 'barn style' cladding. I do not see an issue with converting the pool to a gym/home office and creating a simple glazed link between the house and the pool room from a design perspective."

The current scheme abandons the proposal to raise the roofline, which is a positive.

Whilst there was no objection to converting the pool room to leisure use, the current scheme envisages a flat-roofed bedroom extension, addition of a porch, dormer etc as part of its conversion to a residential annexe. The pool building already has a large footprint in relation to the house and I would suggest that the building does not follow AONB/ Conservation advice, all of which recommend against using crown roofs and flat roofs, and in this case they are awkwardly juxtaposed. I would therefore propose that the building's roof could be re-configured as a shallow monopitch, preferably green roof to bed it better into this hillside location. A more contemporary treatment of the fenestration, entrance etc could then be incorporated in the design. This solution would then also be able to accommodate a rear extension more comfortably.

I note that the application still suggests black weatherboarding, and although local examples are shown in the planning statement, I would suggest that a lighter cladding material is adopted, which would be more in keeping with the original 1960s building.

I note in the Planning Statement the reference to felling of trees which may have required Conservation Area consent?

Also to the proposal to install gates, which may require consent?  
Revised comments received 17.01.2022:

I have reviewed the plans - which are incorrectly and confusingly listed as 'existing plans' when they are in fact a combination of existing and proposed.

Apologies however as I had misread the north-east elevation (and ground plans) as showing a crown roof when it relates to a return roof.

In this respect, the proposal cannot be criticised for failing to follow Conservation Area design advice (the AONB guidance having been referred to simply for echoing and reinforcing good practice). The adoption of a flat roof for the extension however, does not follow the CA advice, and as previously stated does not sit comfortably with the main roof. (This was a key reason for suggesting a monopitch green roof, which would have significantly enhanced the appearance of this

	<p>utilitarian building, constructed prior to the Conservation Area Appraisal for Chipperfield being adopted)</p> <p>I would therefore question the need for the second bedroom which creates this particular problem, and extends the overall structure (observed from the outset as having a substantial footprint) beyond its original build lines. If the extension is acceptable from a planning perspective, however, I would accept the flat roof will not be viewed from the Conservation Area, and that levels prevent it being tucked under the eaves of the existing building as would normally be the case. In this respect, I would therefore accept that the alterations to the pool building do not cause sufficient harm to the Conservation Area that would justify refusal. However, I would agree with the proposal to insert a condition relating to materials.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Fire Safety Advisor: Apologies for the delayed response, this was originally in my colleague's to-do list who is now off sick and I'm picking up bits and pieces.</p> <p>If there is not adequate space on site for a fire appliance to manoeuvre and turn around, then they should only be expected to enter approx. 20m on to site as they are not expected to reverse more than 20m. This is to allow swift redeployment if needed elsewhere. Therefore measurements can start 20m on site from Dunny Lane if that makes sense. From that point, the maximum travel distance from the rear of the parked fire appliance to the furthest point within a building should be no more than 45m. Anything further than 45m, it would be recommended to have sprinklers installed as 45m is the standard length of hose, and laying additional hose will take time before entry otherwise firefighters could face a more developed fire and casualties more time exposed to it.</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>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:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is</p>

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) 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 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

This proposal is for the construction of a single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, associated hard landscaping incorporating retaining walls and parking area. Conversion of Swimming Pool Building to create an annexe building, with single storey porch extension, single storey rear extension, associated hard landscaping incorporating retaining walls and steps. Cladding to Garage Block with hard landscaping to existing carriage driveway forming parking area, gates and front boundary treatment at Russett View, Dunny Lane, Chipperfield. HCC Highways previously responded with an interim response pending comments from Herts Fire and Rescue. Subsequently, Herts fire and rescue have responded to the Local Planning Authority stating the need for sprinklers for the new annexe building. Any fire access matters shall be dealt with by them as the fire service.

	<p>The site has an existing carriage drive with two dropped kerbs onto Dunny Lane. There is proposed to be no changes to the existing highway network. The gates for the entrances will be set back greater than the 6 metres required from the highway network, which is deemed acceptable. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them.</p> <p>HCC Highways would not wish to restrict a grant of permission for this proposal subject to the inclusion of the above highway informatives.</p>
<p>Chipperfield Parish Council</p>	<p>CPC: No comments to make in relation to rear extension however we have concerns in regard to the size and position of the proposed summerhouse/swimming pool, as no grounds have been stated for unacceptable development in GB</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 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 guidance under sections 167 &amp; 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. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a>.</p>



	<p>Swimming Pools - Where the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public 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>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. <a href="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</a>.</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> <p>Development Planning, Thames Water,</p>
Trees & Woodlands	<p>According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant &amp; 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>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
5	0	0	0	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04792/ROC	W/22/3294068	Highlands, Kings Road, Berkhamsted	Written Representations
2	21/03999/RET	D/22/3294559	The Spinney, Hempstead Road, Bovingdon	Householder
3	21/04223/RET	W/22/3294517	Land at Berry Farm, Upper Bourne End Ln, Bovingdon	Written Representations
4	20/01889/FUL	W/22/3294485	Land at Birch Lane, To side of Annexe of 96/97 Flaunden	Written Representations
5	21/02639/FUL	W/22/3294476	Land to r/o Chertford, 126 Cross Oak Road, Berkhamsted	Written Representations
6	21/03846/FHA	D/22/3296120	4 Nettleden Road North, Little Gaddesden	Householder
7	21/04414/ROC	W/22/3296310	Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
8	21/04454/ROC	W/22/3296561	Barn A, Birch Lane, Flaunden	Written Representations
9	21/03229/FUL	W/22/3296750	Startop Farm, Long Barn, Lower Icknield Way, Marsworth	Written Representations
10	21/04453/FHA	D/22/3297019	16 Cowper Road, Berkhamsted	Householder

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/01008/FUL</a>	W/20/3256027	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	<b>Date of Decision:</b>		28/02/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>[This was a conjoined appeal with the two appeals detailed below and the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.]</p> <p>This appeal related to the erected of a chicken coop.</p> <p>Turning to the chicken coop and attached run, the Council argue that it is for domestic purposes rather than agriculture. Overall, I accept there is a potential or egg production in excess of that needed for domestic use, and this might be seen as an agricultural use. The coop and attached run are a reasonably substantial construction clearly visible from Old Watling Street, and from Watling Garth the adjacent house to the west. The construction has a greater impact upon the openness of the Green Belt than the existing development. In my view, even if it is for an agricultural purpose, its presence diminishes the openness of the site both visually and spatially and must be seen as inappropriate.</p> <p>The house adjacent to the western site boundary I understand it is about 15 metres from the poultry coop at its closest. However, the attached run extends virtually to the boundary. In my experience keeping a few hens for domestic purposes in a nearby garden can lead to noise and odour nuisance, as well as infestations of insects. Watling Garth is a relatively isolated house in countryside surroundings, I consider its occupants can expect reasonable peace and quiet in their day-to-day lives. I consider that keeping 30 birds in such close proximity to the house and its garden is likely to result in significant harm to the living conditions of occupants in terms of noise and odours.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">20/01009/FUL</a>	W/20/3256029	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	<b>Date of Decision:</b>		28/02/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0</a>			
	<b>Inspector's Key conclusions:</b>			
	[This was a conjoined appeal with the appeal detailed above and below and			

<p>the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.]</p> <p>This appeal related to the widening of the existing access onto Old Watling Street to include added gabions and planting, plus gates.</p> <p>Regarding the works to the access onto Old Watling Street, again these are not within the exceptions listed in NPPF paragraph 145. In my view they reduce openness as a result of introduction of an urbanising feature in what otherwise is a largely rural lane.</p> <p>I find the laurel hedge to be an unsympathetic and rather formal and uniform introduction in the context of the former mixed and informal boundary treatment. Furthermore the gabions and the extent of hard surfacing of the access are jarring features in this rural scene. Overall, the loss of a significant section of old mixed hedging/trees, the urbanising features of the laurel hedges, the hard surfacing and the gabions cause significant harm to the character and appearance of this formerly rural section of Old Watling Street.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	20/01305/FUL	W/20/3256631	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
<b>Date of Decision:</b>			28/02/2022	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0</a>				
<b>Inspector's Key conclusions:</b>				
<p>[This was a conjoined appeal with the two appeals detailed above and the Enforcement Notice appeal, with a conjoined Decision Letter for all 4 appeals.]</p> <p>This appeal related to the erection of two pairs of double gates on the southern boundary of the site to recreate previous access points.</p> <p>The access points and double gates onto the A5183 are not amongst the exceptions identified in NPPF paragraph 145 and are therefore inappropriate development that is by definition harmful. The western access is at an early stage of construction, with the verge still intact, and has yet to be properly formed. However, it appears to me that the hard surfacing of the new eastern access causes a clear reduction in openness. This is as compared with the hedging and trees that were there formerly and contributed to the rural character to the appeal site. While land to the east of the site is developed for various commercial purposes, and there is sporadic residential development on Old Watling Street, the appeal site and surroundings are very much a part of the countryside.</p> <p>The Highway Authority advice is there should be 160 metres visibility to either side of the access taken from a point 9 metres back from the highway edge. This access provides so very much lower visibility than that advice that I conclude the development is likely to cause serious harm in terms of</p>				

	highway safety for users of the appeal site and nearby roads.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">4/01278/18/FUL</a>	W/21/3278371	Units 1 & 2 Richmond Square, Hicks Road, Markyate	Written Representations
	<b>Date of Decision:</b>		16/03/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278371">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278371</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>Hicks Road is one of three roads into Markyate from the A5183 and at the time of my mid-afternoon site visit it seemed reasonably busy. The road is not particularly wide and at my site visit I saw that there were vehicles parked along the south side of the road, opposite the site, which reduced the effective carriageway to a single car's width.</p> <p>In terms of servicing, the appellant has advised that the A1 use would generate a need for four to six deliveries each day. The development would provide one loading bay perpendicular to Hicks Road. The appellant's Delivery and Servicing Management Plan states that its use by non-delivery vehicles would be prevented by the presence of a retractable bollard. Using pre-arranged delivery windows, logistics planning programmes and GPS, staff on site can be made aware of when a delivery is imminent and so can lower or remove the bollard in readiness. Such measures will also be used to endeavour that no more than one delivery vehicle is at the site at any one time.</p> <p>Whilst in theory this would be satisfactory, I have concerns over its practicability...it is possible that more than one delivery vehicle would be at the site simultaneously, even taking account of the fact that each delivery would only be for a short time, which also may result in a delivery vehicle waiting on the road. Due to the proliferation of parking opposite and on nearby roads, there would most likely be nowhere for vans or lorries to safely park whilst waiting. A waiting delivery vehicle would therefore, due to the narrow width of the road, most likely block the road entirely. Given the level of use of the road, this could quickly lead to congestion. [This] would have severe adverse consequences for traffic flow and highway safety.</p> <p>Overall, I consider a departure from the parking standards set out in the SPD would be justified. Nonetheless, I do not consider that the measures suggested in the Delivery and Servicing Management Plan for the operation of the loading bay would ensure that deliveries to the A1 unit would not compromise highway safety.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">20/02711/FUL</a>	W/21/3274531	Land Adj No 8 Red Lion Lane, Bridens Camp,	Written Representations

		Hemel Hempstead	
	<b>Date of Decision:</b>	23/03/2022	
	<b>Link to full decision:</b>		
		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274531">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274531</a>	
	<b>Inspector's Key conclusions:</b>		
	<p>The proposal would form a line of houses along most of the Red Lion Lane frontage and continue tangentially along the first half of the bridleway frontage. This would create a substantial line of buildings close to and along the two prominent sides of the site. Both these frontages have hedges, but the proposed dwellings being 2 storey and closely sited would be visible at these viewpoints. The proposal would fundamentally change the site's character from undeveloped countryside to an extensive row of houses, with only one significant gap, a garden, in between the plots. The extent of development would be perceived as urban in form and out of keeping with a rural area.</p> <p>The block plan indicates that there would be very restricted space in between the houses particularly after a physical boundary has been formed and space left for access to the rear. There would be very limited scope for conspicuous landscaping in between the plots to soften the length of development.</p> <p>The submitted LVIA notes that the site is not prominent from distant vantage points. I concur, but there is nonetheless the above impact at close views. The LVIA also mentions the use of vernacular architecture and the Design and Access Statement explains the intention is to replicate the simplicity of the estate workers cottages. However irrespective of the particular elevational design, the presence and extent of the proposed dwellings would be intrusive.</p> <p>I therefore conclude that the proposal would harm the character and appearance of the area and harm the AONB. I find that this would be significant harm due to the proximity of the development to public views, the nature of those views, the context of the views and the views being publicly accessible on a road and bridleway.</p> <p>The proposal would lead to hard surfaces over most of the site and a loss of vegetative cover for the wildlife. Additionally, there would be disturbance by vehicles and people. Moreover, the ecological report is cautionary about the impact of external lighting on the bats. The houses and their domestic curtilages would inevitably be likely to generate significant light spillage across the site boundaries. No dark corridor has been identified and would be unlikely given the expanse of development. Given the above, I therefore find that the proposal would impair the movement of wildlife. In addition, the proposal would entail tree and shrub clearance which would be likely to reduce the foraging and shelter for bats. I therefore conclude that based on the submitted evidence, including the lack of precise and detailed mitigation measures, the proposal has the potential to harm protected species and would lead to the loss of biodiversity.</p> <p>Taken as a whole I find that the proposal would lead to a slightly adverse</p>		

<p>impact on highway safety.</p> <p>I...find that in terms of privacy the proposal would be acceptable. I find that the gardens would be a reasonable size and shape, which would be capable of accommodating toddlers play and sitting out, as well as hanging out washing. I therefore conclude that the proposal would provide satisfactory living conditions for the occupants.</p> <p>The Council cannot show a 5 year Housing Land Supply, the supply being 2.8 years or 3.2 depending on the buffer used. The site is within and harmful to the AONB, so paragraph 11(d) of the Framework is not triggered under footnote 7.</p> <p>On overall balance I therefore find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. An appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not therefore required.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">20/03932/UPA</a>	D/21/3275458	10 Delmar Avenue, Hemel Hempstead	Householder
<b>Date of Decision:</b>			23/03/2022	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275458">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275458</a>				
<b>Inspector's Key conclusions:</b>				
<p>Paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO refers to the external appearance of the dwellinghouse. In this regard, the <i>CAB Housing Ltd</i> judgment confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.</p> <p>The proposal, to create an additional floor to the appeal property, would in effect create a 3-storey dwelling. Due to its position amongst the row of 2-storey dwellings, the extended appeal property would appear notably conspicuous in the street scene. Its incongruity in its context would be particularly evident in views from where Delmar Avenue turns the corner, considering the run of properties with similar ridge heights which are positioned on that side of the street. Similarly, although its roof form and window arrangements would be appropriate, the extended appeal property would present as being unduly large in terms of its scale, bulk and massing in its immediate context. Accordingly, as the extended dwelling would appear noticeably out-of-place in this location it would undermine the character and appearance of the local area.</p> <p>I therefore find that the proposal would have an unacceptable and harmful effect on the external appearance of the dwellinghouse, in conflict with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO.</p> <p>The proposal would not be likely to cause material harm to the living conditions of the occupiers of No 8 with respect to loss of light.</p>				



	<p>The existing side elevation of the appeal property, facing No 12, likely constrains the amount of sunlight that reaches the windows on the flank elevation of No 12 at first-floor level, which serve a habitable room. The proposal would add an additional storey to the appeal property which would mean that an additional long expanse of built form would be placed above those windows, in close proximity to them. Due to the orientation of the appeal property relative to No 12 this would obscure a notable proportion of sunlight for part of the day. I have had regard to the correspondence submitted by the current occupiers of No 12 in relation to this matter. However, in my view a reduction in sunlight of this magnitude would cause significant harm the living conditions of the occupiers of No 12. For these reasons, I therefore find that the proposal would not comply with paragraph AA.2(3)(a)(i) of Class AA of Part 1 of Schedule 2 of the GPDO.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">21/04397/FHA</a>	D/22/3290070	4 Parkfield, Markyate	Householder
	<b>Date of Decision:</b>		01/04/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290070">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3290070</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The proposal is to enlarge No 4 with a part single storey, part 2-storey extension at the front that would be evident from Parkfield, in both directions. When seen from this highway, the new 2-storey element with a hipped end facing the road would be a significant and prominent feature. It would be a sizeable addition, extending outwards by 3-metres from the main front wall and across much of the building's width. In combination, the design and scale of the new 2-storey extension would cause it to overwhelm the simple form, modest proportions and general style of the existing dwelling notwithstanding the use of matching external materials.</p> <p>By introducing a large 2-storey front projection with mono-pitched roofs on either side, the proposal would exacerbate these differences and further unbalance the built form of No 4 and its attached counterpart. This imbalance would be so great as to draw the eye in the local street scene. For all these reasons, the proposal would spoil the intrinsic character of the existing dwelling and be obtrusive even among the varied built form within the local area.</p> <p>I conclude that the proposed development would be out of keeping with the character and appearance of the local area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">21/03708/FHA</a>	D/22/3292490	3 Epping Green, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		04/04/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292490">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292490</a>			
	<b>Inspector's Key conclusions:</b>			

<p>The appeal is dismissed insofar as it relates to the erection of a front second floor extension. The appeal is allowed and planning permission is granted for the erection of a rear single storey extension &amp; garage extension.</p> <p>The appeal dwelling stands within a short line of similar properties that address the same side of Epping Green. Despite some changes to the properties in this row, they all retain the dormer and a ground floor forward projection at the front. When seen from the adjacent highway, the broadly consistent roof profile of this grouping and their stepped front elevations establishes a broad consistency and a noticeable rhythm to existing development, which is locally distinctive.</p> <p>The proposal would be a sizeable addition with the new front elevation perceived as more substantial in-built form than the dwellings on either side. The new 2-storey gable would be a significant and conspicuous feature of the new front elevation that would also differentiate the completed dwelling from others in the same row. Taken together, I consider that the marked contrast in the scale and design of the finished dwelling compared to others in the same row would cause No 3 to stand uncomfortably in the local street scene. By unduly disrupting the distinctive pattern of existing development along this section of Epping Green, the proposal would be obtrusive in the streetscape and detrimental to the area's visual character.</p> <p>I conclude that the proposed first floor extension would cause significant harm to the character and appearance of the local area.</p> <p>As the proposed rear and garage extensions would be consistent with the character and appearance of the host building and the local area, they would comply with the policies cited by the Council. These elements of the proposal are clearly severable to the proposed front extension and so I am able to issue a split decision that grants planning permission solely for them.</p> <p>[This appeal was part allowed. However, the element of the development that the Council refused was dismissed].</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	21/01961/FHA	D/21/3287227	Moorings, 13 Anglefield Road, Berkhamsted	Householder
<b>Date of Decision:</b>			05/04/2022	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287227">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287227</a>	
<b>Inspector's Key conclusions:</b>				
<p>The Council appears to find the rendered piers placed on either side of the gates acceptable. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the fence and gates on the character and appearance of the local area.</p> <p>For the most part, the highway frontages of existing properties along this road are marked by hedgerows of varying height, open driveways, fences,</p>				

	<p>walls and some gates, many of which are low level. These features, coupled with the gaps between buildings and the grass verges on each side of the highway, give Anglefield Road a spacious, informal and verdant character, which is locally distinctive.</p> <p>The solid form and considerable length of the timber fence and the solidity of the electronic timber gates, coupled with their slightly elevated position to the highway, means that they are significant and prominent features when seen from Anglefield Road. From this highway, the fence and gates draw the eye as a rather stark, solid and formal barriers. As a result, they have an overly imposing presence in the street scene in marked contrast with the more low-key and informal appearance of the front boundary treatments prevailing along Anglefield Road. For these reasons, the fence and gates are obtrusive and have a deleterious effect on the character and appearance of the local area.</p> <p>I am unable to share the appellant's opinion that the landscaped line to the new boundary and the retention of the grass verge maintains the prevailing soft and verdant character of the street scene.</p> <p>There are examples of close-boarded fencing and solid gates that mark the boundaries to some properties along Anglefield Road including those to which the main parties have referred. From what I saw, these cases are not a predominant characteristic of the front boundary treatment along that part of Anglefield Road to which the site belongs. Furthermore, in some instances, the examples exemplify the harm to which I have referred. Consequently, these cases do not lend support to the appeal.</p> <p>I conclude that the development is out of keeping with the character and appearance of the local area.</p>
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### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 28 February 2022 and 17 April 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">21/01366/ROC</a>	W/21/3281296	Wagon And Horses, London Road, Flamstead	Written Representations
	<b>Date of Decision:</b>		07/03/2022	
	<b>Link to full decision:</b>		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3281296">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3281296</a>	
	<b>Inspector's Key conclusions:</b>			
	Paragraph 150 of the Framework states that a material change in the use of land is not inappropriate in the Green Belt providing it preserves its openness and does not conflict with the purpose of including land within it. Policy CS5 of the Dacorum Core Strategy is consistent with this. As the change of use of			

the land to a Class E use has already been granted, it is only the effect of removing condition 3 that needs to be considered in terms of the Framework and policy CS5.

Clearly were the office in use by a business which had no commercial vehicles and had no associated plant or equipment, then it is possible that the whole of the hardstanding area would be occupied by cars. Indeed that is allowed for in condition 3. Furthermore, from the plans, it appears that when in use as a pub, much of the site was covered in asphalt and so would most likely have used for customer car parking. As a result, the principle of the parking of vehicles across much of this large open part of the site has been established.

The trucks used by the appellant are visibly larger vehicles than cars. However there are few of them, and so their additional impact on the openness of the Green Belt is limited. Likewise the storage of a few diggers and other highway equipment has a very minimal effect on openness. I recognise there would most likely always be plant, equipment or commercial vehicles on the site including overnight, and in this respect the development differs to office parking or pub customer parking. Nonetheless, the limited number of trucks, plant and equipment and the fact that all these items are not built form and are moveable, leads me to consider that their impact on the openness of the Green Belt is limited.

Overall the effect of the site being used to accommodate some commercial vehicles, plant and equipment as opposed to car parking is limited. I consider the development preserves the openness of the Green Belt and does not conflict with any of the five purposes of the Green Belt set out in paragraph 138 of the Framework. As such it is not inappropriate development and so accords with policy CS5 and the Framework as set out above. Consequently, condition 3 is unnecessary.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">21/01696/FHA</a>	D/21/3282270	Honeysuckle Barn, Birch Lane, Flaunden	Householder
	<b>Date of Decision:</b>		08/03/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282270">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282270</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appeal is allowed and planning permission is granted for alterations to an existing dwelling involving raising the roof and changes to the fenestration.</p> <p>The raising of the barn's roof by between 0.5 and 1.13 metres has increased its volume from 649.18 to 753.90 cubic metres. The raising of the barn's roof has increased its original volume by 16%. I consider that volumetric change has not resulted in a disproportionate addition over and above the size of the original building and that there has been no consequent harm to the Green Belt's openness. I therefore conclude that the development is not inappropriate development within the Green Belt.</p>			

	<p>While the raising of the barn's roof has increased its height and mass, I am of the view that the making of this change to the barn has not harmed its appearance. In that regard I consider that the barn has not become too heavy or unduly bulky and that the height and roof form remain in sympathy with this building's original character. I also consider that the changes to the fenestration, compared with what was originally permitted, have not harmed either the barn's or the Conservation Area's appearance.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">21/01236/FHA</a>	D/21/3280747	The White House, Potten End Hill, Water End	Householder
	<b>Date of Decision:</b>		08/03/2022	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280747">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280747</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appeal is allowed and planning permission is granted for a garden room.</p> <p>Seven types of built development listed in paragraph 149 of the Framework may be treated as exceptions to inappropriate built development in the Green Belt. However, outbuildings are not included amongst those exceptions. Outbuildings...are not identified as being permissible for the purposes of Policy CS5. I therefore conclude that the outbuilding would be inappropriate development within the Green Belt. I attach substantial weight to that harm.</p> <p>The outbuilding would add a little to the built development in the Green Belt, given its area of 20 sq.m. However, as the outbuilding would be within TWH's rear garden and TWH is one of a number of dwellings that make up Water End, I consider this development would not constitute urban sprawl. The change to Green Belt openness, in relative terms, would be very modest and I find it would not be harmful.</p> <p>Ordinarily the outbuilding's siting would benefit from permitted development (PD) rights, deemed to be granted under the provisions of Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, TWH no longer benefits from those PD rights because condition 3 imposed on the 2003 permission has withdrawn them. As the reason for condition 3's imposition had nothing to do with avoiding Green Belt harm and were it not for that condition express planning permission for the outbuilding would be unnecessary, I consider those are considerations weighing substantially in favour of the proposed development.</p> <p>I conclude that very special circumstances exist to justify planning permission being granted for the outbuilding.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">21/04354/FHA</a>	D/22/3291812	4 Reson Way, Hemel Hempstead	Householder

<b>Date of Decision:</b>	31/03/2022
<b>Link to full decision:</b>	
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3291812">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3291812</a>
<b>Inspector's Key conclusions:</b>	
	<p>The appeal is allowed and planning permission is granted for the erection of a rear dormer including rooflights in front roof slope, new rooflights in rear pitch and outbuilding.</p> <p>The Council appears to raise no objection to the proposal aside from the new dormer extension. The elevated position of the new rear dormer would lead to a greater level of overlooking towards of the rear of 2 Thistlecroft, which is residential property that backs onto the site, than would be possible from the existing upper rear windows of No 4. Having viewed the site from No 2, I can appreciate that the presence of the new dormer would also heighten a sense of being overlooked given that it would be visible from the rear of this neighbouring dwelling. That perception would be reinforced by the position of the new dormer roughly just above eye level when seen from the rear garden and patio of No 2 and its ground floor rear windows, which serve habitable rooms, due to the notable difference in ground levels.</p> <p>In my experience, some overlooking of this type is a common characteristic of the relationship between residential properties in main built-up areas. In this case, a reasonably generous distance would separate the new dormer and the rear windows of No 2, which the Council estimates to be about 27 metres. The intervisibility between the new dormer and the rear of No 2 would also be filtered through the foliage of some trees, which are mostly within the back garden of this adjacent property. Tree cover may reduce in the winter months when some specimens are not in leaf, which the appellant's visualisations show. Vegetation can also be cut back or removed at any time. However, the separation distance between Nos 2 and 4 would remain in either eventuality and, on balance, it would still maintain an adequate level of privacy for the occupiers of No 2.</p> <p>Overall, I conclude on the main issue that the new dormer extension would not cause significant harm to the living conditions of the occupiers of No 2.</p>

#### **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 28 February 2022 and 17 April 2022.

None.

#### **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 28 February 2022 and 17 April 2022.

None.

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 28 February 2022 and 17 April 2022.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
<b>1</b>	E/20/00088/NPP	C/20/3257673	Land E Watling Girth, Old Watling Street, Flamstead	Written Representations
	Date of Decision:	28/02/2022		
	Link to full decision:			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3257673&amp;CoID=0</a>			
	Inspector's Key conclusions:			
	<p>[This was a conjoined appeal with the three planning appeals detailed above, with a conjoined Decision Letter for all 4 appeals].</p> <p>[For the Ground (a) appeal "<i>that planning permission should be granted</i>", please also refer to planning appeals above. Overall conclusion: none of these considerations (economic output of egg production &amp; social aspect of sustainability) outweigh the harm to the Green Belt by reason of inappropriateness and the other harms identified, and do not amount to the very special circumstances necessary to justify the development].</p> <p>Appeal under Ground (b) "<i>that the breach of planning control has not occurred as a matter of fact</i>". The appellant has put in no photographic evidence of the dropped kerbs, and the Council's 'Streetview' images from 2012 are indistinct. It might be expected that more thorough photographic evidence and perhaps plans to show the previous existence of the accesses would be submitted. Overall, the appellant's evidence is very thin indeed, and does not constitute the degree of precision or lack of ambiguity I would expect in a ground (b) appeal. I conclude that on the balance of probabilities the ground (b) appeal should not succeed.</p> <p>Appeal under Ground (c) "<i>that there has been no breach of planning control</i>". The appellant argues that the land is agricultural, where a hardstanding of not more than 1000 square metres on a piece of such land in excess of 0.5 of a hectare is permitted development. There is no evidence to show that the appeal site is being used agriculturally as a trade or business. Although the appellant says he intends to pursue his plan to keep poultry and to sell eggs locally, this has yet to materialise. Furthermore, I am not at all satisfied the appellant has demonstrated the hardstanding is reasonably necessary for</p>			

the purposes of agriculture within the unit. Also, the part of the hardstanding to the south of the site is within 25 metres of the trunk road, and therefore the entire area is precluded from the allowance under the provisions of paragraph B.1(c). For all these reasons I find that on the balance of probabilities the construction of hardstanding is not permitted under the GPDO, and that the ground (c) appeal must fail.

The requirement to *'reinstate a boundary treatment'* rather than a requirement to *'restore the land to its previous condition'* appears to me to give the appellant considerably greater flexibility in the type of boundary treatment to employ. As to infilling the holes/foundations after removal of the gate-posts, these holes and any foundations are clearly part and parcel of the development of the accesses. The requirement is therefore part of the restoration of the land. Whether or not the holes/foundations would require planning permission is a matter of fact and degree but is in any case irrelevant to the question of whether infilling/removal is part of the restoration. Overall, I conclude that the ground (f) appeal must fail.

It is argued that the period for all the requirements should be extended to 12 months. The Council say the various periods were calculated to ensure each step could be undertaken without 'over-stepping' each other. I agree this is a rational approach. It would, for instance be undesirable to require the Old Watling Street access to be reinstated before removal of the hardstanding. The periods allowed appear to me quite practically feasible, and I see no reason to extend any of them. The appeal on ground (g) therefore fails.

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 28 February 2022 and 17 April 2022.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 28 February 2022 and 17 April 2022.

**None.**



## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 17 April 2022).

<b>APPEALS LODGED IN 2022</b>	
PLANNING APPEALS LODGED	22
ENFORCEMENT APPEALS LODGED	1
<b>TOTAL APPEALS LODGED</b>	<b>23</b>

<b>APPEALS DECIDED IN 2022</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	33	100
APPEALS DISMISSED	19	57.6
APPEALS ALLOWED	12	36.4
APPEALS PART ALLOWED / PART DISMISSED	2	6.1
APPEALS WITHDRAWN	0	0

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2022</b>		
Total	19	100
Non-determination	0	0
Delegated	18	94.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	5.3

<b>APPEALS ALLOWED IN 2022</b>	<b>TOTAL</b>	<b>%</b>
Total	12	100
Non-determination	0	0
Delegated	11	91.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	8.3

## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	19/02588/MFA	W/21/3275429	Lilas Wood Wick Road Wigginton	18 May 2022
2	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc

### **6.11 UPCOMING INQUIRIES**

None.

### **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 28 February 2022 and 17 April 2022.

None.

### **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 28 February 2022 and 17 April 2022.

None.

<b>Item 7</b>	<b>LOCAL ENFORCEMENT PLAN (2022 Projects and Priorities)</b>
<b>Case Officer</b>	<b>Philip Stanley</b>
<b>Referral to Committee</b>	<b>Operational document for Development Management and Planning</b>

## 1. Recommendation

1.1 That the proposed project / priority for 2022 within the Local Enforcement Plan – a focus on reducing open Enforcement cases received in the years 2012, 2013, 2018 and 2019 - be taken to the Portfolio Holder for **APPROVAL**.

## 2. Summary

2.1 According to paragraph 58 of the National Planning Policy Framework (NPPF), Local Planning Authorities should publish a local enforcement plan (LEP) to show how the delivery of the planning enforcement function is undertaken in their area.

2.2 The current LEP was approved in November 2019 and is publicly available on the Council's website, following this link: [https://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f\\_8](https://www.dacorum.gov.uk/docs/default-source/planning-development/local-enforcement-plan.pdf?sfvrsn=7f37eb9f_8).

2.3 The contents of DBC's LEP incorporates an annual 'pull out' section, Section 9, entitled "Priorities and Projects". However, no objectives have yet been set for 2022. Consequently, it is important that these objectives be confirmed.

2.4 This report recommends that the priority for the remainder of 2022 be a focus on reducing planning enforcement cases that were received in the years 2012, 2013, 2018 and 2019, i.e. before it becomes too late to take formal Enforcement action due to the passage of time.

2.5 An associated Action Plan details how this focus is intended to operate throughout 2022.

## 3. Purpose of Local Enforcement Plan

3.1 Section 2 of the Local Enforcement Plan explains the purpose of the document. It firstly outlines what the NPPF expects a LEP to contain, and then details what the specific aims are for Dacorum's LEP.

3.2 According to paragraph 58 of the NPPF, a local enforcement plan, "*should set out how [Local Planning Authorities] will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate*". It should also demonstrate how it will, "*manage enforcement proactively, in a way that is appropriate to their area*".

3.3 These broad aims are expanded within paragraph 2.2 of Dacorum's LEP. An effective planning enforcement service is vitally important in maintaining public confidence in the planning system by assisting in the delivery of the development that has been granted and in taking action against harmful development which has not been

approved. Therefore, the LEP needs to show how planning enforcement investigations within Dacorum will be carried out, explain the basis on which planning enforcement decisions are made, and detail the Borough's enforcement priorities. The LEP will also need to outline what 'proactive enforcement' means in the Borough.

#### 4. Planning Enforcement Priority Projects

4.1 As stated above the NPPF expects a Local Enforcement Plan to demonstrate how it will manage enforcement proactively. The majority of planning enforcement cases will be dealt with on a reactive basis, i.e. an investigation will commence after we have received a report of an alleged breach of planning control. However, DBC's LEP acknowledges that there are some 'hot topics' or 'problem areas' where the team's resources can be focused to make the maximum impact.

4.2 As such, Section 9 of the LEP introduced 'Priorities and Projects'. This section is reviewed on an annual basis to take into account changing priorities, as well as the overall resources of the Planning Enforcement team at that time. For example, this could be a focus on listed buildings, or on the unauthorised hardpaving of front gardens, or on 'beds in sheds'.

4.3 The priorities and projects for the first two years of DBC's current LEP have been as follows:

YEAR	PROJECT NAME	PROJECT OBJECTIVE
2020	Project A 'Major Developments'	To monitor pro-actively all planning permission for significant major developments.
	Project B 'Adverts / Banners'	To keeps the local environment thriving and attractive by taking robust and prompt action along Maylands Avenue, the Two Waters Road / London Road junction and The Plough roundabout.
2021	Project A 'Major Developments'	To monitor pro-actively all planning permission for significant major developments.
	Project B 'Education'	To try to prevent breaches of planning control occurring in the first place.

#### 5. 2022 'Priority Project'

5.1 As stated above any annual priority or project must take into account the most important needs of the Borough, its residents and businesses, but must also consider the overall resources of the Planning Enforcement team. At present Planning Enforcement are without both its Assistant Team Leader and a third Enforcement Officer. Whilst, it is anticipated that these posts will be filled, they will remain vacant until at least the start of May. As such, any 2022 priority or project must reflect the current demands of the Enforcement team and not add further work to a department that is

already stretched.

5.2 An Audit of the Planning Enforcement service at Dacorum Borough Council was undertaken in the final quarter of 2021/22. This Audit recognised the progress the Enforcement team has made to reduce its historical caseload (pre-2021) from 445 to 289. This reflects the targeted work undertaken by the Enforcement Team in 'The 400 Plan', as well as in personal objectives that have been set for staff to reduce their historical caseload.

5.3 It is very important that historical cases are given just as much focus as new cases because, in most cases, development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

5.4 These time limits are set out in section 171B of the Town and Country Planning Act 1990.

5.5 Therefore, the Audit, in recognising that there remains a considerable number of open historical caseload, makes the following recommendation:

*“A further focused review be undertaken of the older open cases (focusing on those approaching the 4 year and 10 year passage of time dispensation), to ensure that appropriate action is taken and assurance is provided that cases will not lapse due to the time limits”.*

5.6 The following table details the number of Enforcement cases received in 2012, 2013, 2018 and 2019, as well as the number of those cases that remain open.

<b>YEAR</b>	<b>CASES RECEIVED</b>	<b>CASES OPEN</b>
2012	485	4
2013	473	3
2018	581	31
2019	531	69

5.7 Overall, it is very important that the cases highlighted in the table above are reviewed and the appropriate action taken to ensure that potentially harmful development is not allowed to remain due to the passage of time making such development unenforceable.

5.8 Whilst the Enforcement team currently do not have the capacity to review all historic cases (as well as deal with new breaches coming in), creating a focus on these four years is both necessary and sensible. Furthermore, the objective to either close these cases or take formal action against them in 2022 is realistically achievable.

## 6. 2022 'Priority Project' Action Plan

6.1 In order to ensure that the cases that remain open for 2012, 2013, 2018 and 2019 are reviewed and actioned in a logical and organised manner it is necessary for an Action Plan to be created, detailing how and by when each action should be undertaken.

6.2 The proposed Action Plan is as follows:

<b>ACTION</b>	<b>BY WHEN?</b>
(1) Create a list (spreadsheet) of all open cases for 2012, 2013, 2018 and 2019.	End of April 2022
(2) Analyse which cases are (1) already out of time, (2) already subject to formal enforcement action, and (3) being led by an Enforcement Officer still with the Council.	End of April 2022
(3) Review 2012 and 2018 cases, establishing the stage these cases have reached, and establishing 4 and 10-year deadline dates for cases involving serious breaches.	End of May 2022
(4) Write up all 2012 and 2018 cases that can be closed (breach resolved, no breach, not expedient, etc.)	End of June 2022
(5) Complete any further investigations required for 2012 and 2018 cases (site visits, PCNs, etc.)	End of July 2022
(6) Take formal enforcement action as appropriate for 2012 and 2018 cases.	End of Aug 2022
(7) Review 2013 and 2019 cases, establishing the stage these cases have reached, and establishing 4 and 10-year deadline dates for cases involving serious breaches.	End of Sept 2022
(8) Write up all 2013 and 2019 cases that can be closed (breach resolved, no breach, not expedient, etc.)	End of Oct 2022
(9) Complete any further investigations required for 2013 and 2019 cases (site visits, PCNs, etc.)	End of Nov 2022
(10) Take formal enforcement action as appropriate for 2013 and 2019 cases.	End of Dec 2022

## 7. Conclusion

7.1 It is considered that the proposed 'Priority Project for 2022', i.e. a focus on reducing open cases for 2012, 2013, 2018 and 2019, strikes an appropriate balance between dealing with enforcement matters that have the potential to cause significant and permanent harm and recognising the current capacity of the Planning Enforcement team. The proposed project would also ensure compliance with a recommendation of the recent Planning Enforcement service audit.

7.2 Through a focus on these years, the Planning Enforcement team will be in a much stronger position in 2023 to revert to the approach taken in 2020 and 2021, i.e. to focus on specific planning enforcement matters / topics that are of most concern to Members, residents and businesses of Dacorum.

**8. RECOMMENDATION** – That the proposed project / priority for 2022 within the Local Enforcement Plan – a focus on reducing open Enforcement cases received in the years

2012, 2013, 2018 and 2019 - be taken to the Portfolio Holder for **APPROVAL**.

# PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (April 2022)

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. Prosecution not expedient provided finishing materials are agreed with Conservation Officer. *Compliance visit required*
3	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.



	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
4	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.
5	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	Partially complied	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). Appeal also dismissed. New app. (20/02400/FHA) granted. Works to remove garage block have started. *Compliance visit required*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
6	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
7	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned. Site visit required to confirm compliance and to continue investigation at other locations within site.
8	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. Installation due later in Jan – Feb 2022.
	CASE REF.	LOCATION	BREACH	DATE	EFFECTIVE	COMPLIANCE	APPEAL	NEW	RESULT	NOTES / FURTHER

				ISSUED	DATE	DATE		COMPLIANCE DATE		ACTION
9	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. Installation due later in Jan – Feb 2022.
<b>10</b>	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA refused. *Appeal made – Hearing on 18 <sup>th</sup> May*
11	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Correspondence sent to owner 20.01.20 to request application/compliance. Application 21/02858/FUL – granted. Check needed - approved scheme has been implemented?
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
12	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Application for twin tracks approved 20/03945/FUL – works already undertaken to remove a lot of material. Final compliance check required and then removed from this list.
13	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes - appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal allowed in respect of ground (g) (time limits) & Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. *Approved works completed. Case can be removed from the list*
14	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
15	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep 18	14 Oct 18	14 Dec 18	Yes	N/A	N/A	S.215 Notice served. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
16	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes/ dismissed	01 Oct 21	N/A	Compliance deadline has passed. Need to undertake compliance check.
17	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	N/A	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. Compliance check undertaken and application 20/03416/FHA not dealt with under s70(c). Next steps being considered.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

18	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and operational development including laying hard standing and erection of fencing	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made final 20 Sep 2019). Public Inquiry took place in May 2021. Permanent planning permission refused – 5 year temporary permission granted, limited to one pitch (two caravans). Need compliance check to see how site currently being used.
19	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes/ dismissed	N/A		Compliance required by 03 Feb 2021. *New owners received permission for reinstatement works. Compliance check required.*
20	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		LBEN decision issued – notice upheld and wall considered part of the Listing. *New owners received consent for reinstatement works. Compliance check required.*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

21	E/18/00558	123 George Street, Berkhamsted	Breach of condition in relation to approved drawings 4/01759/16/FHA.	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.
22	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes / split decision	18 Dec 21		Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. New compliance date 18 Dec 21. Further notices in abeyance whilst new planning applications are being considered.
23	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20	N/A	N/A		Breach of condition notice issued: approved plans. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations. *Variation application 20/01656/ROC – Granted Compliance check required*.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
24	E/20/00088/	Land east of	Construction of a	17 Jul 20	28 Aug 20	17 Jul 21	Yes	*28 Feb 23*		Appeal conjoined

	NPP	Watling Garth, Old Watling Street, Flamstead	building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site.				*dismissed 28.02.22*			with 3 x planning appeals for refusals of numerous developments at this site. *All 4 appeals dismissed. Currently within compliance period*
25	E/20/00249/LBG	57 St Johns Road, Hemel Hempstead	Installation of UPVC windows in listed building.	25 Sep 20	27 Oct 20	27 Oct 23	Yes / dismissed	26 May 24		Appeal submitted – appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply.
26	E/20/00101/NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	Yes / dismissed	10 Sep 21		Appeal submitted – appeal dismissed – new compliance date 10 September 2021. No compliance – need to consider next steps.
<b>27</b>	E/19/00378	199 High Street, Berkhamsted	Installation of a traffic control barrier to the side of the building.	19 Nov 20	21 Dec 20	21 Jan 21	Yes/ withdrawn			This EN was appealed, but prior to the submission of statements, the appeal with withdrawn by the appellant. *Revised scheme 20/03873/FUL (retractable bollard) approved and now implemented. Case closed – can be removed from list*.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
<b>28</b>	E/19/00513/NPP	Berkhamsted Golf Club, The	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes *Part	*29.02.21*		21/02829/FUL granted, allowing



		Common, Berkhamsted					allowed 29.10.21*			compromise scheme. *Appeal decision part allowed for compromise scheme*.
<u>29</u>	E/21/00045/ NPP	17 Polehanger Lane, Hemel Hempstead	Construction of a building/structure to the front of the property.	03 Mar 21	01 Apr 21	01 May 21	No			Further to the issuing of a Temporary Stop Notice, an EN was issued in order to remedy the breach of planning control and to ensure removal of the part built structure to the front of the property. *Largely removed. Completion compliance check required*.
<u>30</u>	E/19/00444/ NAP	Plot 1, Cupid Green Lane, Hemel Hempstead	Construction of two timber buildings and installation of fencing and septic tank system	14 Apr 21	12 May 21	12 Sep 21	*No*			Further to the upheld appeal and quashed EN (material change of use), the Council has issued a further notice relating to the operational development at this site, including a new, large timber building. *EN withdrawn. Need whole site review. Case to be removed from list*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
<u>31</u>	E/19/00268	Silver Birches, Nettleden Road North, Little	Alterations and building works to an outbuilding in order	09 Jun 21	07 Jul 21		Yes			Enf notice issued in respect of the development,

		Gaddesden	to facilitate its material change of use to an independent dwellinghouse							following refusal of 4/02148/19/RET. The enforcement notice has been appealed. *Appeal allowed. Case closed - can be removed from list*.
32	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following refusal of listed building consents	23 Jun 21	21 Jul 21	21 Oct 21	No			Listed building EN issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21. Works have commenced – need compliance check.
33	E/20/00388/ CONSRV	28 George Street, Berkhamsted	Installation of cladding to external facade of property	23 Jun 21	21 Jul 21	N/A	No			The homeowner has appealed the refusal of 21/01313/RET for the same development. *Appeal allowed. Case can be closed and removed from the list*.
34	E/20/00395/ NPP	21 Howards Drive, Hemel Hempstead	Materials and other items stored in the garden	30 Jun 21	30 Jul 21	30 Sept 21	N/A		*Partly Complied*	S215 notice issued in connection with the condition of the front garden of this property. *Significant improvement – only final items to be removed*.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
35	E/20/00347/ NAP	2 North Road, Berkhamsted	Development not in accordance with 4/01142/17/FHA	30 Jun 21	30 Jul 21	30 Jan 22	No		*Complied*	Enforcement notice issued in relation to dormer windows built

										not in accordance with approval. EN requires removal of dormers by 30 <sup>th</sup> Jan 2022. *Owner reverted to and constructed 2120/19/ROC. Case closed – can be removed from list*.
36	E/19/00395	26 Morefields, Tring, HP23 5EU	Construction of a raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337	28 Jul 21	30 Aug 21	30 Aug 22	No			Enforcement notice issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping. Still within compliance period.
37	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21	N/A	*Yes*			Enforcement notice issued in relation to fencing erected, new access and gate installed and erection of 3 x sheds on the land. *Awaiting decision from PINS re. appeal procedure*
38	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21	N/A				Stop notice issued in connection with the un-finished fencing on this land (previously subject to a temporary stop notice).
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
39	E/21/00312/ NPP	Land at Church Road, Little	Construction of timber outbuilding	25 Aug 21	25 Sept 21	N/A	*Yes*			*Awaiting decision from PINS re. appeal

		Gaddesden								procedure*
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**THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME**

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<b>40</b>	E/21/00041/ NPP	The Old Oak, Hogpits Bottom, Flaunden	Change of use of the land to a mixed use of wood chopping/fire wood business and the siting of a mobile home/caravan for residential purposes	09 Dec 21	13 Jan 22	13 Jan 23	Yes			*Appeal to be heard by way of Hearing – date to be confirmed*.
<b>41</b>	E/19/00146	Land at Pipers Hill/ Church Meadow, Great Gaddesden	Erection of fencing.	09 Dec 21	13 Jan 22	13 Apr 22	No			*Compliance period has very recently expired. Need to complete compliance check*
<b>42</b>	E/22/00073/ LBG	Cow Roast Inn Cow Roast	Building in very poor condition.	30 Mar 22	7 April 22	14 April 22	No		Partly Complied	*Listed Building Urgent Repairs Notice issued. Building now secure / boarded up*.