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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 1 SEPTEMBER 2022 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

Councillor Guest (Chairman)	Councillor Douris
Councillor C Wyatt-Lowe	Councillor Williams
Councillor Beauchamp (Vice-Chairman)	Councillor Hollinghurst
Councillor Durrant	Councillor Stevens
Councillor Hobson	Councillor Tindall
Councillor Maddern	Councillor Riddick
Councillor McDowell	

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

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS (Page 5)

- (a) 4/02680/18/MOA - Part Demolition of Existing Hotel Premises and Associated Buildings, Conversion of 'Stable Lodge' into 1 No. Dwelling, 36 No. Apartments and 24 No. Houses and Relocation of Existing Mobile Home (Outline) - Bobsleigh Inn, Hempstead Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0DS (Pages 6 - 17)
- (b) 22/01692/FUL - Construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works - Bingham's Park Farm Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN (Pages 18 - 43)
- (c) 21/04605/RET - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept) - Basement At 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF (Pages 44 - 55)
- (d) 22/00273/ROC - Variation of Condition 5 (Approved Plans) attached to planning permission 20/00393/ROC (Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows)) -17 Whytingham Road, Tring, Hertfordshire, HP23 5JN (Pages 56 - 77)
- (e) 22/00891/FHA - Single storey front extension, demolition of part of garage, 2 single store rear extensions and associated alterations - 18 Bartel Close, Hemel Hempstead, Hertfordshire, HP3 8LX (Pages 78 - 87)

6. APPEALS UPDATE (Pages 88 - 100)

INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	4/02680/18/MOA	Part demolition of existing hotel premises and associated buildings, conversion of the 'stable lodge' into 1 no. Dwelling, 36 No.apartments and 24 no. Houses, and relocation of 2 no. Existing mobile homes (outline) Bobsleigh Inn, Hempstead Road, Bovington, Hemel Hempstead	
5b.	22/01692/FUL	Construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works. Binghams Park Farm, Potten End Hill, Water End, Hemel Hempstead	
5c.	21/04605/RET	Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). Basement At, 65 High Street, Hemel Hempstead, Hertfordshire	
5d.	22/00273/ROC	Variation of Condition 5 (Approved Plans) attached to planning permission 20/00393/ROC (Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows)) 17 Whytingham Road, Tring, Hertfordshire, HP23 5JN	
5e.	22/00891/FHA	Single storey front extension, demolition of part of garage, 2 single storey rear extensions and associated alterations. 18 Bartel Close, Hemel Hempstead, Hertfordshire, HP3 8LX	

Agenda Item 5a

ITEM NUMBER: 5a

4/02680/18/MOA	Part Demolition of Existing Hotel Premises and Associated Buildings, Conversion of 'Stable Lodge' into 1 No. Dwelling, 36 No. Apartments and 24 No. Houses and Relocation of Existing Mobile Home (Outline)	
Site Address:	Bobsleigh Inn, Hempstead Road, Bovington, Hemel Hempstead, Hertfordshire, HP3 0DS	
Applicant/Agent:	Macdonald Hotels And Resorts Ltd.	Street Design Partnership
Case Officer:	Nigel Gibbs	
Parish/Ward:	Bovington	Hemel Hempstead Town
Referral to Committee:	To report back the application to review the material change of circumstances since the Committee's decision upon the application on 15 August 2019	

1. RECOMMENDATION .

1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

That the following Heads of Terms or such other terms as the Committee may determine, be agreed:

- Affordable housing at 35% based upon an Apartment Block (15 units) for Rent, 3 two bedroom and 3 three bedroom units are First Homes.
- The relocated mobile home to be limited to a period equivalent to the occupancy by the current occupant (and any carer (s) and the land to reinstated to its existing condition.
- £15,000 to allow the bus stop outside the site to be upgraded.
- £8,000 to allow the provision of easy access kerbing at the bus stop opposite the site. (Note: A Section 278 Agreement would also be necessary to address any changes to the highway network in particular changes to the proposed site access arrangements and for the provision of a pedestrian crossing at a suitable location near the site).
- An appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement; drainage matters being satisfactorily addressed in conjunction with the Council's independent drainage consultants, and entering into a section 106 agreement for the purpose of securing affordable housing provision.
- Any additional financial contributions are to be reported at the meeting.

2.BACKGROUND

2.1. The application was considered by the Council's Development Management Committee on 15 August 2019. A link to the original report, the addendum and the minutes are at Appendix A.

2.2 It is necessary to report this application to the Development Management Committee again because of the time lapse between the Committee's consideration in August 2022 and resolution to approve the development in order to review the change in material considerations since then.

2.3 The Committee's resolution was:

'In the event that the Secretary of State does not call in the application the application is DELEGATED to the Group Manager - Development Management & Planning WITH A VIEW TO APPROVAL subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

That the following Heads of Terms or such other terms as the Committee may determine, be agreed:

- Affordable housing at 35% based upon an Apartment Block (15 units) for Rent, 3 two bedroom and 3 three bedroom units for shared ownership.
- The relocated mobile homes to be limited to a period equivalent to the occupancy by the current occupants and the land to be reinstated to its existing condition.
- £15,000 to allow the bus stop outside the site to be upgraded.
- £8,000 to allow the provision of easy access kerbing at the bus stop opposite the site. Note: A Section 278 Agreement would also be necessary to address any changes to the highway network in particular changes to the proposed site access arrangements and for the provision of a pedestrian crossing at a suitable location near the site'

2.5 The Report's Conclusion was:

"With the lack of a significant use for the hotel complex, inevitably showing significant signs of decline at a key visual gateway to both Bovingdon and Hemel Hempstead a once vibrant site is in the need of significant reinvigoration. The proposed residential development provides such an opportunity. The main housing scheme generally accords with national green belt policy with no substantial harm in terms of the redevelopment of a previously developed site, with very special circumstances to robustly justify the relocation of the two mobile homes for the existing three residents. The proposal involves a significant number and range of new homes with 35% affordable units close to Bovingdon provided by a scheme which respects the site's heritage and rural/ countryside setting and to which there are no highway/ access/ parking objections. It is a sustainable development which achieves the economic, social environmental objectives of the planning system as expressed through the National Planning Policy Framework."

2.6 It is confirmed that the Secretary of State did not call in the application.

2.7 The s106 Agreement was at a very advanced stage of finalisation- agreement between the Applicant, this Council and Hertfordshire County Council- when Ashridge and Tring Woodlands Moratorium was introduced on 14 March 2022.

2.8. **Important Note:** An application (22/02029/MFA) is currently under consideration for the 'Proposed Demolition of Existing Building and Construction of 67 Dwellings Comprised of 28 Houses and 39 Apartments with Associated Landscaping, Access and Parking'. The Applicant is Bobsleigh Inn Ltd & Villafont (Bovingdon) Ltd which is the owner of the site. This application must be considered upon its individual merits. There is reference below to the documents submitted with Application 22/02029/MFA that are relevant to Application 4/02680/18/MOA regarding :

- Site Ownership.

- The presence of bats.
- The existing building's condition.

3. CONSIDERATIONS

3.1 The Material Change of Circumstances since the Committee's consideration on 15 August 2019

These are considered to include the following:

3.2 Site: Housing Circumstances: Mobile Home Provision and Application Description

Comment: The Heads of Terms should now only relate to one mobile home and the Application Description is changed:

From '4/02680/18/MOA ... AND RELOCATION OF 2 NO. EXISTING MOBILE HOMES (OUTLINE) -....'

To : 4/02680/18/MOA ... AND RELOCATION OF 1 NO. EXISTING MOBILE HOME (OUTLINE) -....'

Background

The Existing Caravan Park: Provision of Caravans for the Existing Occupiers of Highcroft Trailer Park.

The Agent has confirmed that 'With regards to Mrs. ...(sic) Guest, who occupied one of the caravans mentioned in the outline planning application, we are advised by her son in writing that she is now in a care home following a period of time in hospital and she has vacated the caravan and all her belongings have been removed.

The second occupier continues to agree to relocation. This changes the s106 Agreement in respect of 'Existing Occupants' Definition'

The Draft s106 Agreement :Draft Schedule 3: Caravan Land

This will need to be changed to the provision of a caravan for a single caravan and their carer(s) if necessary, not to commence the development until the caravan is provided with all services, including all fire access arrangements etc.

3.3 SITE OWNERSHIP

The submitted Certificate B confirmed that notice was served on the owners of 2 and 4 Highcroft Trailer Park.

It has been confirmed that the owner of 'the above property' (i.e. The Bobsleigh Inn for both planning applications) is Bobsleigh Inn Limited, part of the Macdonald Hotels Group.

3.4 Policy: The National Planning Policy Framework's (2019) updating by the revised 2021 version

Comment: There are no fundamental implications.

Background: This has taken into account the changes referred to by the 2021 Version's following Paragraphs:

8(b) and (c), 11, 20, 22, 35(d), 48(c), 57, 64, 70, 92(b), 98, 106 (d), 119, 122(a), 123, 125 to 129, 134, 161, 161(c), 162, 163, 164, 167, 180 (a) (d), 183, Annex 1 , Annex 3 : Definitions; Green Infrastructure, Housing Delivery Test and Sustainable Transport Modes.

3.5 Policy: National Design Guide

Comment: It is considered that there was a comprehensive approach to the development's design in the context of being an outline application.

3.6 Policy: National Planning Policy Guidance: Self-build and custom housebuilding land duties

Comment: There is no provision in the development. With delivery of 35% affordable housing and a mix of house types, it is considered that the development would deliver a very inclusive scheme and in this context an informative could address self-build and custom housebuilding.

3.7 Policy: Introduction of First Homes

Comment: As the s106 Agreement was not completed before 28 March 2022 there will be a requirement to include to provide First Homes.

Background: The Strategic Planning Team has advised that '...the six homes proposed for shared ownership should instead be First Homes. This would be consistent with paragraph 001 in the 'First Homes' PPG, which states that First Homes should account for at least 25% of all affordable homes'.

3.8 Other National Planning Policy Guidance Updates since the Committee's Resolution

Comment: The application was comprehensively assessed and overall it is considered that there are no apparent implications with reference to these publications.

Background : These updates include Air Quality , Consultation and pre-decision matters, Determining Planning Applications, Design: process and tools, Environmental Impact Assessments , Flood risk and coastal change, Healthy and safe communities, Housing Needs for Different Groups, Light Pollution, Neighbourhood Planning, Self Build and Custom Housebuilding, Planning Obligations and Viability.

3.9 .The Council's Climate Emergency Strategy and Action

Comment: There are no fundamental implications given the approach to the application.

3.10 Site Allocations 2017

Comment: The application was not referred to by the report. There are no fundamental implications.

3.11. The Dacorum Local Plan

Comment: This is 'on hold'/ the new Local Plan process is ongoing and limited weight can be given to this.

3.12 Bovingdon Neighbourhood Plan

Comment: This is in progress. This was not referred to by the report. There are no fundamental implications.

31.13 Joint Strategic Plan (JSP) for the South West Hertfordshire area is ongoing.

Comment: Limited weight can be given to this.

3.14 The Council's adoption of the Car Parking Standards in November 2020, superseding the previously saved Appendix 5 of the Dacorum Borough Local Plan (2004) and Condition 13

Comment: There is a need to review with reference to Condition 13, with some small changes to Condition 13 (please see Conditions).

Background

Condition 13 specified:

'Notwithstanding the submitted details and other conditions subject to this planning permission before the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the local planning authority to illustrate the following and where appropriate alternative details to those shown by the layout PS04 Rev H: i) Roads, footways. ii) Cycleways and cycle storage. iii) Foul and surface water drainage. iv) Visibility splays/sight lines. v) Access arrangements including access for persons with disabilities. vi) Parking provision in accordance with adopted parking standards based upon the approved layout with 4% of the spaces designed for persons with disabilities and 4 additional parking spaces available for communal use. vii) Turning areas and swept path analysis/ assessment including fire access requirements (with reference to the loading capacity and accessibility for fire tenders for access to all parts of the development and fire hydrants) and refuse vehicles, including Stable Lodge and the mobile homes. viii) Individual and communal refuse storage for all units with shared footpath access to the rear gardens for Plots 9 to 12 and alternative locations for the bin Page 120 stores. ix). Electrical Charging points. x). Slab levels in relation to all parking and turning areas. Setting aside the requirements to service the mobile homes hereby permitted subject Condition 12 shall the approved details shall be provided before the occupation of any of the dwellings hereby permitted and thereafter all the approved details shall be retained and maintained fully in accordance with the approved details and only used for the approved purposes.

Background:

APPLICATION OF THE 2022 PARKING STANDARDS

Apartments (All Unallocated)

6 x1 Bed	6 Required
30 x 2 Bed	36 Required
Total	42 Required (53 Proposed)

Dwellinghouses (All Allocated)

8 x 2 Bed	6 Required (8 provided)
11x 3 Bed	25.75 Required (23 provided)
5 x 4 Bed	15 Required (15 provided)
4x 5 Beds	12 Required (12 provided)
Total	59 Required (58 provided)

Overall

Total Provided Spaces 53 (unallocated) + 58 (allocated) = 111

Total Required Spaces 59 + 36 = 95

Ratio of Allocated : Allocated : 52.25 % : Unallocated 47.7 % :

Visitor Spaces

Standards Require (50-100% of spaces allocated) Car parking standard plus 20%.

50-100% of spaces allocated- 20% of 95 = 19 spaces

Overall : Requirement 36+ 59 + 19 = 114- 111= **A shortfall of 3**

Comment: This is addressed by a change to Condition 13 from 4 to 3 as there is scope within the layout to provide for this shortfall.

Disabled Parking Provision (Requirement: 5% of spaces Disabled persons parking bays must be for residents' use only and not be allocated to specific dwellings, unless provided within the curtilage of the dwelling).

Comment: This is addressed by a change to Condition 13 recommended requiring the dwellings provided with curtilage parking requiring disabled parking provision with and 5% of the unallocated spaces required to be for disabled spaces.

Cycle Parking (Requirement: 1 Short Term Space per 10 Units 50 units + 1 Long Term Space per unit if no garage or shed provided)

Comment: All the dwellings can be provided with cycle storage in a garage or shed through within the individual curtilages and for the provision of a communal cycle storage areas for the apartments, through a change to Condition 13.

Motorcycle Parking (Requirement: Assessed on individual case basis Assessed on individual case basis)

Comment: The provision of a communal cycle storage areas for the apartments, through a change to Condition 13.

Electric Charging Points

Comment: The requirement of criteria (x) of Condition 13 is deleted as Building Regulations 2010 now address it (2021 Version 44J: Minimum standards of an electric vehicle charge point. (1) For the purposes of this Part and Part S of Schedule 1, an electric vehicle charge point must meet the following minimum standards. (2) It must be capable of providing a reasonable power output for each parking space for which it is intended to be used. (3) It must be run on a dedicated circuit. (4) It must be compatible with all vehicles which may

require access to it).

3.15 Financial Contributions

Comment: The Strategic Planning Infrastructure Team is currently reviewing this and an update will be provided at the meeting.

3.16 Retention of the Existing Hotel Building.

Comment: The retention of the exiting building remains a fundamental part of the scheme. This is notwithstanding the documents submitted with the current Application 22/02029/MFA. In this respect its submitted Planning Statement for 22/02029/MFA confirms:

'7.22 The Platt White report informs that the declining condition of the building has resulted in the cost for renovation and conversion to residential units being very high because of the work necessary to achieve compliance with the Building Regulations, and that there is a further risk of costs increasing even further when the building fabric and in particular the existing foundations are exposed.

7.23 The viability report confirms that the costs in renovation and conversion to residential units are prohibitive and are not a feasible commercial option. As an alternative, a new building would provide a low maintenance, high energy performance structure for the long term with unlimited flexibility on the design in the efficient use of space and the type and amount of energy usage'.

3.17 Ecological Implications: Site

Comment: Consideration is being given to the imposition of a condition. This takes into account that the LPA have been advised that from this autumn / winter onwards, Herts Ecology will be not be recommending conditions for bat outline mitigation strategies. This is due to changes in guidance / regulatory wording earlier in the year which makes clear that this is no longer acceptable unless there are exceptional circumstances. It is understood that Herts Ecology are also in the process of getting legal advice in this regard and will be producing guidance on bat survey requirements, which will be circulated to LPAs in the autumn.

Background: The current application 22/02029/MFA Planning Statement has confirmed :

"7.17 The results indicate that the building is used as a bat roost, as Common Pipistrelle bats were noted emerging from the roof and apex gable and that given the number of bats recorded and the season in which the surveys were undertaken, it can safely be assumed that the roost is a day roost. These results correlate with the previous bat survey findings reported by Wychwood Environmental for the previous application.

7.18 Therefore, given that the building is used by bats as a day roost, a mitigation plan will be needed to ensure the ongoing conservation status of the bats, and any works will need to be undertaken under a Natural England Bat Mitigation Class Licence (BMCL). This is no different to the previously recommended scheme and accordingly the development remains acceptable in respect of ecology".

Preliminary Ecological Assessment. The results of the survey on the hotel building identified for demolition, show that it offers high potential for roosting bats. The surrounding site offers potential foraging habitat due to the good connectivity through the linear corridor created by mature gardens either side of the site.

Previous bat surveys undertaken in 2017 recorded a small Common Pipistrelle and Brown Long Eared Bat Day roost. It is suggested that at least two further bat surveys are required in order to record the current status and plan mitigation and maintain the conservation status of the bats.

3.18 Chiltern Beechwoods Special Area of Conservation

Comment: The s106 Agreement to include an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Background: Following a letter from Natural England on the 14th March and publication of Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chiltern Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

The Council is working with Natural England and other relevant partners to agree a mitigation strategy and once adopted this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional reactional pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above. 9.49 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy it's legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

In May 2022 Natural England confirmed an objection to the application- further information required to determine the impacts on designated sites – Development within 12,6km of the SAC:

'Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive. Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth.

Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge

Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- • Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- • Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- • Fire: increased incidence and risk of fire; and
- • Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Other advice

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions'.

3.19 Highway issues

Comment: Hertfordshire County Council was relatively recently in a position to agree the finalisation of the s106 Agreement based upon the 2019 Heads of Terms.

3.20 Surrounding development / land uses

Comment: There have been no development or land use changes since August 2019 in the immediate vicinity.

3.21 Planning Conditions and Informatives

Comment: These should be amended to include, the mobile home provision, Parking / Access Issues : Changes to Condition , including the provision of a fire hydrant(s) and the provision of bat mitigation plan.

The recommended changes are highlighted in bold:

Mobile Home Provision

12. The provision of **one** mobile home shall be ready for full occupation with all services, including all fire access arrangements, in advance of the removal and clearance of any part of the mobile home park and before any demolition works (excluding the demolition of the existing garage to facilitate the accommodation of the mobile homes) and before the commencement of the development hereby permitted a Demolition Method Statement shall be submitted to and approved in writing by the local planning authority for a management schem . The development shall be carried out fully in accordance with the approved Demolition Method Statement.

Reason: To ensure that the mobile **home is** available for occupation and the development is safely carried out in accordance with Policy CS32 of Dacorum Core Strategy 2013. Informative The Demolition Method Statement's purpose is to control and minimise

emissions of pollutants from and attributable to the demolition of the development. This should include a risk assessment and a method statement in accordance with the control of dust and emissions from construction and demolition Best Practice Guidance published by London Councils and the Greater London Authority. The scheme shall set out the secure measures, which can, and will be put in place.

13.Parking / Highways

13 Notwithstanding the submitted details and other conditions subject to this planning permission before the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be been submitted to and approved in writing by the local planning authority to illustrate the following and where appropriate alternative details to those shown by the layout PS04 Rev H: i) Roads, footways. ii) Cycleways, cycle storage and motorcycle storage iii) Foul and surface water drainage. iv) Visibility splays/sight lines. v) Access arrangements including access for persons with disabilities. vi) Parking provision in accordance with the adopted parking standards **(2020) based upon the approved layout with 5% of the unallocated spaces required to be for disabled spaces and 3 additional parking spaces available for communal/ unallocated use and all curtilage parking shall be provided with disabled parking** vii) Turning areas and swept path analysis/ assessment including fire access requirements (with reference to the loading capacity and accessibility for fire tenders for access to all parts of the development and fire hydrants) and refuse vehicles, including Stable Lodge and the mobile homes. viii) Individual and communal refuse storage for all units with shared footpath access to the rear gardens for Plots 9 to 12 and alternative locations for the bin Page 120 stores. ix). Slab levels in relation to all parking and turning areas.xi). **Fire hydrant(s).**

Setting aside the requirements to service the mobile **home** hereby permitted subject Condition 12, I the approved details shall be provided before the occupation of any of the dwellings hereby permitted and thereafter all the approved details shall be retained and maintained fully in accordance with the approved details and only used for the approved purposes.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance in the interests of ensuring highway safety and that the development is served by an adequate roadway for fire refuse and other servicing vehicles and to provide adequate parking in accordance with Policies CS8 and CS12 of Dacorum Core Strategy 2013 and Policies 54 and 58, Appendices 3 and 5 of the saved Dacorum Borough Local Plan and Policy 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Bat Mitigation

As confirmed this is being reviewed.

Condition 14 (Travel Plan)

Change from mobile homes to mobile home.

APPENDIX A

The full report for 4/02680/18/MOA when it was provided for the DMC of 15.08.19 can be found at the following link, and then reading Item 5f in the Public Reports Pack (p.90 – 184):

[Agenda for Development Management on Thursday, 15th August, 2019, 7.00 pm \(dacorum.gov.uk\)](#)

Agenda Item 5b

ITEM NUMBER: 5b

22/01692/FUL	Construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works.	
Site Address:	Binghams Park Farm Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN	
Applicant/Agent:	Masters Farms	Danniella Persaud
Case Officer:	James Gardner	
Parish/Ward:	Great Gaddesden Parish Council	Watling
Referral to Committee:	Contrary view of Great Gaddesden Parish Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The proposal constitutes the redevelopment of previously developed land in the Green Belt but would have a greater impact on the openness of the Green Belt.

2.2 Nonetheless it is considered that the harm to the Green Belt by reason of inappropriateness and any other harm is outweighed by the economic benefits that would accrue to the Borough and the rural economy. This is predicated on the basis that the application site forms part of a developed and established industrial site, would have limited, if any, visual impact on the openness of the Green Belt, and would contribute to addressing an identified shortage of light industrial units for small businesses in the Borough.

2.3 Consideration has been given to the impact on the Chilterns AONB and, subject to conditions relating to the final appearance of the industrial building and restrictions in terms of artificial lighting, it is considered that there would be no adverse impacts on the surrounding landscape.

2.4 Parking provision comprises of seven spaces within the yard immediately adjacent to the new industrial building and a car park to the east with space for circa 40 vehicles, which is shared amongst the other industrial units on-site. No changes are proposed to the access arrangements and the Highway Authority have raised no objections to the anticipated modest increase in vehicle movements

3. SITE DESCRIPTION

3.1 The application site is located on the northern side of Potten End Hill and forms part of a wider industrial site known as Binghams Park Farm. The majority of the buildings within the industrial site are believed to be redundant dairy buildings which have been subsequently converted to commercial / industrial uses.

3.2 Access to the industrial estate (and the application site) is via Potten End Hill and then by way of internal access roads. The application currently comprises of an area of hardstanding and is used for the storage of shipping containers, parking and manoeuvring.

3.3 A children's nursery is located to the north-east and, although accessed by the same point from Potten End Hill, benefits from its own internal access road and car parking. To the north and the west are the residential dwellings of Bingham Park and Bingham's Park, the latter of which is Grade II listed and benefits from a separate access from Potten End Hill.

3.4 The northern and western boundaries of the application site are screened by substantial and mature trees, limiting views from the wider landscape.

4. PROPOSAL

4.1 Planning permission is sought for the construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works.

5. PLANNING HISTORY

Planning Applications:

None relevant.

Appeals:

None relevant.

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
Article 4 Directions: Land at the South Side of Nettleden Road, Potten End
CIL Zone: CIL2
Green Belt: Policy: CS5
Parish: Great Gaddesden CP
RAF Halton and Chenies Zone: Red (10.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 2
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development
CS5 - The Green Belt
CS8 – Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 – Economic Development
CS15 – Offices, Research, Industry, Storage and Distribution
CS24 – The Chilterns AONB
CS27 – Quality of Historic Environment
CS29 - Sustainable Design and Construction
CS35 – Developer Contributions

Local Plan

Policy 97 – The Chilterns Area of Outstanding Natural Beauty
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 113 – Exterior Lighting
Policy 119 – Development Affecting Listed Buildings

Supplementary Planning Guidance/Documents

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The suitability of use class sought;
The impact on significance of heritage assets;
The impact on character and appearance of Chilterns AONB;
The impact on amenity of neighbours; and
The impact on highway safety and car parking;

Policy and Principle

9.2 The application is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Policy CS5 of the Dacorum 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.

9.4 Policy CS5 clarifies that the redevelopment of previously developed sites is acceptable provide that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.5 Paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. Of relevance is paragraph 149 (g):

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified”.*

9.6 Previously developed land is defined in Annex 2 (Glossary) of the NPPF as follows:

Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

9.7 The land upon which the building is proposed to be constructed comprises of an area of hardstanding which forms part of the existing industrial park. Furthermore, even if the land were not hardstanding, any land which forms part of the curtilage of developed land falls to be considered as previously developed; and, as such, the land in question would also fall within this definition.

9.8 The site is therefore considered to be previously developed land as defined in the NPPF.

Whether Greater Impact on Openness of Green Belt

9.9 Paragraph 137 of the NPPF states that *‘the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.’*

9.10 In *Turner v Secretary of State for Communities and Local Government* EWCA Civ 466 [2016], the Court of Appeal held that:

‘The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.’

9.11 In terms of the factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt, the National Planning Practice Guidance (NPPG), drawing on principles established by the courts in site-specific circumstances, identifies a number of matters which may need to be taken into account when forming a judgement. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

9.12 The Turner case (referred to above) also gives useful guidance in terms of the synergy between spatial and visual impacts:

'The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there.'

9.13 In forming a view as to whether the proposed development would have a greater impact on the openness of the Green Belt, it is relevant to consider the current situation.

9.14 According to the Planning Statement, the existing on-site shipping containers have a cumulative area of approximately 150m² and a volume in the region of 385m³. The proposed building, by contrast, would have a footprint of approximately 250m², a maximum height of 6.5m and a volume of approximately 1,463m³.

9.15 While the figures quoted above are suggestive of a greater impact on the openness of the Green Belt, due regard needs to be had to the case of *Euro Garages Limited v Secretary of State for Communities and Local Government & Cheshire West and Chester Council* [2018] EWHC 1753 (Admin), where it was held that infilling will necessarily involve an increase in built form, and therefore the Planning Inspector had been in error to treat any change as having a greater impact on the openness of the Green Belt.

9.16 In essence, then, it is the openness of the Green Belt as a whole, not the openness of the Green Belt within a site itself, which needs to be taken into account when forming a view as to whether a proposed development would result in a greater impact.

9.17 The proposed industrial unit would result in an increase of 66.6% in footprint and 280% in respect of volume. It would be situated at the edge of the industrial park and surrounded by built form; that is to say, Bingham Park to the north, industrial units to east, the wider industrial estate to the south, and Bingham's Park Farm to the west. This notwithstanding, it is important to note that, unlike the industrial estate, Bingham's Park Farm and Bingham Park are not immediately adjacent to the proposed industrial unit; indeed, it is only when one studies a map that this loose spatial relationship becomes evident. Therefore, the positioning of a relatively substantial building at the very edge of the industrial estate would cause modest spatial harm to the openness of the Green Belt as a result of the increase in the level of sprawl, and exacerbated by the inescapable increase in upward built form.

9.18 In terms of the visual impacts, the proposed industrial unit would be higher than the existing industrial / commercial units within Bingham's Park Farm Business Centre, but, owing to its distance from the highway and the interposition of existing buildings and landscaping, it would not be perceived from Potten End Hill.

9.19 Glimpsed views of the building are likely to be possible to persons looking west from Public Footpath 62, at its junction with a farm access track, and possibly from further north through gaps in the tree line. Given the distances involved and the limited amount of development which would be visible, it is not considered that there would be any material harm to the visual openness of the Green Belt.

9.20 In summary, by virtue of the increase in bulk, mass and scale and its location at the edge of the developed area, the proposed development would spatially have a greater impact on the openness of the Green Belt than the existing development and result in the site appearing more developed. It therefore represents inappropriate development which is, by definition, harmful and should not be granted except in very special circumstances, contrary to Policy CS5 of the Dacorum Core Strategy and paragraph 149 of the NPPF.

Very Special Circumstances

9.21 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, 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.

9.22 There is no list of what constitutes a very special circumstance (VSC), as this will vary from site to site. However, very special circumstances do not in themselves have to be rare or uncommon (see *Wychavon District Council v Secretary of State for Communities and Local Government & Others* [2008]) and will depend on the overall balance (i.e. good vs bad).

9.23 The development would provide three commercial / industrial units with a floor area totalling approximately 460m². It is submitted by the agent that the provision of such units would result in tangible economic benefits.

9.24 In support of this view, the Planning Statement draws on the Council's Emerging Strategy for Growth (2021), the South West Hertfordshire Economic Study Update (2019) and the Employment Development Background Topic Paper (2020), all of which identify a lack of industrial floor space for SMEs within Dacorum. Relevant excerpts from the respective documents are provided below for ease of reference:

Industrial: there remains a substantial shortfall against Dacorum's indicative floorspace figure. There is also a severe shortage of land for small and medium sized firms. We consider that these factors constitute exceptional circumstances, justifying the release of some Green Belt land for industrial development.

- **The Emerging Strategy for Growth (2021)**

The business base is weighted heavily towards small to medium enterprises (SMEs). In total SMEs account for 99.6% of businesses and 50% of employment. The latter is significantly higher than the UK average (40%) meaning SMEs play a vital role in the South West Herts economy. Of these, roughly 90% are micro businesses, meaning they employ fewer than 10 employees.

- **South West Hertfordshire Economic Study Update**

There is also a lack of land for small scale industrial uses in Dacorum, Watford and Three Rivers. These authorities may wish to allocate additional sites to meet this need. Sites which may be suitable include the following Green Belt sites in Dacorum:

- *Dunsley Farm, Tring*
- *Land east of A41, Hemel Hempstead*
- *Bovingdon Brickworks*
- *Adjacent to A41 service area, Stoney Lane, Bourne End*

9.25 Paragraph 138 of the NPPF sets out the reasons for including land within the Green Belt:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

9.26 An assessment against the five Green Belt purposes is set out below:

- The application site does not form part of a large built-up area.
- The proposal would not result in towns merging.
- The proposed development would be contained within the confines of an existing industrial / commercial site and thus would not result in encroachment into the countryside/
- The proposal is not in close proximity to an historic town.
- The proposal would make effective use of previously developed land, limiting the need for the use of undeveloped Green Belt land.

9.27 It has been established that the proposal would not conflict with the purposes of including land within the Green Belt but would have a greater impact on openness owing to modest spatial harm. It is clear, however, that the application site forms part of a reasonably large and established industrial estate that is, to a greater or lesser degree, contained on all sides. Visually, the development would have a very limited, if any, impact outside the confines of the site and consequently would not be injurious to the wider Green Belt, while any increase in built form would appear as a natural extension of the site.

9.28 It is submitted that moderate weight should be given to the economic benefits of providing light industrial floor space, which is noted in the Council's own local plan background documents as being in short supply.

9.29 It is noted, too, that Policies CS14 and CS15 include support for rural economic development and that aimed at small business.

9.30 For the reasons set out above, it is considered that the harm to the Green Belt is outweighed by other considerations. A final view as to whether this justifies the development cannot be made until the 'any other harm' referred to in paragraph 148 of the NPPF has been fully assessed during the course of this report. This is relevant in light of the Court of Appeal Judgement in *Secretary of State for Communities and Local Government v Redhill Aerodrome Ltd [2014] EWCA Civ 1386*, which confirmed that the interpretation given to 'any other harm' is such that it applies to any planning harm. Accordingly, a balancing exercise will take place at the conclusion of this report.

Suitability of Use Class Sought

9.31 The commercial units in question are proposed to have a flexible use; that is to say, either light industrial (Class E (g) (iii) or storage and distribution (B8). A general industrial (B2) use was originally proposed, but was removed from consideration as this use would effectively allow heavy industry to operate from the site, which would not be appropriate to the context.

Light Industrial

9.32 Use Class E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) states the following:

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

...
...
...

g) for—

....
....

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

9.33 As such, in order to fall within the Class E (g) (iii), the use in question must be one which can be carried out in any residential area without causing harm to nearby properties.

9.34 For the avoidance of doubt, Article 2 of the Use Classes Order describes an industrial process as follows:

“industrial process” means a process for or incidental to any of the following purposes:—

- a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);*
- b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or*
- c) the getting, dressing or treatment of minerals;*

in the course of any trade or business other than agriculture, and other than a use carried out in or adjacent to a mine or quarry;

9.35 Whether a specific proposed use of would fall within Class E (g) (iii) involves a degree of subjectivity, with each particular case being a matter of fact and degree. The pertinent question, of course, is clear: is the industrial process one which can be carried on in residential area without detriment? Although this question points to the relevant issues which need to be considered, levels of harm caused by any number of different operations will vary according to location.

9.36 The fact that a use falls within a light industrial use does not preclude the imposition of planning conditions in the interest of protecting residential amenity. By way of example, the use of land for car valeting involves the use of pressure washers and vacuum cleaners, both of which are commonly used in domestic situations, with a fair proportion of the work – cleaning, waxing etc – being carried out by hand. This use could be carried out within a residential area without detriment, but only where adequate control is exercised by way of planning conditions (such as restrictions on operating hours etc).

9.37 Broadly speaking, uses that include manufacturing, packaging, repair and assembly could all fall within a light industrial use. Specifically, this could include a workshop where furniture is restored and repaired, metal working with lathes and other modest sized machinery, the production of pottery, food preparation with no sales to visiting members of the public etc.

9.38 Conversely, a car workshop would not constitute a light industrial use. Car workshops will include a relatively wide range of activities, some of which are quiet and others noisy. These noisy activities will likely include, but not necessarily be limited to, the use of compressors, air tools, sanders, grinders and hammers. The use could also include the revving of engines, and in the case of bodywork repairs, hammering and sanding. If undertaken within a residential area, these processes could result in a detrimental impact on residential amenity with regard to noise, fumes and smell. A car workshop would fall within Class B2 (General Industrial) of the Use Classes Order.

9.39 Levels of harm arising from light industrial uses will vary depending on location. Some residential areas will be more susceptible to noise and disturbance; others less so.

9.40 An important consideration in this instance is the fact that the industrial estate appears to operate with minimal, if any, disturbance to surrounding properties. Secondly, the degree of separation, coupled with the siting of the building, whose openings would not directly face any of the nearest residential dwellings.

9.41 It is acknowledged that the range of potential uses under Class E (g) (iii) is relatively broad, and that the potential issues for residential amenity could be similarly broad. Nonetheless, subject to suitably worded conditions, the site appears to have the potential to accommodate a further light industrial use.

Storage and Distribution

9.42 Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) states provides for the use of a site for storage or as a distribution centre.

9.43 It is understood that the some of the current uses on site operate in this manner, primarily dealing with online and telephone orders from customers, followed by dispatch. The storage of goods will undoubtedly necessitate vehicle movements from larger vehicles. However, there appears to be ample space on site for loading and unloading.

9.44 In summary, there is no reason to believe that the site could not accommodate vehicles associated with storage and distribution. A more detailed analysis will, however, be carried out in the parking section of this report.

Impact on Significance of Heritage Asset

9.45 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

9.46 Policy CS27 of the Dacorum Core Strategy is an overarching policy which seeks to ensure that the quality of the historic environment is maintained. In particular, it states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected conserved and, if appropriate, enhanced.

9.47 Policy 119 of the Dacorum Local Plan relates to development affecting listed buildings, and states that development likely to affect the character of an adjacent listed building is of an appropriate scale and appearance.

9.48 Annex 2 of the NPPF describes the setting of a heritage asset as follows:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

9.49 The nearest heritage asset to the site is the Grade II listed building at Bingham's Park to the west. The Planning Statement suggests that the significance of this listed building is derived from its architectural and historic interest. This is not disputed, though it is suggested that the large, spacious grounds are an important part of its setting and thereby adds to its significance.

9.50 The new building and the existing industrial park are located a considerable distance from the listed building and are not located within its curtilage. The implication is that there will be very limited, if any, incongruous juxtapositions between the historic listed building and the more considerably more modern industrial unit.

9.51 Noise from the new units is unlikely to be significant, being largely contained within the buildings themselves. Therefore, there is no reason to believe that noise from industrial processes will adversely affect how the heritage asset is experienced.

9.52 In accordance with the above, it is not considered that there would be any harm to the significance of the heritage asset or its setting as a result of this proposal.

Impact on Character and Appearance of Chilterns AONB

9.53 Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

9.54 Policy CS24 of the Dacorum Local Plan states that the special qualities of the Chilterns will be conserved, and that development is to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Building Design Guide.

9.55 Policy 97 of the Dacorum Local Plan advises that the prime planning consideration in the Chilterns AONB will be the conservation of the beauty of the area, although acknowledges that economic and social well-being of the area is also a factor to be taken into account. It further states that building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings.

9.56 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

9.57 The existing commercial units within the industrial estate comprise of redundant dairy buildings which have been converted / repurposed. By contrast, the proposal would be a purpose-built building for either a light industrial or storage and distribution use.

9.58 The proposed building would be located to the rear of the industrial estate and screened by trees to the north and west, all of which are to be retained. Furthermore, its height (6.5m) is such that, although potentially visible from the public footpath to the north, it would not be conspicuous within the landscape. In terms of materiality, the elevations indicate that the exterior of the building is to be clad in a mixture of grey and olive green metal sheeting, thereby assisting in its integration with the more rural landscape outside the application site. The side elevations are indicated as comprising of

a mixture of metal sheeting and concrete panels. It is considered, however, that brick would be a more appropriate material for the following reasons:

- The other buildings within the site incorporate large amounts of brick; and
- Although not visible from the wider landscape, the application site is still located within the AONB, where the use of traditional materials is commonplace.

9.59 Subject to the above condition, it is not considered that the proposal would result in any harm to the Chilterns AONB, while also contributing to its economic vitality.

9.60 No floodlighting is presently proposed, yet is acknowledged that such an installation could adversely affect the character of the Chilterns. Consequently, should Members be minded to grant planning permission, it is recommended that a condition requiring details of floodlighting should be submitted to and approved in writing by the local planning authority prior to installation and operation.

9.61 The proposal is therefore in accordance with Policy CS24 of the Dacorum Core Strategy and Policy 97 of the Dacorum Local Plan. Due consideration has also been given to the Council's duties pursuant to section 85 of the Countryside and Rights of Way Act 2000, which it is appreciated is a higher duty. In summary, it is considered that the development proposed would conserve the Chilterns AONB.

Impact on Amenity of Neighbours

9.62 Policy CS12 of the Dacorum Core Strategy states that development should, inter alia, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.63 As outlined earlier in this report (see *Suitability of Use Class Sought*), it is submitted that the uses for which permission is sought are, subject to the inclusion of conditions, compatible with the surrounding residential nature of the area. The heavy industrial Class B2 use originally proposed was not considered to be compatible with the surrounding area and no longer forms part of the proposal.

9.64 Turning firstly to the potential impact on 'Bingham's Park', to the west of the site, it is noted that the nearest building within its demise is a triple garage (approved under 4/00963/06/FHA) with small attached garden store. Planning records indicate that it does not contain any habitable accommodation. A further building – located almost adjacent to the garage – comprises of a stable building granted consent by planning application 4/02027/08/FUL. As the use suggests, the building is not designed or used for human habitation. Accordingly, neither building is likely to be adversely affected by the construction of the proposed industrial building.

9.65 The nearest façade of the main dwelling of Bingham's Park is located approximately 70m away from the proposed location of the industrial building. In addition, all openings of the industrial building would face away from the dwelling, reducing the potential for noise and disturbance. No windows are proposed in the rear elevation of the building and thus there would be no overlooking to speak of.

9.66 The above notwithstanding, in the interests of residential amenity it would be appropriate to include conditions limiting operating hours and requiring any floodlighting, should it be required, to be agreed by the Council prior to its installation and operation.

9.67 'Bingham Park' is located to the north of the application site, screened by existing trees and located approximately 24m away. Due to the strong boundary screening, there is no intervisibility between the respective sites. Even if this were not the case, it is not considered the proposed industrial unit would be harmful to daylight and sunlight levels of the dwelling, nor would there be any

significant visual intrusion (owing to the distance and the fact that the full width of the building would not be evident due to the end-on relationship).

9.68 In summary, it is considered that the development would comply with Policy CS12 of the Dacorum Core Strategy.

Highway Safety and Parking

Highway Safety

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

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

9.70 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

It is acknowledged that the proposed industrial building will give rise to an increase in traffic movements. However, given its relatively modest scale, it is not considered that this would have a material impact on the local highway network. The Highway Authority have been consulted as part of this application and concur with this view.

9.71 The existing arrangements into the site from Potten End Hill are to remain unchanged and, according to the Highway Authority, the *'existing access has no recorded accidents associated with it within the past 5 years.'*

9.72 The yard to serve the new industrial building appears to have sufficient space for vehicles – both large and small – to manoeuvre and exit the site in a forward gear. The situation is less clear when it comes to articulated vehicles, and although the applicant has informally advised that he does not, and will not, allow articulated vehicles to enter the site, this does not provide a sufficient degree of certainty: ownership of the site can change, financial considerations may dictate a different approach etc. In light of this it is considered prudent to include a condition which specifically prohibits articulated vehicles from servicing the new units. This condition can, of course, be reviewed in the future if sufficient evidence is provided to satisfy the Council that such vehicles could carry out the required manoeuvres and safely exit the site.

Parking

9.73 The approach for parking provision in respect of commercial uses broadly follows that applied for residential development; that is to say, the appropriate use is identified and the parking provision calculated based on Appendix A of the Parking Standards SPD.

9.74 As permission is sought for a flexible use, consideration has been given to the parking required by both uses.

9.75 Appendix A states that B8 uses require 1 space per 75m² (GEA) and Class E (g) (iii) require 1 space per 35m² (GEA). On this basis, the B8 use would give rise to a parking requirement of seven spaces (6.6 rounded up), while the Class E use would give rise to a parking requirement of 14 spaces (14.28 rounded down).

9.76 The parking provision on-site comprises of two distinct areas:

- The yard immediately outside the proposed building; and
- A substantial car park to the east.

9.77 Drawing no. V21-161-SP01 (Rev. A) indicates that the yard would contain seven parking spaces, one motorcycle bay and cycle parking. The car park to the east, meanwhile, is capable of accommodating approximately 40 vehicles. The latter is for the sole use of the industrial tenants and does not appear to operate at anywhere near its overall capacity.

9.78 As a result, it is submitted that the level of parking is sufficient for the development proposed and complies with Policies CS8 and CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

Electric Vehicle Charging

9.79 The EV charging provision requirements for planning purposes are set out in Table 1 on page 32 of the Parking Standards SPD, an extract of which has been provided below for ease of reference:

Land use	Provision	Type of Charger (minimum)	Power Supply
Commercial Development (Offices / Employment Retail / Leisure Uses) B8 and C1 and former Use Classes B1,B2, D1, D2, A1, A2-A5, now Use Classes E, F1, F2 and Sui Generis as appropriate	1 active charging point per 5 parking spaces provided, 20-30% of all remaining parking spaces to have passive provision (as specified in SPD standards table Appendix A)	1 active charging point per 5 parking spaces provided, 20-30% of all remaining parking spaces to have passive provision (as specified in SPD standards table Appendix A)	230v AC 32 Amp Single Phase dedicated supply Rapid chargers 400v AC 100Amp Triple Phase dedicated supply 230v AC 32 Amp Single Phase dedicated supply

9.80 The provision of seven new parking spaces in the yard area means that one EV charger should be provided. However, drawing no. V21-161-SP01 (Rev. A) indicates that two EV chargers are to be provided, thereby exceeding the requirements of the SPD.

9.81 There is a further requirement that 20 – 30% of all remaining parking spaces have passive EV provision.

9.82 Passive provision is defined in the SPD as follows:

Passive provision for electric vehicles: the network of cables and power supply necessary so that at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.

9.83 As there is already an overprovision of active chargers, it is appropriate to calculate the passive provision based on five spaces instead of six. This would give a requirement of between one and two spaces.

9.84 The required level of detail required can be reserved by condition.

Other Material Considerations

Land Contamination

9.85 The Council's Scientific Officer has been consulted and advised that informatives be included with any grant of planning permission.

Fire Safety

9.86 The County Council have requested the provision and installation of fire hydrants at no cost. This is considered reasonable and a condition requiring this will be included with any grant of planning permission should it be forthcoming.

Flood Risk

9.87 The application site is located within Flood Zone 1 wherein the risk of flooding from rivers and sea is low, nor has the area been identified as having critical drainage issues. Accordingly, there is no requirement to consult the Environment Agency and no reason to believe that the development would be subject to flooding or cause flooding elsewhere within the locality.

Refuse and Recycling Collection

9.88 An area of approximately 12m² is shown as being set aside for the storage of refuse and recycling bins. This is considered to be acceptable.

Trees and Landscaping

9.89 An Arboricultural Impact Assessment (AIA) was submitted during the course of the application following a request from the case officer. This request was made in light of the proximity of mature trees to the proposed industrial building.

9.90 The summary of the report states the following:

The proposals are within influencing distance of several trees and so some basic tree protection measures and working methodology (in accordance with BS 5837:2012) will ensure they are not detrimentally affected during works.

The relationship between the proposal and trees is sustainable and will not result in any unreasonable pressure to carry out inappropriate tree works.

If the proposal is implemented in accordance with the recommendations laid out in this report, neither the trees or wider landscape will be adversely affected.

This is an arboriculturally defensible scheme and there are no (arboricultural) reasons why planning consent should not be granted.

9.91 The proposed building would encroach into the root protection areas (RPAs) of the trees indicated on drawing no. TH/A3/3499/TPP within Appendix 9 of the Arboricultural report. In order to mitigate any potential impact and allow room for root growth post-construction, non-invasive foundations (such as pile and beam) are to be utilised. Ground protection will also avoid compaction of soil.

9.92 It is considered that the Arboricultural Impact Assessment and Method Statement provide the requisite level of certainty that the nearby trees would be afforded the appropriate protection during the construction process. It is recommended that a condition requiring full compliance with the AIA and Method Statement be included should Members be minded to approve the application.

Chiltern Beechwoods Special Area of Conservation

9.93 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.94 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.95 It is not considered that the proposed development would cause additional recreational pressure on the CBSAC and therefore there is no requirement for financial contributions or any other action by the applicant in this regard.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

10.1 The Government attaches great importance to Green Belts. Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt.

10.2 As no other planning harm has been identified, the conclusion reached in the *Very Special Circumstances* section (above) remains valid: It is considered that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by the economic benefits which would accrue from the proposed development. It is submitted, therefore, that the very special circumstances to justify the development exist.

10.3 Consideration has been given to the impact on the Chilterns AONB and, subject to conditions relating to the final appearance of the industrial building and restrictions in terms of artificial lighting, it is considered that there would be no adverse impacts on the surrounding landscape.

10.4 A condition restricting the hours of operation will ensure that the residential amenity of neighbouring dwellings is afforded adequate protection.

10.5 Parking provision comprises of seven spaces within the yard immediately adjacent to the new industrial building and a car park to the east with space for circa 40 vehicles, which is shared amongst the other industrial units on-site. The car park does not appear to be anywhere near capacity and therefore it is considered that there is sufficient parking to serve the development. No changes are proposed to the access arrangements and the Highway Authority have raised no objections to the anticipated modest increase in vehicle movements.

11. RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

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

V21-161-SPL04_B Proposed Site Block Plan
V21-161-SP01_B Proposed Site Layout Plan

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

3. **Notwithstanding the details shown on drawing no. V21-161-P01 (Rev. A), no development above slab level shall commence until details of a scheme to replace the precast concrete panels on the side elevations of the building with brick / brick cladding has been submitted to and approved in writing by the local planning authority. The scheme shall visually illustrate the extent of the brickwork and provide the specifications for the brick (i.e. manufacturer and type). Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Chilterns Area of Outstanding Natural Beauty, in accordance with Policies CS11, CS12 and CS24 of the Dacorum Core Strategy (2013) and Policy 97 of the Dacorum Local Plan (2004).

4. **The building(s) hereby approved shall at no time be serviced by articulated vehicles.**

Reason: In the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

5. **No development above slab level shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.**

Reason: To ensure that sufficient strategic infrastructure is provided to support the development, and to ensure a safe and satisfactory means of access for the fire service, in accordance with Policies CS12 and CS35 of the Dacorum Core Strategy (2013).

6. **No security lighting / floodlighting / artificial lighting shall be installed on the building(s) hereby approved until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not**

be limited to, lux levels, cowls and other measures to avoid unnecessary light spillage.

The lighting shall thereafter be installed, operated and maintained in accordance with the approved particulars.

Reason: To avoid adverse impacts on the Chilterns AONB, the dark sky environment and the amenity of nearby residential uses, in accordance with Policies CS12 and CS24 of the Dacorum Core Strategy (2013) and Policies 97 and 113 of the Dacorum Local Plan (2004).

7. **The development hereby approved shall only be used for purposes falling within Use Class B8 or E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended).**

Reason: To ensure that the commercial units remain available for the purpose for which they were justified on Green Belt grounds, in accordance with paragraph 148 of the NPPF (2021).

8. **The development hereby approved shall be carried out fully in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan prepared by Trevor Heaps Arboricultural Consultancy Ltd (dated 19th July 2022).**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

9. **Notwithstanding the details shown on drawing no. V21-161-SP01, prior to occupation of the development hereby approved, full details of the layout, siting and specification of Electric Vehicle Charging Points and any associated infrastructure (including passive charging provision) shall be submitted to and approved in writing by the local planning authority.**

The development shall not be occupied until these measures have been provided in accordance with the approved details.

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

10. **The Class B8 / E (g) (iii) use hereby permitted shall not take place other than between the hours of:**

- (a) 07:30 - 18:00 Monday to Friday.**
- (b) 08:00 - 17:00 on Saturdays.**
- (c) 08:00 - 13:00 on Sundays.**

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

Informatives:

1. Contaminated Land Informative 1:

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

Contaminated Land Informative 2:

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

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

2. Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

AN 2) 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.

3. Water quality

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (PICC). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to

restrict the grant of permission.

Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) 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

The proposal is for the construction of a detached industrial building

	<p>comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B2 / B8) with associated car parking, landscaping and other associated works at Bingham's Park Farm, Potten End Hill, Water End. Potten End Hill is 60 mph classified C local distributor route that is highway maintainable at public expense.</p> <p>Highways Matters</p> <p>The site is currently housing storage containers with an existing industrial site to the south of the proposed area. The site is surrounded by a few dwellings with one of the dwellings being under the ownership of the applicant for the proposed site. The proposed industrial units will be separated from the existing industrial area but will be accessed via the same route from the adopted highway network. The site will be accessed via an existing large bell mouth onto Potten End Hill. The existing access has no recorded accidents associated with it within the past 5 years. The number of trips to and from the site will slightly increase but not to a level that is considered to be an intensification of use for the existing access. Vehicles are deemed to be able to turn on site which is required considering the classification of the adjacent highway network. Parking is a matter for the Local Planning Authority and therefore any parking arrangements will need to be agreed by them. HCC Highways is pleased to see the inclusion of secure cycle parking and electric vehicle parking.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission for the site subject to the inclusion of the above informatives.</p>
Great Gaddesden Parish Council	<p>Object</p> <p>The Parish Council is mindful of the need to encourage the rural economy and small and medium sized businesses.</p> <p>However this site is in the AONB and Green Belt. The Council is not convinced that a sufficiently strong case has been made that the existing fixed surface comprises previously developed land and therefore it considers that the proposed development is inappropriate under s 149 of the NPPF.</p> <p>The argument for it being limited infilling appears to rest on the assumption that this represents a redevelopment which the Council doesn't accept. It is in any event clearly an extension of the current industrial estate and therefore couldn't be regarded as infill.</p>

	<p>The Council is concerned that the existence of temporary containers is being used to justify a permanent development. It also notes that the containers which don't appear to be stacked and so must be in the region of c. 3m high and covering an unspecified area are being used to justify a permanent structure which will be 6.5m high with a 250sq m footprint and clearly represents an increase in mass.</p> <p>The impact on traffic is summarily dismissed but as there is no public transport new development of this nature must increase traffic. Potten End Hill is already a very busy road and any increase in traffic is to be avoided wherever possible.</p>
Thames Water	<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>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <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</p>

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

waste comments:

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure

	<p>capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>water comments:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>Water quality</p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (PICC). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.</p> <p>Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p> <p>Water efficiency</p> <p>Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.</p> <p>Infrastructure connections and diversions</p> <p>There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (https://affinitywater.custhelp.com/) or</p>

	<p>aw_developerservices@custhelp.com.</p> <p>To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (https://affinitywater.custhelp.com/) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>However, it is recommended that the following informatives are included on any permission that is granted.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is suspected or encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Hertfordshire Highways (HCC)	<p>This case will require a condition for the provision and installation of hydrants, at no cost to the county council or fire and rescue services. This is to ensure all proposed units have sufficient water supplies available for use in the event of an emergency.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	2	1	1	0

Neighbour Responses

Address	Comments
Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead hp2 7ba	Each unit should have its own waste provision and as a minimum each should have storage place large enough to store 1 x 1100ltr container for residual waste, 1 x 1100ltr container for comingled recycling and 1 wheeled bin for food waste. There should be no steps between the storage area and the collection vehicle which is a 26ton rigid freighter.
The White House Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN	This is in the Green Belt. Extra industrial units are not required in the green belt.

Agenda Item 5c

ITEM NUMBER: 5c

21/04605/RET	Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).	
Site Address:	Basement At 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF	
Applicant/Agent:	Mr. S. Bhavsar	Tulesh Vaja
Case Officer:	Nigel Gibbs	
Parish/Ward:	No Parish	Hemel Hempstead Town
Referral to Committee:	Called in by Councillor Beauchamp/Deferred by DMC on 14 th July 2022	

1. RECOMMENDATION

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

2. SUMMARY

2.1 There are no objections in principle to the change of use in accordance with the Core Strategy's Policies CS4 and CS16. It would add to the vibrancy and vitality of Hemel Old Town Conservation Area and reinvigorate the listed building, with reference to the Core Strategy's Policy CS27 and saved Policies 119 and 120 of the Dacorum Borough Local Plan. The use would be compatible with the existing residential environment with no objections from the Council's Environmental and Community Protection Team in accordance with Policies CS12 and CS32.

3. BACKGROUND

3.1. The application's consideration was deferred by the Development Management Committee at its meeting held on 14 July 2022.

3.2 Councillors collectively agreed to defer the application to seek clarification and gain more information on Environmental Health and Licensing Controls and Use Class of a 'cloud kitchen', as well as the possibility of changing the opening times.

3.3 The Addendum for the meeting on 14th July recommended the following additional condition relating to hours of use based upon those specified by the application form:

The application form specifies:

Monday to Friday: Start Time : 10.00, End Time 05.00

Saturday: Start Time 10.00, End Time 05.00

Sundays and Bank Holidays: Start Time : 10.00, End Time 05.00.

Recommended Condition:

'Notwithstanding the hours of use specified by the submitted application form, after 12 months of the first use of the application site for the approved purposes details of the same or alternative hours of use shall be submitted to the local planning authority, accompanied by a report confirming how the use has operated during this period with reference to the impact of the use after 01.30 each day upon the residential amenity of the area. Thereafter at all times the use shall operate fully in accordance with the approved same or alternative hours use approved by the local planning authority.

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of the Dacorum Core Strategy (2013), as the use after 01.30 requires review’.

4. SITE DESCRIPTION

4.1 No. 65 is a terraced, 3 storey, 18th Century Grade 2 listed building located opposite St Mary’s Square on the eastern side of Hemel Old Town High Street Conservation Area. The basement featuring entirely modern fixtures and fittings and surfaces is used as a kitchen for the cooking of meals for a courier service.

4.2 There is a restaurant (Yalla Yalla) above the basement. This restaurant is a wholly separate unit operationally unconnected with the basement use. There is a small vent within Yalla Yalla’s ‘shopfront’ serving the basement kitchen.

4.3 Access to the rear of no. 65 is via an archway linked to a communal/ private car park.

4.4 Hemel Old Town Character Zone forms an integral part of the defined Hemel Town Centre as referred to by the Core Strategy’s Figure 17 Town Centre Character Zones and Development Opportunities:

‘The Old Town - is based around the High Street, Queensway and the northern tip of the Marlowes. The main businesses include professional services, quality specialist shops. There is a strong evening economy with a variety of pubs, restaurants, cafes and an arts centre. The quality of the built environment in this zone is recognised for its special architectural and historic importance and the notable landmark of St Mary’s Church. The historic character offers further opportunities for uses which can attract visitors and new investment. Sensitive improvements to north/south pedestrian links and the public realm are needed. Building frontages need careful attention: in particular, fascias along the northern tip of the Marlowes need refurbishing. Open land, which provides a setting for the old town and links with Gadebridge Park, will be protected’.

5. PROPOSAL

5.1 The application seeks retrospective planning permission for the use of the basement for the preparation of meals and the associated courier service based upon a ‘cloud kitchen concept’.

5.2 The supporting statement confirms:

‘The Cloud kitchen concept in hot food take-away relies on remote cooking facilities and all food is delivered or collected (very rare).

The operation requires good communication i.e. phone and computers and food is delivered by owner drivers or through various food delivery companies.

Benefits of Cloud kitchen concept:

- No late-night noise disruption from people waiting outside shops.
- Approx 98% of food is delivered.
- Exact time given to collecting customers.
- No litter or take-away packaging on streets.
- No shop front or signage required.
- No anti-social behaviour.

With the increase in food delivery service, this method eliminates all of the issues

attached to a traditional hot food take-away shop’.

5.3 The recently submitted Delivery Statement has confirmed:

‘The delivery couriers will wait on the High Street outside to the entrance gate and the order will be given to them by a member of staff.

As bars and restaurants operate till late on the road, the noise issue should not be an issue. This will be reviewed on a regular basis. If there are complaints then delivery drivers will be directed to St. Marys Car Park to pick up orders’.

5.4 The Heritage Statement. This confirms amongst a range of issues:

- The Applicants are applying for a change of use from restaurant use (A3) to hot food take away (A5). There will be no need for additional signage or changes to the existing kitchen facilities. There will therefore be no material changes to the historic building in connection with the change of use.
- The hot food take away will use the cloud kitchen concept which relies on remote cooking facilities and all food is delivered or very occasionally collected. There will be no additional littering or noise, or anti-social behaviour associated with people visiting in person. There will be some additional movement when food is picked up for delivery by drivers, but this is already occurring without an obviously detrimental effect. There will therefore be negligible environmental changes to the listed building and conservation area.
- Conclusion. Number 65 High Street and the Old Town Conservation Area in which it is situated both hold architectural and historic significance and are both designated heritage assets. There will be no physical changes and only negligible environmental changes associated with this application for a change of use...

5.5 Procedural Issue. In referring the application to the Committee Councillor Rob Beachamp noted:

‘I would like to call-in the planning application 21/04605/RET for Yalla Yalla at 65 High Street. This premises is currently under investigation by our Environmental Health team due to smoke and unpleasant smells emanating from the extractor flue, which is serving both the restaurant and the Cloud Kitchen in the basement. This is having a detrimental impact on the nearby residents at 63 High Street, who are concerned that the proposed additional basement kitchen has created the problems currently experienced since its completion without planning permission in December 2021. Up until that point Yalla Yalla was only operating as a restaurant and there was not a significant issue’.

Please Note: As confirmed above the use of the basement at no.65 and Yalla Yalla at no. 65 are entirely separate businesses operating independently from each other. Since Councillor Beauchamp’s e mail, the relationship between/ operational independence of the respective businesses has been fully discussed with Councillor Rob Beauchamp, the Council’s Environmental Health Team, the Agent/ Applicant for the current application and representatives of the restaurant business at Yalla Yalla.

5.6 Since the deferral of the application it has been confirmed by the Agent’s email dated 26 July 2022:

‘The Cloud kitchen concept in hot food take-away relies remote cooking facilities and all food is delivered direct to customers home.

This eliminates noise disruption, anti-social behaviour and littering of the streets.

My Client has knowledge of this concept used in other cities and the advantage is that the business can remain operational over an extended time period.

The extended opening generally serve 2 groups of people. Those who get home late from night out and people who work in different shift patterns. This has become popular during the recent COVID lockdown.

There are no noise or odour pollution when the premises are in use.

There are no objections from the Planning or the Environmental Health departments, however the extended hours will be reviewed on 6 monthly basis and if there are complaints then my Client will reduce the operating hours.

It is debatable whether this application for hot food take-away is applicable in this circumstances. The use can be classed as light industrial or Sui Generis'.

5.7 With reference to the information provided and officers understanding of the working definition of Cloud Kitchen, there is little that officers can add, other than the Google Definition is:

'A cloud kitchen **utilizes a commercial kitchen for the purpose of preparing food for delivery or takeout only, with no dine-in customers.** Cloud kitchens enable restaurateurs to expand an existing restaurant or start a virtual brand at minimal cost'.

5.8 Therefore the **cloud kitchen** a concept is a food delivery business with no visitor / dining space, or takeaway counter.

5.9 In terms of the Use Classes Order, given that it is a new approach to providing cooked meals, it is a matter of interpretation as to what Cloud Kitchens form'.

5.10 It may interpreted as a Sui generis use – in this case as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises or Class E (Commercial, business and service) (g) (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

5.11 The Environmental Health Team Member responsible for providing advice upon this application has been advised of the Members deferral of the application, and has confirmed verbally to the case officer that the Team has no additional comments.

5.12 Considering the absence of Environmental Health objections and the further clarification of how a 'cloud kitchen' operates, combined with the additional condition requiring the hours of operation to be reviewed after six months, it is not considered that seeking a change to the operating hours would be reasonable in this instance.

5.13 It is understood that if planning permission is granted the Applicant would then apply for a Licence which would include the hours of use. Currently it is understood that the business closes at 11.30 p.m.

6. PLANNING HISTORY

Planning Applications

21/03351/RET - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). Returned application - no longer proceeding.

21/03352/LBC - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). returned application - no longer proceeding.

21/04606/LBC - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).
Pending-

7. CONSTRAINTS

Area of Archaeological Significance: 36
CIL Zone: CIL3
Hemel Hempstead Conservation Area
Former Land Use (Risk Zone):
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Smoke Control Order
Parking Standards: New Zone 3

Town: Hemel Hempstead

8. REPRESENTATIONS

Consultation responses

8.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

9. 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

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8-Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS16 - Shops and Commerce

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32- Air Soil and Water Quality

CC33- Hemel Hempstead Town Centre

Hemel Place Strategy

Dacorum Local Plan

13- Planning Conditions

58- Private Parking Provision

118- Important Archaeological Remains

119- Development Affecting Listed Buildings

120- Development in Conservation Areas

Supplementary Planning Guidance/Documents

Parking Standards Supplementary Planning Document (2020)

10. CONSIDERATIONS

The Main Issues

10.1 These are:

- Policy and Principle.
- The Heritage Implications.
- The Effect upon Residential Amenity.

Policy and Principle

10.2 Policy CS1 expects that Hemel Hempstead will be the focus of new development. This includes under criterion (c) maintaining the vitality and attractiveness of its town centre in accordance with Policy CS33.

10.3 Policy CS4 seeks a mix of uses in town centre locations, including through criterion (a) catering establishments. The Core Strategy's Part 13- Supporting Retailing and Commerce- reinforces CS4 by addressing the Borough's Retail Hierarchy, with Hemel Hempstead (including the Old Town) being the Principal Town Centre, providing a range of shops, services and facilities.

10.4 Policy CS16 confirms that development proposals which promote a diverse evening economy in the town centres will be supported, subject to the control of their social and environmental impacts.

10.5 These policies are in accordance with the National Policy Framework's Part 7 'Ensuring the vitality of town centres'. In particular this is confirmed by its Paragraph 86 explaining that planning policies and decisions should support the role that town centres play, with a positive approach to their growth.

10.6 The Framework's Part 7 is in the context of The Framework's Part 6- 'Building a strong, competitive economy' which reinforces the economic objectives in delivering sustainable development.

10.7 In principle the use of the basement for the catering business is in accordance with the aforementioned policies.

Heritage: Implications for the Conservation Area and the Listed Building

10.8 The Listed Building and Conservation Area are designated heritage assets. S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention to be paid to the desirability of preserving or enhancing the character or appearance of that Conservation Areas. The Act's Section 66 of the Act expects LPAs have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest that they possess.

10.9 Policy CS27 seeks to protect, and where appropriate, enhance the integrity of the setting and distinctiveness of heritage assets, and this reflects the statutory duties defined in the Act. This reinforces the expectations of saved Policies 119 and 120 of the Dacorum Borough Local Plan.

10.10 The Framework's Paragraphs 194 to 198 address 'Proposals affecting heritage assets', with Paras 199 to 208 responding to 'Considering potential impacts'. It is important to note:

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether

any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.11 The proposal would not involve any external changes to the basement. With reference to the relevant policies, the specialist of the Design & Conservation Team, the submitted information and the site conditions/ observations, the use would be compatible with the Conservation Area and the listed building. It would add to the CA's vitality and vibrancy by enhancing its character, with the resultant full use of the listed building. The proposal would be in accordance with Policy CS27 of the Core Strategy and Saved DBLP Policies 119 and 120 and the Framework's expectations.

Impact upon Residential Amenity

10.12 This is with reference to Policies CS4, CS12, CS16 and C32 and that it is expected that in Town Centre locations (including Hemel Old Town) support a range of uses. Catering based uses form an integral part of the main shopping function. It cannot be expected that the quiet evening ambience associated with wholly residential areas is replicated in Town Centre / Local Centre locations. This is because of their expected vibrancy and vitality is a consequence of the combination of the mix of uses. Town Centres are expected to feature a range of uses which harmoniously coexist and interact within a vibrant inbuilt evening economy.

10.13 Given the site's location, the nature of the use and the advice of the Council's Environmental and Community Protection Team, there is no objection to the proposal based upon the effects of noise and disturbance. This is with reference to the use itself, the very limited expected customer collection of take away food and the effects of the delivery service, whereby it is considered that the use can harmoniously coexist with the local residential environment.

10.14 In these respects precautionary conditions are recommended regarding the impact of the delivery service and hours of use, with both having due regard to the Agent's respective separate received statements.

10.15 As confirmed by the Agent's e mail dated 26 July 2022, '*...the extended hours will be reviewed on 6 monthly basis and if there are complaints then my Client will reduce the operating hours*'. It is recommended therefore that a condition be added requiring a noise report to be submitted after 6 months with the mechanism within the condition to allow for a reduction in the hours of operation, if necessary.

Other Material Planning Considerations

Highway Implications

10.14 It is not considered that the short stay parking of delivery vehicles within the High Street would cause highway safety issues.

Response to Neighbour Comments

10.15 Based upon a site meeting held on the 14 April 2022, it was understood that the residents who have made representations regarding the current application related to Yalla Yalla's extraction system and not the basement at no. 65. As confirmed earlier the respective uses of no. 65 and the basement are not connected. On this basis, given the considerations referred to above, in particular the Environmental and Community Team's advice, there are no objections to the use based upon the impact to nearby/ adjoining dwellings.

Community Infrastructure Levy (CIL)

10.16 The application is not CIL liable.

11. CONCLUSION

11.1 This small business use would add to the Old Town's Conservation Area's vitality and vibrancy, ensuring full use of the listed building, with no expected / identified harm to the residential amenity of the immediate locality. There is expected to be resultant consequent harmonious coexistence between the respective commercial and residential uses. The Applicant's Courier Delivery Plan, as well as the proposed hours of operation review condition, ensures that if unexpected problems do arise, this can pragmatically be addressed in the future. The use would be in accordance with Policies CS4, CS12, CS16 and CS27 of the Core Strategy and saved DBLP Policies 119 and 120.

11.2 The proposal is a sustainable development in accordance with the National Planning Policy Framework's economic, social and environmental objectives.

12. RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:

Condition(s) and Reason(s):

1. **Following 18 months from the implementation of the use hereby permitted, an updated Delivery Statement shall be submitted to the local planning authority confirming how the use has operated, whether there has been a requirement for delivery drivers to use St Mary's Car Park and a delivery plan demonstrating how the delivery service would be subsequently operated. The use shall thereafter be carried out fully in accordance with the approved details.**

Reason: In the interests of residential amenity and highway safety in accordance with Policies CS8, CS12 and CS32 of the Dacorum Core Strategy (2013).

2. **There shall be no customer collection of take away food after midnight each day and the take away component shall only be ancillary to the approved courier based use in accordance with the submitted Planning Statement.**

Reason: In the interests of residential amenity in accordance with Policies CS8, CS12 and CS32 of the Dacorum Core Strategy (2013) and for the avoidance of doubt.

3. Notwithstanding the hours of use specified by the submitted application form, after 6 months of the first use of the application site for the use hereby permitted, a Residential Impact

Report shall be submitted to and approved in writing by the Local Planning Authority. The Residential Impact Report shall detail how the use has operated during this initial 6-month period, any impact of the use after 01.30 upon the residential amenity of the area, and details of the same or alternative hours of use that will operate thereafter. Thereafter, at all times, the use shall operate fully in accordance with the approved same or alternative hours of use detailed in the Residential Impact Report. If no Residential Impact Report is approved by the Local Planning Authority within 12 months of the first use of application site for the use hereby permitted, the operation shall cease at 1:30 a.m.

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of the Dacorum Core Strategy (2013), as the use after 01.30 requires review.

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

**Location Plan
2021/65HS/001Rev A
Courier Plan (e mail received 10 June 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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	Further to a visit to the site to establish the extractor system and control I would respectfully ask that my previous comments are withdrawn. We have no objection to this application.
Archaeology Unit (HCC)	No response I am writing to let you know that we have no comments to make on the above application, and to thank you for your patience.
Planning Enforcement	Please Note: The Enforcement Team has been updated upon the application.
Conservation & Design (DBC)	This is an 18th century three storey building with brick and clay tiled roofs. The proposed kitchen is located within the basement. The works

	<p>have been undertaken and as noted in the BEAMS heritage report the original fabric is somewhat hidden. The heritage report allows a good understanding of the building.</p> <p>We would agree with the proposal that the heritage impact on the basement would be nominal. As such we would not object. Any harm caused would be mitigated by the benefit of the basement being brought into use.</p> <p>Recommendation We would not object to the proposals although it would be recommended that in the future applications be made before works are undertaken.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

Neighbour Responses

Address	Comments
63E High Street Hemel Hempstead Hertfordshire HP1 3AF	<p>I am objecting this planning proposal based on the issues I have been experiencing from this restaurant since around 9th December.</p> <p>My flat has been affected severely by the smell of smoke / food, to the extent I have had to relocate my clothes, as well as not being able to have my windows open - which in an old building has now created damp issues as I need the air circulation.</p> <p>There has been a new flume installed which is below my window level, which is where I believe the pollution is coming from.</p> <p>Whilst I have tried to resolve this with restaurant owners directly, unfortunately we have been unable to reach a solution, and for that reason I am objecting to this.</p>
63C High Street Hemel Hempstead Hertfordshire HP1 3AF	<p>I live next door to and above the restaurant at 65 High St and the smell of kebabs being cooked permeates my flat. The smell is both unpleasant and unhealthy.</p> <p>I therefore wish to appeal against the plans they have lodged on the grounds that any extension to their premises will exacerbate the problem.</p> <p>I don't want my flat to smell like a kebab shop!</p>

Agenda Item 5d

ITEM NUMBER: 5d

22/00273/ROC	Variation of Condition 5 (Approved Plans) attached to planning permission 20/00393/ROC (Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows))	
Site Address:	17 Whytingham Road, Tring, Hertfordshire, HP23 5JN	
Applicant/Agent:	Mr & Mrs S Mann	
Case Officer:	Martin Stickley	
Parish/Ward:	Tring Town Council	Tring East
Referral to Committee:	Objection from Tring Town Council	

1. RECOMMENDATION

1.1 That planning permission be granted.

2. SUMMARY

2.1 The proposal involves some alterations to fenestration, the addition of two Velux Cabrio windows and a single-storey rear extension. Whilst there has been a number of objections, the scale of the extension is considered modest and the Cabrio windows are not considered to result in an unacceptable loss of privacy. As such and considering there are no other significant issues, the proposal is considered to comply with Core Strategy Policies CS4, CS11 and CS12 and the National Planning Policy Framework (2021).

3. SITE DESCRIPTION

3.1 The application site comprises a two storey detached dwellinghouse, situated on Whytingham Road within the urban area of Tring. The site falls within the TCA18: Grove Park Character Area as per Dacorum Borough Council's Character Area Appraisals Supplementary Planning Guidance 2004.

3.2 Whytingham Road is characterised by large detached dwellings, varied in architectural style and design, positioned set back from the road. The area has a verdant character, emphasised by the large, open front gardens serving the properties and the area of green space positioned opposite the dwellings.

4. PROPOSAL

4.1 This application seeks to vary Condition 4 (approved plans) attached to planning permission 20/00393/ROC (the 'original' application). In essence, the works involve a number of new Velux windows: one on the front roof slope and two Velux Cabrio windows on the rear). The Velux Cabrio windows would replace normal Velux windows as seen on the original application. There are also some other minor alterations to the fenestration, for example, the removal of a ground-floor window on the rear elevation and some changes in the number of panes of glass in various windows.

4.2 The proposal also includes a single-storey rear extension to replace an existing conservatory, with approximate measurements of 4.1 metres (depth) x 10.4 metres (width) x 3.65 metres (height).

5. PLANNING HISTORY

Planning Applications (If Any):

20/00393/ROC - Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows)
Granted - 27th November 2020

4/00673/19/DRC - Details required by condition 4 (side boundary treatments and frontage hardstanding/landscaping) attached to planning permission 4/01888/17/FHA - single and two storey front extensions, single storey side extensions and enlarge and convert roofspace.
Granted - 13th May 2019

4/01888/17/FHA - Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows
Granted - 16th March 2018

4/00638/03/FHA - Two storey front and rear extension
Granted - 4th June 2003

4/00360/99/FHA - Two storey extension
Granted - 25th March 1999

4/00856/98/FHA - Two storey side extension to form garage/utility room and self contained Annex.
Refused - 2nd July 1998

6. CONSTRAINTS

CIL Zone: CIL2

Parish: Tring CP

RAF Halton and Chenies Zone: Green (15.2m)

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

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

Residential Character Area: TCA18

Parking Standards: New Zone 3

Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents (SPG/SPD):

TCA18: Grove Park Character Area Appraisal (2004)
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 There are a number of key planning considerations, which are:

The principle of development;
The proposed Velux windows and their associated impacts on visual and residential amenity;
The proposed single-storey rear extension and its associated impact on visual and residential amenity; and
Any other material planning considerations.

Principle of Development

9.2 Policy CS4 of the Core Strategy highlights that “in residential areas appropriate residential development is encouraged.” As such, there is no compelling objection to the principle of development.

Relevant Policies

9.3 Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should integrate with the streetscape character and contribute to the quality of the public realm. Chapter 12 of the National Planning Policy 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 improve the character and quality of an area and the way it functions.

9.4 Policy CS12 aims to preserve neighbouring amenity. Saved Appendix 3 of the Local Plan provides guidance on the layout of residential areas, ensuring a minimum distance of 23 metres between properties to maintain privacy. Guidance in Paragraph 130 (f) of the National Planning Policy Framework 2021 seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Velux Windows

9.5 The application proposes several new Velux windows. One additional window on the front roof slope and two Velux Cabrio windows on the rear roof slope. The Velux Cabrio windows would replace single pane Velux windows as seen on the original application.

9.6 In terms of the visual impacts, roof lights are common within residential areas and there a number of examples within the locality. As such, no concerns are raised in relation to their appearance both in terms of the existing building and wider street scene.

9.7 Velux Cabrios include two opening windows, one larger top hung window and a lower window with a hinge at the bottom. When opened, the upper window is horizontal and the lower becomes vertical; and handrails open out at the sides. The manufacture claims that the effect of the window, when opened, is that the roof light becomes “an instant balcony.”

9.8 A number of neighbouring residents including those at Nos. 11, 12, 15 and 19 Whytingham Road, Nos. 1, 5, 10, 14, 16, 18 and 20 Grange Road, 44 and 89 Grove Park, 2 The Beeches and 9 Brookfield Close have raised concerns over loss of privacy and overlooking caused by these windows.

9.9 In terms of back-to-back relationships, a distance of circa 40 metres would be provided to those at Grange Road. Therefore, the proposal complies with saved Appendix 3 in this regard. When compared to the views achievable from the other Velux windows and the first-floor windows on 17 Whytingham Road, the view from the Velux Cabrios are not considered significantly worse. As such, the Cabrios are not felt to adversely impact neighbouring properties in terms of loss of privacy.

9.10 Turning to the views of neighbouring gardens, the Cabrio windows certainly increase the feeling of being overlooked, as when opened, they look like miniature balconies. The open windows provides the occupiers with a greater facility than putting their heads out of an open window. However, the views are not considered dissimilar from those possible from the normal top hung Velux windows.

9.11 It appears that the application property, for the most part, retains its permitted development rights. Application 4/01888/17/FHA, Condition 3 removed the ability to insert windows, doors or other openings on the side elevations of the extensions approved under that proposal. Aside from this, it appears that the rest of the property’s permitted development rights remain intact, including those relating to roof lights and other roof alterations.

9.12 Appeal decision APP/L5810/X/15/3002668 has revealed that Cabrio windows can be constructed under Class C permitted development rights (see Part 1, Schedule 2 of the General Permitted Development Order 2015 (GPDO) (as amended)). This appeal decision concluded that, formal planning permission would not normally be required if the proposals meet criterion (a) to (e), which is set out below.

“C.1 Development is not permitted by Class C if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”

9.13 I have been unable to locate any other appeal decisions that conflict with the approach taken by this Planning Inspector. Further, an assessment has been made and it appears that all of the proposed roof lights would fall within the provisions of Class C, Part 1, Schedule 2 of the GPDO and therefore could potentially be constructed without planning permission.

9.14 Taking all of the above into account, the proposed Velux windows are considered acceptable in terms of visual and residential amenity.

Single-Storey Rear Extension

9.15 The proposals seek planning permission for a single-storey rear extension. The proposed extension would replace an existing conservatory with a brick-built structure. The materials would match the parent property.

9.16 Considering the location of the extension and its modest single-storey nature, it is unlikely to have any unacceptable impacts on visual amenity both in terms of the host property or the surrounding area. A crown roof would be provided, which differs from the pitched roofs used elsewhere on the property, however, considering the location and scale of the structure, it is unlikely to be overtly prominent from the surrounding area.

9.17 In terms of the single-storey rear extension's impacts on neighbouring properties, some concerns have been raised by the adjacent neighbours.

9.18 The resident at 19 Whytingham Road has highlighted that there may be an impact on light as a result of the proposed extension. It appears that the proposed extension would breach the 45-degree line when taken from the midpoint of No. 19's lounge window on plan view.

9.19 As per the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 (2nd Ed), 45 degree lines should be taken from both plan and elevation views. This establishes whether there would be a significant reduction in skylight received by the window.

9.20 When taking a 45-degree line on the elevation view, the midpoint of the window would not be breached. It is also noted that the neighbours lounge is served by two windows (front and back) and therefore it is unlikely that the proposed rear extension would result in an unacceptable loss of light to this habitable room. Considering the orientation of the properties, there may be a minimal loss of sunlight in the late afternoon/evening, however, the existing fence line may already affect this. Either way, the potential for a marginal loss of afternoon sunlight is not considered as a significant reason that would warrant the refusal of this application.

9.21 No.19 has also raised concerns over the proposed side-facing window on the single-storey rear extension, highlighting that the window would extend approximately 20cm above the fence line and could lead to loss of privacy if the boundary treatment were to change.

9.22 Side-facing windows at ground-floor level are generally considered acceptable in terms of privacy because views are commonly obscured by boundary treatment such as fences and hedging. Any views would only be possible above the existing fence at approximately 2 metres (circa 6.5 feet) from floor level. Views from this level would not reveal the neighbours private amenity space to any great degree, nor would it allow for any detrimental views into the neighbours property. Taking this into account and when considering that it is unlikely that the boundary treatment would be removed indefinitely, it is not felt that the proposal could be refused on this basis.

9.23 Turning to the other adjacent neighbour at 15 Whytingham Road, the retained gap between the proposed extension and the neighbouring property would ensure that there are no significant impacts in terms of loss of light.

9.24 It is also concluded that due to the position of the proposed extension and its limited height, that it is unlikely to result in any severe impacts in terms of visual intrusion to the neighbouring properties.

Summary

9.25 Taking all of the above into account, the changes to fenestration, additional Velux roof lights and the single-storey rear extension are considered acceptable in terms of their impacts on visual and residential amenity.

Other Matters

Car Parking and Highway Safety

9.26 Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 105 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.27 The resultant site would provide sufficient on-site parking spaces in accordance with Dacorum's Car Parking Supplementary Parking Document 2020. No additional bedrooms would be provided due to this proposal. There are no proposed alterations to the access. As such, no concerns are raised in relation to car parking or highway safety.

Neighbour Comments

9.28 There have been a number of objections to this proposal. Whilst several of the issues have already been discussed, the sections below discuss the remaining points.

Anti-Social Behaviour

9.29 One of the residents has stated that commercial waste has been burnt on-site and there have been other incidents of anti-social behaviour that have not been defined in the objection letter. These issues are not a material planning consideration. The neighbour is directed to Dacorum Borough Council's Environment and Community Protection Department, who can be contacted if a public nuisance persists.

Accuracy of Drawings

9.30 Concerns have been raised over inaccuracies with the drawings and discrepancies on the ground. The original drawings appeared to have a different depth of property when comparing the elevation and floor plan drawings. This was raised with the Applicant and amended plans were submitted to the council to rectify this. A full re-consultation with the neighbours and Town Council was then undertaken.

9.31 The neighbours at 15 Whytingham Road have highlighted that the original measurement for the front overhang was 0.9 metres in depth and the current proposals enlarge that to 1 metre. I have checked the original application i.e. 20/00393/ROC and it appears that the depth was circa 1 metre. As such, the Applicant already has planning permission for the overhang. Considering the relationship with the neighbouring properties, it is unlikely that this overhang would result in any significant negative impacts in terms of residential amenity.

Development Creep / Not Conforming to the Approved Drawings

9.32 A number of the objectors have raised concerns over the resultant scale of the building following previous applications. At this stage, the proposal aims to regularise the fenestration and it includes proposals for a single-storey rear extension. The scale of dwellinghouse has been previously assessed in the relevant planning reports (see 4/01888/17/FHA and 20/00393/ROC).

Size of Dwelling

9.33 As above, further concerns are raised over the height and scale of the building. The current application does not appear to raise the ridge or enlarge the building, aside from the proposed single-storey rear extension. Therefore, the concerns raised appear to relate to the previous applications.

Community Infrastructure Levy

9.34 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. The Charging Schedule clarifies that the site is in Zone 2 within which a current charge of £196.06 per square metre is applicable. The applicant is advised to visit the council's website for more information regarding liability.

Conditions

9.35 If the application is approved, the majority of the conditions on the original application would be reinstated. Regarding the timeframe condition, the works have already commenced on site and therefore the re-instatement of a timeframe condition is not considered necessary.

10. CONCLUSION

10.1 The proposal seeks to vary the approved plans condition (4) attached to planning permission 20/00393/ROC. The principle of development is acceptable. The impact on visual amenity would be limited. Some impacts have been identified in relation to residential amenity, primarily relating to the impression of being overlooked; however, it is not felt that the application would significantly increase overlooking or result in an unacceptable loss of privacy to neighbouring properties. No significant issues are raised with car parking, highway safety or the other matters discussed.

11. RECOMMENDATION

11.1 The proposal is recommended for approval subject to conditions.

Condition(s) and Reason(s):

- 1. 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).

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no windows, doors or other openings other than those expressly authorised by this permission shall be constructed in the side elevations of**

the extensions hereby approved without the prior written approval of the local planning authority.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with Policy CS12 of the Core Strategy.

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

260122/001H - Proposed Plans

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
Tring Town Council	24.02.22 Tring Town Council recommended REFUSAL of this application on the grounds of loss of privacy and loss of amenity, over development and over bearing.
Tring Town Council	16.08.22 The Council recommended REFUSAL of this application on the following grounds: Overbearing, out of keeping, loss of amenity and loss of privacy.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
12	17	0	16	0

Neighbour Responses

Address	Comments
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<p>Woods View 12 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>This house is already completely over sized for the road currently. There appear to be a number of further increases size wise and additions that were not in the original plan. The new addition of the balcony Veluxes are totally unacceptable and yet another intrusion into our privacy and those of all the neighbours. We have already been subjected to the regular burning of commercial waste during this build and many other anti-social behaviours. 12 Whytingham Road Tring Hertfordshire HP23 5JN (Objects)</p> <p>Firstly, as stated by 19 Whytingham Road, it's important to note that this planning application appears to not merely be a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension.</p> <p>We are highly concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or already started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.</p> <p>Velux Cabrio Balcony Windows: We too are particularly concerned about the two rear Velux Cabrio Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on most of the households within the local area. Personally, the addition of the 2 Velux Cabrio Balcony windows means that (Just like Number 19 and many others) there is also now not a single inch of our back garden and patio that is not overlooked by 17 Whytingham Road. The applicants have apparently stated that these balcony windows provide an appropriate means for escape in the case of a fire, however as also stated by Number 19 in their objections, is this in line with Building Regulations? We understood that Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. Is the recommendation for the emergency escape windows only for storeys lower than 4.5m?</p> <p>Rear Extension: The new element of a nearly 4m high rear extension is yet more bulk to an already vast property. There appears to be no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line of 45 degrees from the appropriate point on Number 19's next door property. We were also under the impression that buildings cannot extend further than this 45 degree line, therefore we also object to this rear extension for this reason as well.</p>
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	<p>There appear to have been Inaccuracies in all previous plans and discrepancies on the ground. Therefore are these new plans even representative of the actual building that has already been and still being constructed?</p> <p>Summary: During this build, we have been subjected to the ongoing burning of commercial waste on an almost daily basis by the householder at the start of the construction. XXXXXXXXXXXXXXXX</p> <p>XXXXXXXXXX I dread to think what is coming next if these rear Velux are allowed to be kept in place.</p>
<p>11 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>I have seen the further planning application in respect on No 17 Whytingham Rd. This development appears to be continually increasing in size & the owner continues to build over & above what the planning permission allows & then applies for retrospective consent. It appears their is no point in obtaining planning permission in advance of building as the Council seem happy just to accept what is built although the development is a gross over development of the site , it is very unattractive with no architectural features or input & I am staggered that the Council are happy to permit this development & the continued increase in size of the property & to accept the continued breach of the planning permission granted. The Velux at the front & rear are unattractive & out of character with the area , the velux at the rear in particular are inappropriate , they breach any privacy to any properties close by, they are in reality balconies over looking a number of gardens & properties & are clearly an alternative to building conventional balconies which we assume would not be allowed. It appears the application suggests the balconies have been built to provide an appropriate means of escape in a fire however these are not in line with Building Regulations. We are also concerned about how the building will be finished to both sides , there is a temporary wooden finish at both ends of the low pitched roof to both sides & we fail to see how this can be finished properly & we are concerned about the appearance long term. We are also surprised by the significant overhang at ground level to the front, the whole development appears to be too large for the site & to be affecting the appearance of Whytingham Road. There is a comment at point Note 4 on the accompanying plans that what is proposed may be changed ? we are confused by this comment & do not understand therefore what the proposed application is for ?</p> <p>I object to this proposed variation of Condition 5. The extension to this property is already out of character for the area & in my opinion over development for the site. The roof line & projection is out of character & size with all the adjacent properties. The bulk, height & depth of what has been built is just not appropriate & should not have been allowed. It is very clear from standing outside the property the roof has been extended to a very high level completely out of line with adjacent properties & clearly too large , it has ruined the appearance of the road & I am staggered that the Local authority has allowed this. The proposal for the large Velux balcony windows to the rear significantly impact on the privacy of properties not just immediately adjacent but a few houses from the subject property. The enlarged Velux windows that have been installed without permission mean that the owner of the</p>

	<p>subject property can look straight in to a number of gardens in the vicinity. XXXXXXXXXXXXXXXX. The property is clearly now too large for the site & area , the owner has been rebuilding this property for a number of years & has subjected residents to noise & disruption (including lighting large fires to burn waste) XXXXXXX, he is building a structure so large & inappropriate for the area who knows what he will add on next if this permission is granted , XXXXXXXX XXXXXXXXXXXXXXXX I fail to understand why this has been allowed & I do hope it is seen as enough is enough , refuse the latest variations to the planning permission remove the large Velux windows & complete what has been consented to.</p>
<p>89 Grove Park Tring Hertfordshire HP23 5JW</p>	<p>I strongly object to this retrospective application. The other objections go into great detail about how this oversized out of character eye sore has some how been granted planning permission but there appears to be little that neighbours can do about this now.</p> <p>Although my property is not directly affected by this development, I fear that it could create a horrific out of character precedent for a pleasant area of Tring.</p> <p>The proposed Velux balconies on the rear will effectively enable the owner to gaze into all of the surrounding rear gardens and rears of people's homes from a 2nd Floor height essentially removing any privacy for these properties. Most of these properties are surrounded by trees or hedges but due to the height of 17 Whytingham Road, these will be towered over.</p> <p>The granting of such an application would effectively be rubber stamping the equivalent of building a three story block of flats.</p> <p>The justification that the Velux balconies provide for a fire escape is ludicrous as there is no means of escape beyond the window itself.</p> <p>I would ask that anyone considering this application physically visits the site just to see how absurd it is.</p>
<p>16 Grange Road Tring HP23 5JP</p>	<p>Dear Sir I am writing to object to the installation of 2 large Velux windows which have been installed in the roof of a property at the above address. These windows are not in keeping with the original plans, as my garden is overlooked by this property there will be a loss of privacy in my garden. Looking at the latest amendment I am at a loss to see why one would need a fire escape on the roof.</p>
<p>19 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>Firstly, we think it's important to note that this planning application is not merely a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension. The Case Officer and the Enforcement Officer assigned have both confirmed that this application is a variation of both condition 3 (windows and doors) and condition 5 (which is about building in accordance with plans).</p> <p>We are concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission</p>

for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.

Velux Cabrio Balcony Windows:

We are particularly concerned about the two rear Velux Cabrio Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on several households. Personally, the addition of the 2 Velux Cabrio Balcony windows means that there is now not a single inch of our back garden and patio that is not overlooked by 17 Whytingham Road. The applicants have stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

Rear Extension:

The new element of a nearly 4m high rear extension is yet more bulk to an already vast property, with another high wall proposed just over 1m from our boundary. There is no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line at 45 degrees from the middle of our lounge window at the rear. From our calculations and drawings using the site block plan on the uploaded document, the rear extension does indeed extend further back than this line. We will, in due course, send this drawing/calculation to the Case Officer to demonstrate this. Buildings cannot extend further than this 45 degree line, therefore we object to this rear extension for this reason.

In any case, we are also concerned that the large side window - 2.19m wide - in the north flank wall of this extension (the proposed kitchen) causes loss of privacy for our back garden. With a boundary fence at the maximum allowed height of 2m, the window extends 20cm higher directly alongside our patio. If at any point the boundary material or height was changed, the property would have direct sight into our patio and garden. In addition, the noises and smells from the kitchen would come directly into our garden and patio from this window.

Inaccuracies in plans and discrepancies on the ground:

It is difficult to comment further on the plans in detail given that there are discrepancies of dimensions within the drawings themselves. Using the scale - which covers all of the plans - when you look at the north and south elevation drawings, the property depth without the rear extension or the front canopy is 9.8m. If you look at the proposed ground floor plan, however, which uses the same scale the drawing shows a

property depth (without the rear extension or front canopy) of 8.8m.

Given that this is a section 73 planning application - requesting approval for works that have already taken place at 17 Whytingham Road that are not in accordance with the planning permission granted - it is also worrying that the plans presented here still do not accurately show what has actually already been built. The actual property depth built on site (without rear extension or front canopy) is 10.1m, which exceeds both property depths featured on the current plans and the approved plan. In addition, the previously approved canopy (including gutter) was 1m and on the new plans is 1m excluding gutter. On the ground, however, the canopy is already over 1m. All these incremental creeps in the on-the-ground work serve to add yet more bulk and depth.

Summary:

This build which was already planned to be a significant increase in property bulk has, through a number of planning applications in which yet further smaller additions have been included, resulted in an extremely overdeveloped and incongruous property. We feel enough is enough, and the owner cannot be allowed to just build yet more bulk, height and depth and for this to be approved, all of which impacts negatively on the surrounding neighbours with severe loss of privacy with these latest proposals. To give an example of the scale of these changes over time, the original approved planning permission was for a 9.4m deep property. If the planning application under consideration is granted then this would result in a property with a depth of 15m, with a width of 15.4m, and a height of nearly 9m. The applicant has previously stated on a number of occasions that his plans would bring his property in line with those around him that have been extended, mentioning specifically that his plans would bring his roof height to match those around. This is very much not the case, with 17 Whytingham Road - at 8.8m high - sitting above all other houses in the road.

The new plans submitted in July 2022 are extremely similar to those submitted in February 2022, but show that the proposed build is even deeper and taller than the plans in February.

All of our objections we submitted to this portal in February, therefore, still stand - but to an even greater extent.

Rear Extension:

The new extension of a nearly 4m high rear extension is yet more bulk to an already vast property, with another high wall proposed just over 1m from our boundary. There is no mention, nor evidence in the drawings, of the 45 degree rule and whether this rear extension extends further than the line at 45 degrees from the middle of our lounge window at the rear. The rear extension is now 4.1m deep in these new plans, as opposed to 3.8m in the February plans. Therefore our concerns regarding the 45 degree rule are greater than before, especially given that our house and 17 Whytingham Road are not parallel - the houses get closer towards the rear of the properties. From our calculations, the rear extension does extend further back than the line at 45 degrees from our window.

Height/Loss of Light:

The overall property height has also increased from 8.6m in the

February plans to 8.8m in these most recently submitted plans, causing even more property bulk and increasing its overbearing sense. This all will lead to further loss of light and amenity to our property.

Velux Cabrio Balcony Windows:

We are very concerned about the two rear Velux Cabrio Balcony Windows, that are still in these plans. Even more concerning in these new plans submitted is that these balcony windows are now situated in the master bedroom suite - a room used daily. Previously these were situated in spare bedrooms. These balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. All from a room that will be used frequently every day, causing unnecessary intrusion of privacy for us and many others in Whytingham Road, Grove Park and Grange Road. For us, with these balcony windows installed every part of our garden is overlooked by 17 Whytingham Road.

The applicants are continuing to state that these balcony windows provide an appropriate means for escape in the case of a fire; this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level - which 17 Whytingham Road's roof extension is - should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

We are aware that another planning application in the wider Dacorum area is being used as a possible justification to approve these balcony windows. It is important to note, however, that that approval (through appeal) was for balcony windows in the front of a property. This, therefore, does not cause the intrusion of privacy into gardens and people's back rooms as 17 Whytingham Road's plans do. This cannot, therefore, be used as a direct comparison nor be stated as a precedent to allow these intrusive balcony windows at 17 Whytingham Road. The balcony windows at 17 Whytingham Road are extremely high - well over 5 metres high - and therefore give sight line into so many gardens and houses in a way that cannot - as can be done for first floor windows - be blocked by hedging.

In summary, these plans show a proposed building that will be even more overdeveloped and overbearing than the one proposed in February, with significant loss of amenity and privacy for us and countless other neighbours. It is overbearing and overdeveloped already, without all of these numerous additions to the rear and total height. Every single time a further planning application is put in, something else is added - all to the detriment of the neighbours and the look and character of the road. All of which is also being done retrospectively, just hoping that permission will be granted for things built and installed without the necessary permissions. Indeed, we are concerned to see an extractor now installed in the first storey of the north side extension wall, implying a bathroom is being installed - not on the plans. Is this yet another addition that is being put in without permission? Please do not grant permission for this planning application - the latest in a long line (now the 6th round of consultations!) of additions and amendments leading to such an

	<p>overdeveloped and unnecessarily intrusive and detrimental property to the area.</p>
<p>20 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>Having not been consulted on the original plan we were surprised to see the scale of this development that backs onto the rear of our property. Having reviewed the original planning consent the building has been built higher than planned and with larger multi-height VELUX windows which are not in keeping with the other houses in the street and provide direct sight access into the rest of my property.</p> <p>I object to this development on the grounds that the house is too high and directly next to neighbours on both sides providing a direct sight line into my young daughters bedroom - it appears that if every house in the street was allowed to develop in this way we would have rows of terraced properties instead of the detached design that has existed since the 1950's. The fire escape proposal appears intended to run rough-shod of the local planning rules which would not have been agreed in the original proposal and is now being pressed as "within the permitted development" rules.</p> <p>I wish to note my objection to this planned development. I am specifically concerned about the overly large Velux Cabrio Balcony windows to the rear of the property that will present a privacy issue for my home and my young daughters bedroom.</p> <p>I am concerned about this latest planning application that has been submitted by 17 Whytingham Road, once again requesting permission for works carried out not in accordance with the planning permission previously granted. These alterations to the plans, that have already gone ahead and been built to completion or started, add yet more bulk and overdevelop the plot to the detriment of the character and style of Whytingham Road.</p> <p>Velux Cabrio Balcony Windows: The two rear Velux Cabrio Balcony windows (already installed without permission) cause a loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of my property. This is a totally unnecessary addition, not in keeping with any other homes and is now part of a Master bedroom which will be in constant use. The applicants have previously stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.</p> <p>This build which was already planned to be a significant increase in property bulk has, through a number of planning applications in which yet further smaller additions have been included, resulted in an extremely overdeveloped and incongruous property. Dacorum Council have done nothing to stop this grotesque use of the planning rules to continually add to the property and then subsequently place requests</p>

	<p>for "permission". The owner should not be allowed to just build yet more bulk, height and depth and for this to be approved, all of which impacts negatively on the surrounding neighbours with severe loss of privacy with these latest proposals.</p>
<p>44 Grove Park Tring Hertfordshire HP23 5JW</p>	<p>I wish to repeat my objection to the balcony type Velux windows now proposed in the above Application for Variation of Condition 3.</p> <p>The propose Velux windows were not on the original plan, and intrude into and overlook all the properties at the rear, significantly affecting the privacy of these properties.</p> <p>My understanding of the justification for the variation as a means of fire escape, does not meet these requirements either.</p> <p>I object to this proposal. The development has been crammed into the site taking no account of the impact on the neighbours, their light or privacy. I always believed that the permitted height of a development was related to the buildings in the area. This development is significantly higher than all surrounding houses, this makes the Velux balcony windows higher and therefore even more intrusive to many houses in Whytingham Road, Grange Road and Grove Park. The balcony design of the windows was not in the plans but has been added anyway, completely overlooking our back garden. I fail to understand how a proposal which to anyone walking past is clearly overdeveloped and over extended , and out of keeping with surrounding properties can have got this far. The approach taken is one of going ahead with unapproved variations to the plans and hope for forgiveness rather than permission. Permission should not be given.</p>
<p>15 Whytingham Road Tring Hertfordshire HP23 5JN</p>	<p>Yet again we find ourselves objecting to another retrospective planning request made by the owner of No 17 Whytingham Road. This will be the second retrospective request where the owner has clearly decided to build outside of what was agreed by Dacorum Borough Planning only then to retrospectively apply for these breaches of permitted planning.</p> <p>The case officer has confirmed that this request is not only for the addition of the Balcony velux windows (condition 3) but but also for condition 5 (building in accordance with plans)</p> <p>We object to both variations and would comment as below</p> <p>Velux Cabrio / Balcony Windows.</p> <p>The installation of these velux balcony windows has already been undertaken without planning permission and is a completely unnecessary addition which has the effect of causing a loss of privacy for many of the neighbouring properties on Whytingham Road, Grove Park and Grange Road. When opened these will enable the occupants of 17 Whytingham Road to stand 'outside' and overlook many neighbouring gardens and also have direct sight into a number of the properties' windows which we feel will have a negative impact on these properties. The owners / applicants have stated that these balcony windows are to provide appropriate means of fire escape, however this is not in line with Building Regulations. Building Regs state that fire escape from upper stories more than 4.5m above ground level, which</p>

17 Whytingham Road's roof extension is, should be either via a protected stairway (a stair separated by fire resisting construction at all storeys that extends to a final exit) or via an alternative escape route with its own final exit that is separated from the lower storeys (e.g. an outside staircase) Only storeys that are lower than 4.5m are meant to have emergency escape windows.

Front Overhang Rear Extension and Dimension Discrepancies

The original measurement for this was 0.9m bordering our property from the elongated front wall that was originally built outside of planning consent. These new variations now state that this should be 1m making it even further forward and adding more bulk to a wall which is already significantly impacting our property. In reality however this is now already over 1m and not even finished yet. This has the impact of adding more bulk in small incremental stages and adds to the vast bulky side of the property adjoining our property. The side dimensions on the plan appear to be less than those that have actually been built. The rear extension adds even more bulk and overdevelopment to the property, there is no dimensions for the rear extension side window facing our property but I would estimate that this would be over 2m wide and 2m high and approx 1.5m from our property boundary, XXXXXXXXXXXX

Front Wall foundations

We are concerned that when the front wall was built further forward outside of planning consent that this was not done on the foundation footings. We think that this should be immediately looked at by building control to ensure that this has been built to correct building standards and not to maximise the square footage of the plot.

Summary

This build has through two processes of retrospective planning requests become even bulkier and oversized than the original plans to the detriment of many neighbouring properties through overdevelopment, loss of privacy, loss of amenity and overbearing nature and we feel it is completely out of character with the other properties on Whytingham Road and neighbouring roads being significantly higher than any of the properties along Whytingham Road and also creating a terracing effect due to the 5m high side extensions to the boundary of both adjoining properties.

So here we go again with another set of updated plans for this development - we fail to see how this should be tolerated by Dacorum BC planning. There have now been 5 sets of plans for this development each up-dated a result of the applicant not building in accordance with the previously agreed planning consent.

It would be logical to assume that these new plans have been submitted as amendments to address the concerns we - as neighbours - all voiced in our objections on the previous set of plans back in February. This is not the case, unfortunately.

These new plans do show some changes, but ones that are all to the

detriment of us as neighbours and residents. The plans now show the correct larger dimensions of the actual build on the ground with a deeper and higher house than before. These new plans show a rear extension of 4.1m deep (compared to 3.8m in the last plan), and an overall property height of 8.8m (compared to 8.6m).

The front canopy depth has never been at the correct measurement on any of the previous plans that show it. Originally at 0.9m, these plans appear to now show it at 1m however it has already been fully built and is actually in excess of this.

One further change is that the 2 large Velux balcony windows in the rear roof - a matter of great concern for all of the neighbours' privacy - are now, in these new plans, situated in the master bedroom suite, a room used daily. In previous plans this 3rd floor roof-space area had been designated as a games room then spare rooms.

These Balcony windows (already installed without permission) which are an unnecessary addition causing loss of privacy for many neighbours in Whytingham Road, Grove Park and Grange Road. The large balcony windows overlook a large number of private gardens and give sight into the back rooms of a number of properties. We feel this will have a severe negative impact on several households. The applicants have stated that these balcony windows provide an appropriate means for escape in the case of a fire, however this is not in line with Building Regulations. Building Regulations state that escape from upper storeys more than 4.5m above ground level, which 17 Whytingham Road's roof extension is, should be via a stairway that is fire protected all the way to a final exit or be via a route separated from the lower storeys, such as outside stairs. The recommendation for emergency escape windows is only for storeys lower than 4.5m.

To clarify this planning application is not merely a variation of condition 3 (windows and doors). As well as additional Velux Cabrio Balcony windows to the rear and an additional Velux window to the front, these plans contain a new nearly 4m high rear extension. The Case Officer and the Enforcement Officer assigned have both confirmed that this application is a variation of both condition 3 (windows and doors) and condition 5 (which is about building in accordance with plans).

Summary:

This build, which was already planned to be a significant increase in property bulk has, through a number of planning applications in which further additions have been included, resulted in an extremely overdeveloped and very bulky building. It is completely out of keeping with any of the houses in Whytingham Road being significantly higher and with side extensions at 5m high right to the boundary of our property. The large balcony velux windows in the 3rd floor at the rear of the property have a significant loss of privacy / and overlooking nature for ourselves and many properties close to the development. When will the opinions/objections of many residents be considered over the actions of one owner / applicant.

<p>9 Brookfield Close Tring Hertfordshire HP23 4ED</p>	<p>This is a house I pass every day when walking to work. I have watched its reconstruction with interest over many months, as several years ago, my husband and I were only weeks away from moving into the house next door. However, our surveyor knew of the plans then and talked to the owner. The proposed works decided us against purchase and we are very thankful of our decision.</p> <p>There have been numerous properties in the Grove area where extensive changes have been made, but all seem very much to have kept two important points in mind: those of enhancing the street scene and of remaining in keeping with the surrounding houses. The above property seems to do neither of these things. Its new/proposed size appears to be woefully disproportionate to the neighbouring dwellings, encroaching on their space in a rather selfish manner. Whilst visiting friends in Whytingham Road recently, I observed the lack of privacy in their garden as a result of the large rear-facing balcony and Velux windows in the roof space. This makes the virtual reach of the house so much wider and more intrusive. It just does not seem fair on neighbours, and will be something of an eyesore for passers-by.</p>
<p>1 Grove Road Tring Hertfordshire HP23 5HA</p>	<p>Improvements are always super to see in this area but this development is out if keeping in size and design with the other houses in Whytingham Road.</p> <p>Whilst visiting friends on Whytingham Road, we were surprised to see the lack of privacy in their garden as a result of the oversized balcony and velux windows that are in the roofspace at the rear of the property.</p>
<p>18 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>We live directly behind this house and our privacy has been compromised by this building and the total lack of understanding with regards to neighbours feelings and concerns.</p> <p>The excuse used for the Velux windows being used as a fire escape is laughable, there are no exterior stairs visible or any means of getting to the ground safely. It has been noted that Velux windows have been installed in other houses so this sets a precedent in the front of the house maybe but not at the back that overlooks gardens depriving privacy.</p> <p>As the house is dominating the neighbourhood due to it's height and is out of keeping with the rest of the houses we have the added problem of reflection: when the sun is at it's highest we have a blinding reflection directly into our kitchen it is like a searchlight!! It is also a fire concern as like a magnifying effect it could potentially start a fire.</p>
<p>2 The Beeches Tring Hertfordshire HP23 5NP</p>	<p>The proposed two Velux Cabrio second floor balconies represent a substantial invasion of privacy for neighbours on (at least) Whytingham Road and Grange Road. The drawings do not convey the magnitude of the detrimental impact on neighbours. Approval would present significant precedent risk for future developments in the area.</p>
<p>10 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>My main objection is the loss of privacy for adjoining properties. As it stands there is a large hedge at the rear of our neighbours garden that prevents this for our property but if our neighbours were to reduce this hedge then the proposed balconies would overlook our garden. I simply</p>

	<p>don't believe the assertion these are intended as a fire escape. I understand they have been built prior to permission being granted, how has this been allowed?</p> <p>In addition this property is clearly over developed. I would object to any further development.</p>
<p>5 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>We object to this proposed variation of Condition 5 (approved plans) application in relation to the introduction of velux balcony systems to the rear roof slope of the dwelling. Whilst we would not be directly impacted by this proposal it is of some concern as the development in our opinion would seriously diminish residential amenity standards which are currently enjoyed within this residential location. If a precedent is set and repeated elsewhere this could further lower the residential amenity standards of the area which we would not like to see.</p> <p>Having noted the development management policies in which the application is being considered against as reference: Policy CS12 of the Dacorum Core Strategy aims to preserve neighbouring amenity, in particular c) avoid... loss of privacy... to the surrounding properties.</p> <p>This is in accordance with the aims of the National Planning Policy Framework (2021) paragraph 130 (f) which seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.</p> <p>It is our opinion that the opening method of the of the velux balcony rooflights would enable unhindered views down towards adjoining neighbouring properties 15 & 19 Whytingham Road's sites which would include their immediate rear garden amenity spaces.</p> <p>The loss of privacy in our opinion would be significant and go beyond what would be expected within this location and therefore should be refused planning permission.</p> <p>It is noted that the plans have been allowed to be amended during the course of the application which shows the bottom segments of these velux balcony systems highlighted in red, however with no explanation as to what this means it is not possible to comment further on this change to the proposal.</p> <p>If it is the Councils prerogative to approve the proposal in its current form, we would respectfully suggest that a reasonable condition could be attached to any grant of approval that would go towards mitigating any adverse overlooking impacts, for example by requiring the velux balconies roof lights to remain fixed shut and non-openable for the lifetime of the development.</p> <p>The benefits outlined within drawing no. 300622/001H in relation to the introduction of the velux balcony roof lights are not considered to outweigh the harm that this form of development would cause on the loss of privacy on neighbouring sites and property. The benefits outlined for these additions could also have been achieved through more sympathetically designed velux's sited high up within the roof slope and therefore not at the expense of sufficient privacy levels of neighbours. It is of note that fire precautions sited as a reason for proposing the velux balcony rooflights is not a material planning consideration that could be taken into account as it is not relevant in</p>

	<p>planning terms as this would be a building control issue.</p> <p>It is disappointing to see multiple applications have been submitted to the Council in order to regularize retrospective development as this would not have enabled the council to have considered the final form of the development robustly from the outset XXXXXXXXXXXXXXXX</p> <p>Nevertheless, our reasoning for objecting relate fully to the merits of the proposal in its current form and would expect the Council to consider how the proposed development would impact on the residential amenity of adjoining property and sites irrespective of whether development is being applied for retrospectively.</p> <p>Thanking you in advance for taking into consideration the above comments within the officer's report that is to be produced</p>
<p>14 Grange Road Tring Hertfordshire HP23 5JP</p>	<p>I am writing to express our concerns regarding the on-going redevelopment of 17 Whytingham Road, Tring. Although the submission seems to be an update to the plans that had not been to the specification of the previous application and the work has already started and neared completion.</p> <p>We did not oppose the original plans as they had a roof of the same size and 4 normal Velux Windows in the roof. After several months of development we find that the roof has 2 Velux windows, as put forward in the original planning application and 2 larger Velux Cabriolet BALCONY windows that are lower down the roof. These, when opened, would provide the people in the house full sight within the bedrooms and gardens of the properties behind them. Also the additional ground floor extensions were larger than planned.</p> <p>It is also worthwhile noting that the roof was completely removed and when put back the angle of the roof had changed and now seems several feet higher than all the houses in the area. This development now stands out as over developed as opposed to a sympathetic development.</p> <p>A number of residents in the properties around 17 Whytingham Road have complained to the council regarding the intrusion of privacy and disregard of the original planning application.</p> <p>Upon review of the amended application, after a visit from the planning enforcement team an updated retrospective request was put forward.</p> <p>This latest request argues, that the new Velux Balcony Windows were put in, not as a disregard of the original application but that it would help with the Governments Building Regulations regarding Fire Safety. Having read the regulations it is apparent that Balcony window of that height should be either via a protected stairway (a stair separated by fire resisting construction at all storeys that extends to a final exit) or via an alternative escape route with its own final exit that is separated from the lower storeys (e.g. an outside staircase). Only storeys lower than 4.5m are meant to have emergency escape windows. Also the statements regarding heat and power targets and benefits do not seem to be a major selling point but "a fantastic way to add value to your</p>

	<p>home, with the potential to increase the value of your property by 5% to 10%" does seem to be stated.</p> <p>We feel that the non-conformance of the original planning consent and the current planning request shows a disregard to the privacy of all the neighbours properties surrounding 17 Whytingham Road.</p> <p>Apart from my concerns that the current balcony windows have a detrimental effect on our privacy any agreement to the new planning application would act as a tentative agreement in principle for any other upgrades within the area.</p>
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Agenda Item 5e

ITEM NUMBER: 5e

22/00891/FHA	Single storey front extension, demolition of part of garage, 2 single store rear extensions and associated alterations.	
Site Address:	18 Bartel Close, Hemel Hempstead, Hertfordshire, HP3 8LX	
Applicant/Agent:		
Case Officer:	Jane Miller	
Parish/Ward:	Leverstock Green	
Referral to Committee:	Site property is owned by Councillor Bassadone	

1. RECOMMENDATION

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The application site is located within Hemel Hempstead 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 or privacy.

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

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 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 west side of Bartel Close within a residential area of Hemel Hempstead. The site comprises a two storey link detached property set back from the road with off street parking to the front. No.18 occupies an outside corner plot and benefits from a generous fan shaped rear garden.

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. Many of the surrounding dwellings have benefitted from alterations.

4. PROPOSAL

4.1 This application seeks permission for a single storey front extension, demolition of part of garage, 2 single store rear extensions and associated alterations.

5. PLANNING HISTORY

Relevant Planning Applications (If Any): n/a
Appeals (If Any): n/a

6. CONSTRAINTS

CIL Zone: CIL3
Heathrow Safeguarding Zone: LHR Wind Turbine
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: HCA28
Parking Standards: New Zone 3
EA Source Protection 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 (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

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

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

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 the 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 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. 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; intergrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. .

9.4 The proposal would result in a single storey front extension, demolition of part of garage, 2 single storey rear extensions and associated alterations.

9.5 A single story front extension is proposed to the existing front lobby, and the current link detached garages will be partly demolished resulting in separating the property from the neighbouring dwelling (No.16), a zinc pitched roof will sit above these elements with light render to the front.

9.6 Given its modest size, scale and sympathetic simple design, the porch and alterations to the garage will modernise the appearance of the dwelling, providing a welcome focal point to the front elevation without appearing dominant to the street scene.

9.7 There are a variety of external finishes, including various cladding and roof tiles within Bartel Close, and replacement windows for example are not uncommon.

9.8 Whilst the proposed alterations, which include changes in the design and materials used for the replacement front windows i.e. deeper windows with blue/grey aluminium framing, differ from the original character of the property, the site is not listed or within a conservation area, and some diversity within the area is acceptable. These changes are not considered to have detrimental impact on the character of the area but will result in updating / modernising the dwelling.

9.9 Similarly the proposed white painted brickwork and untreated larch or cedar wooden cladding to the front elevation of the parent dwelling as shown on drawing 453/20 rev B (proposed elevations) is also considered acceptable. It was noted during the site visit that areas of cladding and hung tile details feature on the existing front elevation at No.18 and are not an uncommon feature within Bartel Close.

9.10 Two separate single storey extensions under dual pitched roofs are proposed to the rear / side of the property, with one, whilst retaining internal access to the rest of the property, containing a one-bedroom annexe for an elderly family member. Having considered the neighbour's objections, after discussion with the agent, the planning officer's initial concerns have been addressed through amended plans received from the agent which are considered acceptable. These changes including adding the internal access between the annexe and parent dwelling, and reducing the overall depth of the annex by approximately 2m, consequently the footprint of the annexe changed whilst still accommodating the positioning of existing drainage. The annexe consists of a bedroom, toilet /shower room and living space with a small kitchenette within. There is both external and internal access.

9.11 A condition is added to the decision notice stating that the annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Bartel Close, Hemel Hempstead in order to ensure that the annexe is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of Policies CS11 and CS12 of the Core Strategy (2013).

9.12 Whilst the rear extension may be glimpsed following the demolition of part of the existing garage this will not be to the detriment of the street scene.

9.13 It is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials.

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 streetscene 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 It is noted that we have received objections from the adjacent neighbour at No. 16 (see Appendix B). The concerns are addressed below. It is important to note that the officer can only assess the current proposal as submitted, and that changes which may or may not be sought in the future, do not form part of this assessment.

9.17 In respect the proposed annexe, following discussions between the planning officer and agent amended plans have been received from the agent which reduced the depth of the single storey rear / side extension containing the proposed annexe by approximately 2m which is now considered acceptable. Approximate measurements for the annexe are 9.85m (depth), 4m (width) 2.24m (height to eaves) and 3.2m (height to ridge). This single storey extension sits under a shallow pitched roof with roof lights, and includes an external door and window within the north eastern elevation.

9.18 There would be a gap of approximately 1m between the side elevation of the proposed extension and the shared boundary fence with No.16; and approximately 1.95m to the side elevation of the neighbours fairly recently completed two storey side extension at No.16 planning reference 4/03444/16/FHA (Two storey side extension, single storey rear extension, extended driveway, replacement garage roof and enlargement of front porch).

9.19 The shared boundary between the site and No. 16 currently comprises a garden fence.

9.20 It is acknowledged that there is a slight breach of the 45 degree line on plan from the middle of the neighbours closest ground floor window towards the edge of the proposed single storey extension as illustrated on drawing 453.18 rev C (proposed ground floor plan), this breach is at the same depth as the existing bushes/trees within the site. However drawing 453/20 rev B (proposed elevations) clearly shows the 45 degree line from the neighbours window clears the roof of the proposed extension by a considerable distance and overall due to the height, design and positioning of the annexe away from the fence, it is considered that there would be no significant harm to the residential amenity of the neighbours at No.16 in terms of loss of light or visual intrusion at the rear of their property.

9.21 It is also worth noting that the neighbours window at No.16 from which the measurements have been taken is not the sole rear window serving their rear extension, the kitchen area (closest to the shared boundary) benefits from two roof lights above the window, and there are also large French doors in the middle and further windows beyond serving this internal open plan kitchen/living area.

9.22 Additionally whilst the annexe as proposed is acceptable, it is worth noting that an outbuilding with a larger footprint and an overall height of 2.5m can be built adjacent to the boundary; an outbuilding with an overall height of up to 4m (with a dual pitched roof) if sited more than 2m from a boundary; and 2m high replacement fence can usually be constructed without formal planning permission if in accordance with the general permitted development which would have the potential to create a more prominent and visible addition when viewed from the neighbouring property.

9.23 The neighbouring property at No.16 has a ground floor side window within their two storey side extension serving a utility area. Limited weight is given to the impact on this window in terms of loss of light as the utility room is considered as a non-habitable room. Further this window sits close to and currently facing the existing boundary fence and side elevation of the site (No.18).

9.24 Overall although the single storey annexe extension is relatively deep it is set way from the common boundary and it is not concluded to appear unduly prominent, visually intrusive, or to result in a significant loss of light to No.16.

9.25 Turning to any impact to the other neighbour at No.20. Whilst higher than the annexe, the second single storey rear / side extension is set away from the boundary, No.20 has no side windows overlooking the site garden. Overall due to the distances and orientation of the two properties it is therefore considered that the proposal would not cause significant harm to the residential amenity of the occupiers at No.20

9.26 Overall, due to the height, positioning and separation distance between the proposed alterations and surrounding dwellings 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

9.27 The NPPF (2021), 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.

9.28 One further bedroom is proposed within the ground floor annexe in addition to the existing four bedrooms at first floor. Whilst the garage does not meet the minimum internal dimensions in accordance with the Parking SPD i.e.3m x 6m, the proposed block plan illustrates that there is off street parking provision at the front of the property for 5 vehicles and this is considered acceptable for a property of this size.

9.29 No changes have been proposed to the existing site access.

9.30 Overall it is considered that the proposal would not result in an unacceptable impact on highway safety.

Tree and Hedges

9.31 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.

Response to Neighbour Comments

9.32 Objection received from No.16 - Addressed in report

9.33 The neighbours have expressed concern in respect of damage to their property resulting from the part demolition of the garage. This is not a planning matter and has not formed part of this assessment.

CIL Liable

9.34 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.

9.35 As the development is below 100sqm it is not considered to be CIL liable.

Chiltern Beechwood Special Area of Conservation

9.35 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a

net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.36 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.37 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional reactional pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.38 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy it's legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

10 Recommendation

10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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 annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Bartel Close, Hemel Hempstead, Hertfordshire.**

Reason: To ensure that the annexe is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of Policies CS11 and CS12 of the Core Strategy (2013).

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

- 453/04 site location plan**
- 453/17 rev C proposed block plan (showing off street parking provision)**
- 453/18 rev C proposed ground floor plan**
- 453/19 rev B proposed first floor plan**
- 453/20 rev B proposed elevations**
- 453/21 rev B proposed elevations**

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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
16 Bartel Close Hemel Hempstead Hertfordshire HP3 8LX	When we put in our own planning applications we had to make adjustments to our home to facilitate our family unit. Therefore, it is with a heavy heart that we find ourselves having to object to the planning application in the form that it has been presented. When we submitted our planning application there was very strong opposition describing our application as not in keeping with the rest of

the street and that we were property developers.
 Having now looked at the plans for the proposed development we are of the same opinion that the proposal is not in keeping with the rest of the street and that this is an opportunity to property develop the plot for future financial gains into two potential properties.

Proposed Changes to The Front of No.18
 When we were considering our own application, we were strongly advised by the Council not to change the size, shape or colour of our windows at the front of the house, and also, we were told we could not clad the front of our house, which we would love to have done. We were told this would not be passed on our application as it is not in keeping with the rest of the street.

We were also told to remove from our first application the pitched roof on the garages as this would jeopardise our extension going through for our elderly parent.

So, we were forced to compromise our plans considerably in order to keep number 18 happy, in the hope that our application would be passed so that we could change our house to accommodate our elderly parent.

As we were told not to do all these things in our application because it is not in keeping with the rest of the street, surely the same should apply here?

Part Demolishment of Linked Garage
 We are concerned at this proposal that there may be damage to our garages. This may weaken our garages. What proposal will be put in place to cover this?

Proposed Annex
 The proposed annex in the back garden, we believe no other property in the street has one, and therefore is not in keeping with the rest of the street.

Again, we fully understand the reasons behind the application, however, we fully object to this proposal as this is not an annex but a separate dwelling.

There is no internal access from the dwelling to the existing house. As the dwelling has its own front door is this to be a separate rateable property with its own postal address?

We are concerned if this building is added to the plot, the plot can then be divided up into two separate properties.

If the annex/dwelling is allowed to go ahead this building with its pitched roof could potentially be further developed and the single storey could then become a loft conversion, again we oppose this.

The pitch roof is vastly much higher than the garden fence. Especially as there is already a house at the back of our garden that over shadows us.

We were aware of that house when we purchased our property, but this proposal of a new self-contained dwelling, was not here when we purchased this property and is a signification development in a back garden.

With the annex/dwellings front door facing our back garden what lights will be on the outside of the dwelling facing us, how strong will they be as they will be taller than the current fence?

We also question why this vast development is proposed on our side of the property?

This proposed dwelling runs the entire length of the boundary fence between No16 and No.18. This boundary is the shortage of the

	<p>boundaries of this property. Could an annex not an independent dwelling, be positioned in another part of the plot which has more space to accommodate this vast building? In doing so it would not affect other surrounding properties at all as it would be affecting us. Has this area been selected as it makes it easier to split the two properties into two separate dwellings, with the main house not overlooking the annex/separate dwelling for future development? On the proposed plans for the extension for the kitchen diner, there are no proposed windows facing the annex. Is that so the plot can be easily be split into two? The plans for the existing house and the extension for the kitchen/diner have been turned on its axis to face away from the annex/dwelling. Again, this makes it easier to split the plot into two. Our extension is across the back of our house, is not more than 3 meters from the house line, and is not protruding down to the bottom of our garden with a high-pitched roof which would severely be affecting our neighbours unlike the one proposed by number 18. Number 18 is to the south of ours, that is where our daylight comes from. This building would be taking away significant light to our utility room, the window looks out on to number 18's Garden fence, it would put the room in darkness.</p> <p>Officer summary of objections Property developer to create two separate dwellings Damage to garage at No. 16 Overshadowing Additional storeys Outside openings Positioning of extension within the site Depth of extension Loss of light / orientation Loss of light to utility room External materials Not in keeping with streetscene</p>
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Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 02 July 2022 and 21 August 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/01323/FHA	D/22/3303397	118 Hempstead Road, Kings Langley	Householder
2	22/00596/FHA	D/22/3303596	20 Hempstead Lane, Potten End	Householder
3	21/04607/PIP	W/22/3303737	Land Adj Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
4	21/04768/FUL	W/22/3304045	October Cottage, Barnes Lane, Kings Langley	Written Representations
5	21/02155/FUL	W/22/3304081	Land Adj. 8 Haywood Drive, Hemel Hempstead	Written Representations
6	22/00486/RET	W/22/3304627	Wood End Farm, Wood End Lane, Markyate	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 02 July 2022 and 21 August 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04085/FHA	D/22/3292754	62 Scatterdells Lane, Chipperfield	Householder
	Date of Decision:		05/07/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3292754			
	Inspector's Key conclusions:			
	<p>I would agree that the effect of the proposed development on the Green Belt's visual openness would be limited, given its location to the rear of the existing building. There would, however, be an unavoidable reduction in the spatial openness of the Green Belt, by virtue of the not insignificant land take of the proposed development. This would cause further harm to the Green Belt, in addition to that caused by the inappropriateness of the proposed development.</p> <p>The extension would be well screened and discreetly located to the rear where</p>			

	<p>it would have a small overall visual impact. However, the extension itself would be inappropriate development and the Framework does not test this against public views. I therefore ascribe this limited weight.</p> <p>I am required to give substantial weight to any harm to the Green Belt. In this case such would occur due to the proposed development's inappropriateness.</p> <p>The weight I would accord to the other considerations raised, in isolation and all together, would not be sufficient to clearly outweigh this harm for the reasons I have given. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal should be dismissed.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/02382/FUL	W/21/3287701	16 St Anthony's Avenue, Hemel Hempstead	Written Representations
	Date of Decision:		07/07/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3287701			
	Inspector's Key conclusions:			
	<p>While dwellings on Crofts Path are for the most part of similar designs and overall appearance, those on St Anthony's Avenue are of more varied form, scale and appearance, and include a mix of bungalows, some with accommodation at roof level served by dormers, and two-storey dwellings. However, both streets are characterised by detached dwellings that typically sit on fairly wide plots with generous spacing between buildings at first-floor level and above, and reasonably deep frontages that accommodate areas of parking and soft landscaping. As a result, there is an attractive spacious character to the area.</p> <p>I do not find that the proximity of the development to Crofts Path would in itself be discordant or unduly prominent in the street scene.</p> <p>While the gaps between buildings near to the site may not be uniform in width, I have not been directed to any examples of dwellings in similarly close proximity at first-floor level as would occur in the development before me, and the unusually close relationship of the dwelling to the side of No 16 would in my judgement stand out incongruously. I find that this relationship together with the very modest spacing that would be afforded between the development and the boundaries to both of its sides would cause the dwelling to appear cramped and awkward on the site.</p> <p>Against the modest width of the building, I find that the height and steep pitch of the roof would give significant vertical emphasis to the dwelling, and in my judgement would exacerbate the impression of it being squeezed onto the site.</p> <p>In the absence of appropriate mitigation for recreation impacts arising from the development, I can only conclude that the proposal alone or in combination with other plans and projects would result in likely significant</p>			

<p>effects to the Chilterns Beechwoods SAC that would adversely affect its integrity. Accordingly, the proposal would conflict with the requirements of the Regulations, and it would be contrary to the objectives of the National Planning Policy Framework ('the Framework') for the protection of biodiversity and the conservation of the natural environment.</p> <p>There would be no off-street parking to serve the proposed dwelling, and I acknowledge advice within the SPD that the starting principle is that all parking demand for residential development should be accommodated on site, and that car-free residential development will not normally be acceptable outside Accessibility Zone 1. However, the guidance within the SPD is just that, and while it may provide an indication of harm, this is not an inevitable conclusion should a proposal not accord with its provisions.</p> <p>At my visit I saw very limited parking taking place on streets surrounding the appeal site...the appellant's evidence includes a Parking Stress Survey which also indicates a very low level of on-street parking overnight...there is no substantive evidence before me to indicate a high level of parking stress locally that would be harmfully exacerbated by the proposal to a level that would cause congestion, detriment to highway safety or other harm...the site is within reasonable walking distance of local shops and services at Leverstock Green and Bennetts End, and Hobbs Hill Wood and Saint Albert the Great Catholic Primary Schools. The site is also within walking distance of a number of bus stops offering connections to larger towns...the appeal site is not within a controlled parking zone. In this context, I am satisfied that flexible application of the standards within the Parking SPD would in this particular case be justified, and I conclude having regard to the accessibility of the site that the proposed parking arrangements would be acceptable.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	19/02588/MFA	W/21/3275429	Lilas Wood, Wick road, Wigginton	Hearing
Date of Decision:			13/07/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275429				
Inspector's Key conclusions:				
<p>Whilst elements of weddings could be described as recreational such as communal feasting and enjoyment of entertainment, these are the associated celebrations to the ceremonial act which is the primary function of a wedding. I therefore do not consider that the proposed use can be classified as outdoor recreation for the purposes of national Green Belt policy. I therefore find that the proposal does not fall under the exception under paragraph 149b) of the Framework. For this reason, it would constitute inappropriate development in the Green Belt.</p> <p>The proposal would include the permanent siting of a 20ft container within the woodland, the temporary siting each year between May and September of various other structures, and car parking and camping on an adjacent field. The container and structures would be largely contained within the woodland therefore visually they would have a limited impact on openness. In spatial terms, however, these structures would have a volume, and</p>				

particularly in the case of the container, a not insubstantial volume. They would, therefore, not preserve openness in this respect.

I consider there is a clear distinction between vegetation, which is not subject to planning law, and manmade structures, which are, when considering impact on openness for Green Belt purposes. Also, the fundamental aims of Green Belt Policy include safeguarding the countryside from encroachment. That is not encroachment from vegetation but manmade structures. Notwithstanding the findings of the previous Inspector, I therefore find that the proposed container and structures would not preserve openness in the Green Belt and would conflict with the purposes of including land within it.

On the evidence before me, therefore, the potential use of the field for arable crops or livestock would not impact on openness to the level anticipated by the previous Inspector. Consequently, I find that camping and parking of vehicles on the field would not preserve openness.

I therefore find that the proposal also constitutes inappropriate development under para 150e) of the Framework as it would not preserve openness and would conflict with the purposes of including land within the Green Belt insofar as it would not safeguard the countryside from encroachment. Even if the container were to be in-situ only between May-September each year my findings would be the same.

Having regard to all material considerations I find that the proposal would result in further deterioration of the ancient woodland contrary to the Framework and policy CS26 of the CS which requires designated sites to be protected.

As I have identified harm to the ancient woodland it must therefore logically follow that the proposal would also be harmful to the Chilterns AONB. This is the case even if the land in question is private land and not visible from public view. I therefore find conflict with Policy CS24 of the CS which requires the special qualities of the Chilterns Area of Outstanding Natural Beauty (AONB) to be conserved.

I have considered the fallback position throughout this case, which is that wedding events will continue at the appeal site under Permitted Development rights regardless of the outcome of this appeal. I have noted the appellant's submissions regarding the more intense periods of setting up and de-rigging of structures for each event required under permitted development rights and the noise, disturbance and lighting implications of this at unsociable hours. However, I find this to be less harmful than the siting of the various structures between May-September each year and an increase in overall number of events proposed. The fallback position therefore carries only moderate weight.

The additional woodland planting proposed would be a modest benefit along with any biodiversity net gain. I accept that holding weddings at the appeal site makes a contribution to the local economy both directly and indirectly

	<p>and that this is particularly important given the effects of Covid 19 on the service industry. This therefore carries significant weight. Bird and bat boxes could be conditioned to be erected which would be of modest benefit.</p> <p>These harms [inappropriate development in the Green Belt, ancient woodland, AONB] are clearly not outweighed by the other considerations put forward by the appellant. Very special circumstances have not, therefore, been demonstrated.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	22/00635/FHA	D/22/3300793	Ravels, Shootersway Lane, Berkhamsted	Householder
	Date of Decision:		05/08/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3300793			
	Inspector's Key conclusions:			
	<p>The surrounding area mainly comprises of large dwellings set within generous, landscaped plots. There are examples of garages to the front of the dwellings although from what I could see at my site visit, most of these are single storey or have a limited first floor set within the roof space.</p> <p>The appeal proposal would result in a full two storey structure to the front of the host dwelling. The height of the resultant building would be about the same as the eaves height of the existing dwelling. The dominance of the building would be emphasised by the irregular shaped overhanging first floor addition which in my view, would result in an overtly 'top heavy' appearance. The building would not appear sufficiently subordinate to the existing dwelling and would fail to harmonise with it. Consequently, I find that the proposed building would dominate the frontage of the site to an unacceptable extent and would visually compete with the host dwelling due to its overall size, scale, height and design.</p> <p>In my view, the proposed two storey, flat roof building to the front of the host dwelling would stand out as an uncharacteristic form of development, and due to its prominent siting and its overall size, scale, height, design and materials, would be incongruous and harmful to local character.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/00441/OUT	W/21/3278280	Land SW of Frindles, Cheverells Green, Markyate	Written Representations
	Date of Decision:		08/08/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3278280			
	Inspector's Key conclusions:			
	I found the immediate environs of the appeal site to have a clear rural			

character, being on the edge of the settlement where the prevailing built form thins out with large properties set on spacious and substantial plots, and where attractive common land and open countryside dominates. This contrasts with the more built-up part of Pickford Road extending further into the village which has a more suburban character.

I agree with the appellant's LVIA that the development would be well-contained, and where any glimpsed views were possible through existing vegetation, that any housing would be seen in the context of the adjacent built form and settlement edge. As a consequence, I agree with the LVIA's findings that the site has a low/medium susceptibility to change, a medium landscape value and a medium landscape sensitivity.

At a localised level, the resultant narrower plot rhythm and smaller open gaps between buildings in the appeal scheme would contrast with its immediate context, as would the use of a shared driveway to access each of the dwellings. As a consequence, the scheme's higher density would be out of keeping with the immediate local context of large dwellings set on substantial plots. When taken cumulatively with the use of a shared access drive, this higher density would give it a suburban estate-like character that would cause significant harm to the character and appearance of the area.

Although the proposed vehicular access has been positioned in the least harmful location from a point of view of protecting the common land and existing hedgerow, it would nonetheless introduce a highly engineered addition to this sensitive location, which would be harmful to its natural rural character.

The appellant states that the development would not be easily seen from the public highway because of existing landscaping and its setback. However, it would nonetheless be visible from directly outside the site entrance and from the adjacent right of way, which would intensify the harmful impact described above. However, even if it was not visible, I cannot be certain that the existing landscaping which screens the site would be retained in perpetuity, which would further expose the scheme. In any event, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful scheme as this could be repeated too easily and often for all forms of poor quality development.

I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies CS11 and CS12 of the Core Strategy.

The Council and appellant both agree that there is a shortfall in the District's 5-year housing land supply. I have also noted that the delivery of housing was below the housing requirement over the previous three years. The shortfall in supply means that the Framework's presumption in favour of sustainable development applies. My attention has been drawn to another planning appeal decision by the appellant in which the Inspector concluded that the delivery of two new houses would support the Government's

<p>objective of significantly boosting the supply of homes and that this constituted a public benefit attracting additional weight given a shortfall in the Council's supply of housing land⁴. I agree with this conclusion and recognise that there is a significant shortfall in the Council's 5-year housing land supply in this case and that the scheme would make a small, but meaningful contribution to this. I also agree with the appellant that small sites have an important role to play in housing delivery. As a consequence, I have given this benefit additional weight in my planning balance assessment.</p> <p>The scheme would result in economic and social benefits from; - (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; (b) a contribution towards the supply of new 3 and 4 bedroom homes which are noted as being in high demand; (c) the use of a small site for housing in short supply for SME builders; (d) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; (e) a net gain in biodiversity; (f) enhanced surfacing to part of the adjacent right of way; and (g) local employment during construction. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	22/00039/FHA	D/22/3300491	84 Seaton Road, Hemel Hempstead	Householder
Date of Decision:			11/08/2022	
Link to full decision:				
			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3300491	
Inspector's Key conclusions:				
<p>I observed on my site visit that several of the dwellings that back onto Johnson Court have outbuildings within their rear gardens. However, the appeal proposal is far more prominent in the street scene than the other rear garden structures which are visible from Johnson Court. The metal shed towers above the rear garden fence and is at odds with the more domestic scale and appearance of the other structures which are visible from Johnson Court. Its overall size, combined with its height and metal construction results it having a rather industrial appearance, which is incompatible with the residential character and appearance of the host dwelling. Moreover, the shed is sited on rising land and is seen in the same context as the semi-detached houses that are accessed from Johnson Court. In my view, due to its size and incongruous appearance, it significantly detracts from the prevailing residential character and appearance of the area.</p> <p>Thus, I conclude that the proposal has a harmful effect on the character and appearance of the host property and the surrounding area.</p> <p>In my opinion the shed is visually intrusive and overbearing on the rear garden of No 84, due to the combination of its depth directly along the boundary, and its overall height and inappropriate materials used. As such it</p>				

	<p>would be likely to significantly detract from the occupier's enjoyment of the rear garden. The proposal would therefore have a harmful effect on the living conditions of the occupiers of 84 Seaton Road, with particular reference to outlook from the rear garden.</p> <p>I appreciate that the appellant confirms that the shed would be for purposes ancillary and incidental to the enjoyment of the appeal property and improves the quality of accommodation for him and his family. I also acknowledge that the appeal property would retain a reasonable amount of external garden space. However, these matters, whilst noted, are not sufficient to outweigh the harm I have identified above.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/02424/FHA	D/21/3288255	Four Trees, River Hill, Flamstead	Householder
	Date of Decision:		11/08/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3288255			
	Inspector's Key conclusions:			
	<p>The proposal seeks to remove the existing detached garage and replace it with a larger detached garage in a position closer to the front of the site. The replacement garage would be materially larger than the existing garage, and the appellant agrees with this in their grounds of appeal. It would have a footprint approximately 50% greater and additional usable space in the roof. Accordingly, the development would be inappropriate development and result in harm to the Green Belt.</p> <p>The site is located towards the edge of Flamstead. Immediately to the rear are open fields that spread further north. Whilst the proposal would be materially larger than the existing garage, due to the overall extent of the development, the effect upon the openness of the Green Belt would be limited. Although the harm would be limited, the proposal would nevertheless be detrimental to the openness of the Green Belt.</p> <p>The proposed garage would be much wider than the existing garage and be positioned further forward, such that it would be closer to the road than the main dwelling. It is noted that the garage at Wilton Cottage is in line with Wilton Cottage itself. The proposed garage would also be considerably wider than the garage at Wilton Cottage which it would adjoin. It would create a row of closely positioned buildings, and remove the existing open space. It would therefore, due to its size and position, cause harm to the character and appearance of the area. The proposal would be setback from the road and there is vegetation along the front boundary of the site. However, the setback would not be sufficient to mitigate the harm, and the garage would be sited in line with the open driveway where it would be largely visible from the road. Accordingly, the proposal would harm the character and appearance of the area.</p>			

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 02 July 2022 and 21 August 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/04646/RET	D/22/3300471	136 Beechfield Road, Hemel Hempstead	Householder
	Date of Decision:		05/08/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3300471			
	Inspector's Key conclusions:			
	<p>There is a small, level patio immediately to the rear of the host dwelling which is at about the same level as the patio to the rear of the neighbouring dwelling. The remainder of the garden has been levelled to form three distinct terraces.</p> <p>The first terrace level is retained by a wall of about 2.13m in height. However, the neighbouring garden similarly rises such that much of the retaining wall is obscured by the sloping embankment. This shallow patio is enclosed by railings and a fence along the boundary with No 134. Given that the neighbouring garden is also sloping steeply, I conclude that neither the terrace nor the retaining wall is particularly overbearing on the garden of No 134.</p> <p>The second raised terrace is a larger levelled area which has been surfaced with artificial grass. Again, the retaining walls, whilst fairly high, do not tower above the adjacent garden to an unreasonable extent. The third terrace is retained by a lower wall of about 1 metre in height and in my view is not overbearing on the garden of No 134.</p> <p>The proposed works which have taken place do not significant raise levels within the garden but create more usable, levelled areas. In terms of overlooking, views are obtainable into the rear windows and rear garden of No 134, particularly from the closest terrace. However, similar views would have been obtainable prior to the landscaping works taking place. Indeed, the photograph provided in the appellant's statement shows the raised, sloping terraces that previously existed, which would have offered similar views at close proximity.</p> <p>The retaining walls and steps involved in the landscaping of the garden have inevitably introduced hard landscaping features. However, in my view the</p>			

	<p>works appear to have been well executed, with white painted walls, black railings and Indian sandstone patios closest to the house. The middle terrace has an artificial grass finish which softens the overall appearance of the garden. I therefore find that the landscaping that has taken place does not have a significantly harmful effect on the character and appearance of the host dwelling.</p> <p>I am of the view that the landscaping works have not had a detrimental effect on the character and appearance of the host dwelling or the surrounding area.</p>
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6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 02 July 2022 and 21 August 2022.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 02 July 2022 and 21 August 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00430/NPP	C/22/3302653	1 The Orchard, Kings Langley	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 02 July 2022 and 21 August 2022.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 02 July 2022 and 21 August 2022.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 02 July 2022 and 21 August 2022.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 21 August 2022).

APPEALS LODGED IN 2022	
PLANNING APPEALS LODGED	46
ENFORCEMENT APPEALS LODGED	2
TOTAL APPEALS LODGED	48

APPEALS DECIDED IN 2022 (excl. invalid appeals)	TOTAL	%
TOTAL	53	100
APPEALS DISMISSED	38	71.7
APPEALS ALLOWED	13	24.5
APPEALS PART ALLOWED / PART DISMISSED	2	3.8
APPEALS WITHDRAWN	0	0

	TOTAL	%
APPEALS DISMISSED IN 2022		
Total	38	100
Non-determination	1	2.6
Delegated	32	84.2
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	5	13.2

APPEALS ALLOWED IN 2022	TOTAL	%
Total	13	100
Non-determination	0	0
Delegated	12	92.3
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	7.7

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc
2	21/04756/FUL	W/22/3300850	1 Dale End, Box Lane, Hemel Hempstead	tbc

6.11 UPCOMING INQUIRIES

None.

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 02 July 2022 and 21 August 2022.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 02 July 2022 and 21 August 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	19/02588/MFA	W/21/3275429	Lilas Wood, Wick road, Wigginton	Hearing
	Date of Decision:		13/07/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275429			
	Inspector's Key conclusions:			
	The appellant contends that the Council did not take account of the fallback position when considering ecology matters i.e. the use of the site as a wedding venue under permitted development rights which would continue regardless of the outcome of the appeal. However, it is clearly referred to in the Council's officer report and they were aware of the position. Not agreeing with the appellant's ecologist and following their own specialist advice does not constitute a failing on the part of the Council to take the appellant's			

evidence into account.

Mr Hicks [HCC Ecologist] was clear in his evidence in respect of this harm. That this harm has not been adequately addressed and resolved in this application does not constitute unreasonable behaviour on the part of the Council. It is also reasonable for the Council to not apply planning conditions to unresolved matters such as these.

the appeal process should not be used to evolve a scheme and the Council followed their procedural duty in terms of providing all necessary evidence and documentation. Beyond this, it was not unreasonable on the part of the Council to cease discourse with the appellant in the run up to the appeal.

For these reasons I do not consider that the Council behaved unreasonably resulting in unnecessary or wasted expense, as described in the PPG.